



Strasbourg, 20 September 1999

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**CDL-JU (99) 25**  
**Or. Engl.**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

**Seminar on Constitutional Control  
in Federal and Unitary States**

**in co-operation with the Constitutional Court of Georgia  
and the American Bar Association  
Batumi, 1-2 July 1999**

**Synopsis**

Upon request by the Constitutional Court of Georgia and in co-operation with the latter and the American Bar Association, the Venice Commission organised a seminar on Constitutional Control in Federal and Unitary States in Batumi on 1-2 July 1999 within the framework of its series of seminars with newly established Constitutional Courts (CoCoSem). The Constitutional Courts of Armenia, Azerbaijan, Kyrgyzstan, Moldova, Russia, Ukraine and Uzbekistan were represented in addition to national participants from all branches of power.

The primary goal of the seminar was to identify the advantages of constitutional control also at the level of federated entities or regions as opposed to constitutional control mechanisms at the level of the central state only.

The Constitutional Court of Georgia had proposed to hold the seminar in Batumi, the capital of the autonomous Republic of Adjara where only recently a law on the establishment of a constitutional court had been enacted. The President of the new regional constitutional court who participated in the seminar had been nominated but the Court had not yet started its activity.

The international rapporteurs presented the issue of centralised versus central and regional constitutional control in respect of Austria (a federal country with central control – CDL-JU (99) 21), Bosnia and Herzegovina (with constitutional control both at the level of the state and the entities – CDL-JU (99) 21), Germany (federal country with constitutional control both at the level of the Federation and at the level of the *Länder* - CDL-JU (99) 17), Russia (asymmetric Federation with constitutional control only in some subjects of the Federation) and Spain (asymmetric regionalism with only central constitutional control - written report only CDL-JU (99) 22). The system of constitutional control in the United States was presented as well.

The national rapporteurs pointed out that Articles 2.3 and 4.3 of the Georgian Constitution had left open the issue of the territorial organisation of Georgia. Due to the special situation in some parts of the country (e.g. Abkhazia) the issue of the powers of the regions was still open. A wide interpretation of the powers of the regions might be conducive to settle these disputes.

According to the Constitution of Adjara, a regional organic law had instituted a constitutional court of the autonomous Republic on the basis of the Constitution of the Adjarian Autonomous Republic. So far, the President and one judge had been elected. The yardstick of this court is the Adjarian Constitution. Its decisions are necessarily subject to final control by the Georgian Constitutional Court which is entitled to control normative acts.

Although these were not themes of discussion for the seminar, problems of acceptance of the decisions of the Georgian Constitutional Court by the other state powers and a recent amendment to the electoral law were discussed vividly.

The Constitutional Court of Georgia intends to publish the proceedings of the seminar.