

Presidents of the Hellenic Republic, the Italian Republic
and the Portuguese Republic, Excellencies,

Director of the European Public Law Organization,

Ambassadors,

Ministers, Members of the Judiciary and Professors,

It is clearly not pure chance that three Heads of State are present at this ceremony commemorating the tenth anniversary of the founding of the European Public Law Organization. Just as it is no coincidence that three Presidents of the Republic, democratically elected under their respective constitutions, are also distinguished academics and professors of public law. And it is certainly not merely a coincidence that the three Presidents are long-standing members of the European Group of Public Law, today acting as the European Scientific Council, a body of the EPLO.

Several inferences may be drawn from all this, and that which concerns us most at this moment is that this Organization has consistently counted on contributions from the most respected quarters of the study of Public Law and that, in several of the national cultures within Europe, a thorough training in Public law is regarded as a powerful recommendation for election - by direct or indirect suffrage - to the highest office in our systems of government.

Professor Pavlopoulos, illustrious President of the Hellenic Republic, our host country, and professor of Public law at the National and Kapodistrian University of Athens, to which I am connected by the honorary doctorate generously awarded to me, please

indulge my boldness in setting out a few very brief considerations on the contribution made by Greek legal science to the formation of a common doctrinal thesaurus, which European scholars of Public law can all recognise.

Because Greece is a country which, according to its traditions and demographic characteristics, tends to be open to the world rather than closed in on itself, in this resembling Portugal, Greek academics were amongst the first in Europe to wake up to the possibility - if not the need - to turn systematically to the contribution of foreign doctrine to enrich and consolidate their scholarly labours. Whilst in larger countries, with a multiplicity of law schools and a substantial volume of specialist books and reviews published each year, there was for a long time a clear tendency towards self-sufficiency, in smaller countries, such as Greece, Switzerland or Portugal, an attraction has always been felt to the critical mass offered by a variety of other nations. This was the fertile ground which made it possible for an academic such as Professor Spyridon Flogaitis - whose European outlook is clear from where he obtained his degrees and the wide audience he reached by writing in the most accessible languages - to apply successfully his extraordinary gifts as an organiser and in cultivating human relations, in order to create an impressive university network devoted to Public law, which he then guided as it evolved naturally into the present-day EPLO.

From a very early date, Greek law professors pursued academic careers in French, German or British universities, and many of their works are published in those languages. Under pressure of time, I will cite as a symbolic example the classic *Traité des actes administratifs*, by Michel Stassinopoulos, a work which my own teacher of administrative law recommended us to consult on a permanent basis when I was an undergraduate in the 1950s.

Professor Sergio Mattarella, Illustrious President of the Italian Republic,

Your curriculum as a professor and researcher in Public law clearly shows a long and permanent attention paid to areas vital for the reform of the contemporary State, such as the composition of the Parliament, the legislative process and the constitutional regime of the Regions. As a member of the Chamber of Deputies during seven parliamentary terms, Your Excellence had the opportunity to apply your vast knowledge to the proceedings of parliamentary committees for institutional reform. You have therefore merited a place in the long list of distinguished Italian Public law academics that have exercised a strong influence upon the contribution of the Portuguese legal doctrine to the reconstruction of the democratic rule of law after 1974.

Professor Marcelo Rebelo de Sousa, Illustrious President of the Portuguese Republic,

It is my honour - without leaving behind my capacity as a Portuguese citizen and lawyer - to address to You a few words of congratulation and encouragement on behalf of the European Public Law Organization.

In the first place, *congratulation* for the illustrious professor, dean of the Legal-Political Sciences Group in our Faculty of Law at the University of Lisbon, a member from the outset of the European Group of Public Law, elected by a large majority as Head of the Portuguese State by universal suffrage.

But secondly, this Organization is also a fitting place to offer *encouragement*, which is also an expression of confidence in the members chosen by democratic means to hold the highest constitutional office. On our continent we have lived through a period marked by a certain loss of faith in the future of Europe united under the institutional umbrellas of the European Union and the Council of Europe, a period also disrupted by faltering belief in the virtues of representative democracy. Faced with these signs of disenchantment with models of a Constitutional State originating in the 19th century and with the legal edifice, erected since the mid-20th century, of a multi-state

European system, a response is required at the highest levels in States and in the European Union capable, through its authenticity and effectiveness, of strengthening popular confidence in the moral value and efficiency of the public policies of the democratic constitutional state and in the effectiveness of access to solidarity assured by the welfare state.

