

Closing Remarks by
Ambassador Christian Strohal,
Director of the OSCE Office for
Democratic Institutions and Human Rights (ODIHR)
at the Human Dimension Seminar
on
“Constitutional Justice”

Warsaw, 14-16 May 2008



Please check against delivery!

Excellencies,
Ladies and Gentlemen,

It is almost a banality to say that there are different models of constitutional review across our region. We have heard over the past three days that constitutional courts exercise varying scopes of jurisdiction and powers. There are also models without separate constitutional courts. Courts are accessible to different claimants – individuals, legal persons, and state organs. Equally, there are considerable differences in the way courts exercise their functions, in their reasoning, and their pronouncements. We have learned about different procedures for selecting justices and different ways in which they interact with the public.

But we also heard much about unity. And it is that unity that brought us together for this Seminar and kept our discussions so lively and enriching. It is the unity of purpose: we are here because we all want to develop and maintain peaceful democratic societies based on the rule of law and the realization of human rights. It is that unity of values that underpins OSCE's existence.

Our rapporteurs have already coped with an extremely difficult task to summarize nearly three days of fruitful, intense, and interesting discussions. I would like only to pick up a few recurring themes – threads of conversation that ran through all the sessions in this Seminar.

First, constitutional justice paves the way for the maintenance of the rule of law. Gianni Buquicchio rightfully made a call for “living constitutions” in his keynote address. Constitutional justice brings constitutions to life, and gives the rule of law its frame of reference. The value of constitutions is not in their

volume, or age – it is in their effect, in the conditions they create for human development.

Many of you have stressed that this is not merely a national process.

Internationalization of constitutional law and the penetration of national legal orders by international law was mentioned here not only in the context of the need for more co-operation between national constitutional courts, but also with regard to international courts which have become constitutional tribunals at the international level.

Processes of internationalization certainly intensify the need for better access to constitutional justice for the individuals affected by unconstitutional action – as demonstrated by the rich debates in our yesterday's session. Again, references were made to the national and international levels.

The words “politics” and “political” were mentioned frequently in the last two days. It was rightfully pointed out that constitutional courts by their institutional design have to handle politically sensitive matters. Their ability to do so with due care and competence strengthens our democracies.

Finally, it all comes to the people in the robes. Independence and impartiality of constitutional judges were mentioned very often – because without these two attributes any justice is impossible to achieve, and constitutional justice is no exception.

This Seminar addressed some fundamental issues at the heart of the Human Dimension. But what conclusion can we draw from these themes? I suggest that as a follow up we should start assessing whether constitutional themes such

as the separation of powers or judicial review could be specifically addressed within the OSCE *acquis*, and particularly as part of additional commitments.

Ladies and Gentlemen,

I would like to conclude by thanking everyone for their interest and participation in this Seminar. The Chairmanship is to be complimented on the choice of this timely topic, and I am especially grateful to the delegations who brought here judges and experts whose participation made our debates so rewarding and worthwhile.

My words of appreciation go to the speakers – keynotes, introducers, and the moderators – for their stimulating contributions. We were very fortunate to have the benefit of their expertise, insight, and experience. I will also want to use this opportunity to thank the rapporteurs who have gone into much greater detail regarding each session than I was able to do here. As always, the Report from this Seminar will be posted on our website.

Special thanks to the interpreters. Let me also give extra credit to the staff in ODIHR's rule of law unit who, under punishing timelines, worked very hard to make this event success.

Above all, I am also grateful to all of you for sharing your knowledge and your ideas with us. This was especially facilitated by a number of OSCE delegations which brought constitutional experts and practitioners to Warsaw. This supplied us with ideas and suggestions that will enrich our programmes for many months to come.

Thank you and have a safe trip home.