

The Role of the Constitutional Courts in the Globalised World of the 21st Century

(Description of the Topic of the Conference)

The Constitutional Courts, as the institutions that ensure the supremacy of the national constitution, within the limits of their jurisdiction, deal with both legal and political issues by legal means, thus becoming an important instrument of democratisation within a state.

Europe has become a space of constitutional interdependence; therefore today the constitutional courts work in a legal environment that is constituted by the national, the European and the international law. This constitutional interdependence affects also the responsibility of the national constitutional courts.

In the globalised world, we face increasingly more complex challenges. Issues of environment, security and economy have no borders; therefore these cannot be resolved within a single state. They are interconnected. All these issues have a legal framework. Nowadays problems can be resolved only by an effective and coordinated cooperation. Therefore the international importance of the constitutional courts is constantly increasing. In a certain sense, in the globalised world the constitutional courts become long-term partners of cooperation.

Already at the XVI Congress of the European Constitutional Courts¹, which was held in Vienna in 2014, aspects of cooperation between the constitutional courts were examined, analysing the reciprocal use of case law, as well as the impact of the European courts on the rulings by the constitutional courts. The idea that the rulings by the constitutional courts impacted rulings by the international courts appeared both in some national reports and the materials of the Congress. However, the issue was not studied and analysed from this vantage point.

The rulings by the constitutional courts have a supra-national influence not only because the case law of one country is used also by the courts of other countries (used in various forms, i.e., the impact is both direct and indirect).² International organisations and international courts also follow the case law of the constitutional courts in matters of international importance, therefore today we can assert that the rulings by the constitutional courts influence international law. At the Conference in Riga, we plan to discuss the supranational character of rulings adopted by the institutions of constitutional review, *inter alia*, searching for answers to these questions: Why are these rulings supranational by nature? What is this supranational impact? What facilitates and promotes it? Should the supranational nature of rulings be furthered and in what way? Does the supranational nature of rulings is fostered by the direct communication of courts and accessibility of rulings (making publicly available and translating), or whether the content of the ruling itself, the legal issue under examination, the substance and the methodological approach, as well as the reasoning included in the ruling are significant? How to increase the impact of the [case law of] constitutional courts on the international level? Other issues related to the chosen topic will also be examined at the Conference.

¹ Topic “The Cooperation of Constitutional Courts in Europe. Current Situation and Perspectives”

² “[m]utual impact has become noticeably stronger since the early 1990s”. (The Cooperation of Constitutional Courts in Europe. Current Situation and Perspectives, Vol. I, 2014, vfgh, page 53)