Equipped with a thorough knowledge of Portuguese, comparative and European Public Law, and also of the political history of our own country in the context of European political history, a university professor idolised by his students and revered by the legal community, having risen very early in his career to the rank of full professor (the highest level in the Portuguese academe), author of a number of essential works on constitutional and administrative law, Rebelo de Sousa at the same time has a rare gift of empathy and the ability to communicate and get on with people from all walks of life. In Portugal, it is no exaggeration to say that he has introduced a new style of presidency, in which the President is immersed in the people, thanks to his constant contact with people of every kind of background and opinion. The high standard of his learning has never made him a technocrat or an academic shut away in the ivory towers of his university or of a modern law firm in Lisbon or Porto.

It was no surprise that he was elected in the first round of the presidential elections, by direct suffrage, and by a substantial majority, and that, in a way, he has continued to enjoy his initial honeymoon period when already into the second year of a five-year term, as the opinion polls credit him with a level of popularity never achieved by his predecessors or any other holders of senior political office in Portugal.

The current President of the Portuguese Republic can therefore claim a broad base of legitimacy which, in a semi-presidential system of government like ours, allows him significant power of influence over the political choices of the Government and enables him to act effectively in a political crisis.

This means that the Portuguese constitutional tradition of the Head of State - the king under the liberal monarchy and today the President of the Republic - exercising the power of moderator is being maintained, and performed to a high standard. An impartial and independent arbitrator, who places himself as far as possible outside the agendas of party politics, the President has performed his duties of assuring balance and harmony between the other State authorities and institutions of political importance.

So for us, the Portuguese members of the European Group of Public Law, now acting as the European Scientific Council, it is a source of great delight and honour that one of our number has, with wisdom and flair, combined the holding of the highest political office with a foundation in Public law.

One fact that will indelibly link President Rebelo de Sousa to the European Public Law Organization is that it was he who, in the exercise of his presidential powers, signed, on 21 October 2016, the Decree ratifying the international Agreement instituting our Organization, and approving the respective Statute. Such Agreement had formerly been approved by a Resolution of the Assembly of the Republic, on the basis of a proposal from the Government. It is only reasonable to suppose that it was the President's own academic concerns which secured this outcome, after delays in the process which may be explained by the instinctive fear of the new on the part of many political figures.

I started by saying that, in addition to words of congratulation, I would also address words of *encouragement* to the Portuguese President, which also extend to the illustrious Presidents of the Hellenic Republic and the Italian Republic.

I hardly need to explain to the elite legal scholars gathered here today how Europe has been constructed on the basis essentially of a complex legal reality founded on the endeavours of jurists. It is today up to the member States to adopt a rejuvenated political, economic and social model for Europe, one which, with renewed vitality and

popular acclaim, can put behind us the traumas of recent referendums and critical national elections. And it cannot be allowed that the current frailty of the European project would be further aggravated by certain member States, when they cheerfully disobey essential European principles and requirements.

It is to be hoped that a wide-ranging and delicate process will soon get under way to bring us a born-again European Union. And this process will necessarily have two sides. Whilst much will depend on the European institutions taking part in reforming themselves, this will be of no avail unless, in each member State, political leaders come to the fore with the vision and charisma able to lead public opinion to understand that the Union is indispensable for the survival of our fundamental freedoms and guarantees and of a certain lifestyle reflecting our national cultures, which isolated States are less and less able to protect.

It is still extremely relevant to recall that passage in the preamble to the Agreement instituting our Organization, and the respective Statute, when it proclaims the importance of Public law for educating a better generation of lawyers and democratic institutions, and for promoting European values, not only in Europe, but around the world. The turnaround that the European Union will have to achieve in the next few years must not detract from its fundamental nature as a legal construction. On the contrary, it will entail taking this construction even further. For this purpose, it will be fundamental to ensure an alliance between politicians capable of setting new goals and scholars of Public Law who possess the thorough grounding needed to set up a coherent system that reflects the central thrust of policy. Whilst not indispensable, this task will be easier when, as is the case of the three Presidents gathered here, the two attributes are united in a single person. Illustrious Presidents, by engaging with Your Parliaments and Executives, You will broaden the scope of the purpose, enshrined in our Statute, of cooperating with other institutions and organisations, in particular with the specialized agencies and bodies of the United Nations.

I wish to thank the three Presidents for being here today, on this commemorative occasion, and we are confident that, in the exercise of Your high office, Your sound and thorough training in Public law will contribute decisively to the role taken by the Hellenic, Italian and Portuguese Republics in revitalising the European Union and promoting European values in other parts of the world.