



**6th Congress
of the World Conference on Constitutional Justice
29-30 October 2025
Madrid, Spain**

**Speech of Mr Gianni Buquicchio, President Emeritus and
Special Representative of the Venice Commission**

Dear Mr President of the Constitutional Court of Spain,

Excellencies, Presidents and Justices,

Dear Participants,

Introduction

1. I am pleased to take part in the opening of the Sixth Congress of the World Conference on Constitutional Justice. I thank the Constitutional Court of Spain and its Secretariat for their generous hospitality and excellent organisation.

2. I am also grateful to the Secretariat of the World Conference—within the Venice Commission—for the careful preparation that allow us to meet today in Madrid.

General Part

3. This Congress follows the Conference's working method: we begin with meetings of the regional and linguistic groups to explore comparative experience; the Bureau then aligns priorities and procedure; the plenary Congress debates and distils common approaches; and the General Assembly

concludes with the organisational and administrative decisions that carry our work forward.

4. This way of proceeding; it has proved effective in the past and, I am confident, will be the same here in Madrid.

5. As one of the founders of the World Conference on Constitutional Justice, let me recall the three main pillars of its conception.

6. **A network that works.** Our Congress is preceded by the meetings of associations from every region and language family. These groups examine the Congress theme, compare jurisprudence, and identify issues for stocktaking—including the independence of constitutional courts.

7. Their conclusions feed the Congress and, later, the General Assembly. A network is only as strong as its working components; here those components are active, coordinated, and oriented to problem-solving.

8. **An institution that is faithful to its purpose.** The agenda is precise: natural resources and the environment; cultural heritage; access to scientific knowledge and technology; and the independence of constitutional courts.

9. Each topic will be treated on its legal merits and within constitutional limits. Our role is not to substitute policy choices; it is to clarify standards of review, evidentiary expectations, and forms of safeguards that preserve the separation of powers while making rights effective.

10. **Mechanisms for continuity and follow-through.** The World Conference turns discussion into durable practice through structures that outlast the Congress itself.

11. A network of liaison officers ensures regular exchange of landmark decisions and rapid alerts on developments affecting constitutional justice.

12. Shared case-law and thematic discussions give courts concise, citable formulations that can be adapted at home. Peer-to-peer exchanges between judges, allow methods to be tested on real files.

13. The Bureau conducts an annual stock-taking in order to capture and identify where additional comparative input would be useful. In this way, the Conference's work becomes a cycle of learning, implementation, and refinement rather than a one-off event.

14. Allow me to set some guideposts for our work.

15. **On the Congress themes.** We will not resolve environmental degradation, cultural loss, or digital asymmetry in a week. What we can do is refine the tools courts already hold.

16. In environmental litigation, that means credible baselines and verifiable targets; cumulative-impact assessment rather than isolated analysis; and remedies that are enforceable and time-bound.

17. It also means applying constitutional principles with methodological discipline: the **precautionary principle** where scientific uncertainty meets risk of irreparable harm; **non-regression** in the protection of environmental rights; and, where relevant, the **public-trust** duty of the State as steward of resources essential to life and dignity.

18. In matters of cultural heritage, courts must prevent unlawful destruction or appropriation while reconciling protection with equal treatment and access, using proportionality to mediate between identity claims and other rights.

19. In knowledge and technology cases, the touchstones remain **legality, necessity, and proportionality** in data use; requirements of **explainability and contestability** for automated decisions; and baseline **access** so that digital infrastructure does not entrench inequality.

20. **On independence.** The session devoted to judicial independence is not a footnote; it is a constant of our Congresses and the structural precondition for every other discussion. Independence has **individual** and **institutional** dimensions: transparent, merit-based selection and security of tenure; administrative autonomy; and predictable procedures for following up on decisions.

21. The World Conference exists, also, to make these practices visible and defensible through dialogue, peer support, and, where appropriate, public statements anchored in law.

22. **A final point on perspective.** The World Conference is not a debating society; it is a platform that helps courts do their work under law.

