



5th Congress of the World Conference on Constitutional Justice
“Constitutional Justice and Peace”
Bali, Indonesia, 4-7 October 2022

Opening address

by

Mr. Gianni Buquicchio

President Emeritus / Special Representative of the Venice Commission

*Your Excellency President of the Republic of Indonesia,
Honourable Chief Justice of the Constitutional Court of the Republic of Indonesia,
Honourable Minister of Foreign Affairs,
Honourable Governor of the Bali Province,
Honourable Presidents and Judges of Constitutional Courts and equivalent bodies,
Ladies and Gentlemen,*

I would like to express my sincere thanks to his Excellency Joko Widodo, President of the Republic of Indonesia, for welcoming this 5th Congress of the World Conference on Constitutional Justice to beautiful Bali. I would also like to express my condolences to the Indonesian people for the tragedy that took place on Sunday in Malang, East Java.

My sincere appreciation goes to the Chief Justice of the Constitutional Court of the Republic of Indonesia, Mr. Anwar Usman, and the Indonesian authorities for the excellent organisation of this Congress.

Even if we are obliged to wear masks, what a joy it is to see so many of you participating in person at this hybrid conference. It is a good sign that we are coming back to a more normal life!

Looking back to when the World Conference all started, in Cape Town, in 2009, we thought a membership of 60 Courts was a huge success – who would have imagined that the World Conference on Constitutional Justice now in 2022 unites 119 Constitutional Courts, Councils and Supreme Courts from all continents?

Ladies and gentlemen,

The topic of this Congress “Peace and Constitutional Justice” is more timely than ever. We live in turbulent times, with economic, ecological, health, ethnic and religious crises providing fertile grounds for conflicts.

I would like to recall that for this Congress, the topic of “peace” does not actually relate to interstate conflicts because these are typically out of the remit of constitutional courts.

However, for many of us in Europe but also on other continents, when talking about peace, we immediately think of the on-going war in Ukraine, which impact is felt far beyond the borders of Europe.

I recall and reaffirm the declaration of the Venice Commission condemning the ongoing aggression against Ukraine and expressing full solidarity with the Ukrainian people.

However, we face wars and war-like situations also in other regions of the world.

Peace can be built only on the basis of democracy, the protection of human rights and the rule of law and this is where Constitutional and Supreme Courts and Councils come in.

Ladies and gentlemen,

The aim of this 5th Congress “Peace and Constitutional Justice” is to explore the role of the constitutional courts in maintaining peace, notably also social peace. Constitutions are traditionally regarded for their ability to ensure coexistence and social equilibrium within a State: a constitution should ensure that society is well-organised and predictable.

In some countries, constitutions explicitly consider peace and reconciliation as an objective to be pursued. Constitutions themselves can however also lead to conflicts, whether through their provisions or through the absence of certain provisions.

Dear Judges,

You are the guardians of your constitution. As the protectors of the rule of law, you help nurture a stable and viable democracy. You are the guarantors of the respect for fundamental rights in your country.

Without your integrity, there can be no rule of law, no protection of political and civil rights. However, we all know that your work is vulnerable to challenges by other state powers and pressure in the media, even more so when dealing with social peace in your country, the topic of our Congress.

Therefore, as is our usual practice, we will have, in session 5, a stocktaking exercise on the independence of constitutional courts and courts with equivalent jurisdiction, which was the theme of our second Congress in Rio de Janeiro in 2011 and has now been included as a permanent topic in congresses of the World Conference.

Let me remind you that you are not alone. The World Conference gives you a platform to share your experience, your difficulties with your peers.

Article 4 of the Statute empowers the Bureau of the World Conference to offer its good services when a court member calls upon it for help – and it is important to remember that, sometimes, moral encouragement and support from other courts can provide help to a court that has come under pressure and enable it to stand up against this pressure.

Ladies and Gentlemen,

Let us work together for constitutional justice, for an independent judiciary, and always cherish the fundamental values that binds societies together!

Thank you very much for your attention. I wish you all a fruitful conference.