23. Our task is to make comparative experience accessible; to maintain the boundary between constitutional review and policy choice; and to keep the institutional conditions for independent judging intact.

24. The programme you have before you—group meetings, Bureau, Congress sessions, rapporteurs' reports, General Assembly—has been built precisely to that end.

(WCCJ and its origins)

25. Mr President, allow me to offer, particularly for new members, a brief account of the World Conference and its origins.

26. At the end of the 1980s, I worked with the late Antonio La Pergola, a distinguished Italian constitutionalist, to establish the European Commission for Democracy through Law—known as the Venice Commission—within the Council of Europe.

27. Following the fall of the Berlin Wall, its first mission was to help the states of the former Soviet bloc draft new constitutions

and create democratic institutions, in particular constitutional courts.

28. At that time, exchanges between courts were rare, and their case-law became known abroad only with considerable delay.

29. This was the reason the Venice Commission created the **Bulletin of Constitutional Justice**, which—through a network of liaison officers appointed by participating courts—enabled the international dissemination of their most important decisions.

30. In addition, the only existing association of courts was the European Conference of Constitutional Courts. Aware of the usefulness of exchanges within regions and language families, we encouraged the creation of new groups, several of which were formed in subsequent years.

31. In the early 2000s, I had a dream that I shared during a seminar in Cape Town with my good friend, the late Arthur Chaskalson, first President of the Constitutional Court of South Africa, and his colleagues Pius Langa and Albie Sachs.

32. My idea was to unite all the constitutional courts and equivalent bodies, and the existing groups, in a World Conference. In 2009, a conference in Cape Town, attended by many courts, welcomed the project.

33. Over the following years, we prepared a draft Statute in close consultation with the regional groups; it was adopted during the Rio de Janeiro Congress in 2011.

34. Today, the Conference comprises 124 courts or equivalent bodies and ten groups.

35. And here I would like play tribute to Schnutz Durr, the former Secretary General for his unwavering commitment to make this dream a reality.

36. As he has left the Venice Commission these responsibilities are now in the hands of Ms Simina Granata -Menghini, Secretary

of the Venice Commission, assisted by Mr Vahe Demirtshyan. I can ensure you that they will continue to serve the World Conference with same commitment and dedication.

(On the enlargement of the WCCJ groups)

37. On the agenda of the General Assembly, I note a proposal to substantially enlarge the Bureau of the World Conference. In addition to the current and previous Congress hosts and four courts representing four continents, our Bureau is composed of ten regional and language-based groups.

38. The Bureau is essential for the functioning of the Conference between Congresses, which take place only every three years. My conviction is that adding more groups would risk making the Bureau heavier and less responsive.

39. The existing composition covers all regions; multiplying seats may create overlap and duplication, complicating rather than improving coordination.

40. Close cooperation among courts is valuable and should be encouraged, but not every cooperative format must become a group represented in the Bureau. From the outset in 2011, some courts—for example the German-speaking group—expressly declined a seat, trusting that the Bureau would function well without further expansion.

41. When the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions raised the matter a decade ago, they accepted that preserving the Bureau's effectiveness was a legitimate institutional concern.

42. For these reasons, we have ten groups in the Bureau: the nine founders and the major African group added later, which covers an entire continent. (Please bear this in mind when considering amendments to the Statute in this context.)

Conclusion

43. As we open this Congress, our ambition is straightforward. We are here to listen carefully, compare experience, and bring home what will prove useful in our own systems.

44. The purpose of the WCCJ is to facilitate judicial dialogue among constitutional judges on a global scale through information-sharing and cross-fertilisation of ideas.

45. If we leave Madrid with clearer questions, a few well-tested formulations, and a stronger understanding of one another's constraints and possibilities, this meeting will have done its work.

46. Allow me to thank once more our hosts for their generous welcome and the Secretariat for organisation that lets substance lead. And to all participants—especially those who have travelled far—thank you for bringing your judgment, your expertise, and your time.

47. I hope the conversations in this hall and in the margins will send each of you back to your benches with fresh insight and a steadier hand.

48. With that, I wish you a thoughtful and collegial Congress.