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Mr Chairman of the Committee of Ministers, Ministers, Presidents, Excellencies, Mr Secretary General, dear colleagues and friends, ladies and gentlemen, I am here because the time has come to say "au revoir" and to thank you from the bottom of my heart for your collegiality, your faithfulness and your friendship.

It has been my immense privilege to preside over the unique institution which is the European Court of Human Rights for over eight years. A privilege not only because it is a passionately interesting job, because the variety, diversity and richness of the cases that reach us is fantastic, because I have had the pleasure of working in a richly diverse multicultural environment with congenial, committed and enthusiastic colleagues, but above all because of what this Court represents for hundreds of millions of Europeans and beyond. The Court is often described as the jewel in the Council of Europe's crown, but it is more than that. It is the symbol, and indeed the practical expression, of an ideal, an aspiration for a society in which the marriage of effective democracy and the rule of law provides the basis for political stability and economic prosperity, while allowing the self- fulfilment of individuals. The European Convention on Human Rights offers a model for an international community bound together by respect for common standards and their collective enforcement. It is the legacy of the twentieth century, with its battlefields and its camps, to the twenty-first century, with its new challenges and fears. The rights and freedoms it guarantees are both timeless and universal.

I therefore believe that it would be hard to overestimate the importance of this Court. But the system set up by the European Convention on Human Rights is not confined to the work of one body. Its effectiveness depends necessarily on the active participation of the other branches of the Council of Europe and on the governments of the member States working together in the Committee of Ministers. More than that, it also and above all depends on the active and positive participation of the national authorities, particularly the judicial authorities, many of which are represented here today. That is a message I have repeated throughout my term of office, and I have had the great privilege and pleasure of visiting practically all the

national supreme and constitutional courts which are our partners in this system. My colleagues and I have advocated a continuous dialogue between these courts and Strasbourg and I am delighted that today's seminar was so well attended. This shows the high level of interest and involvement of national judges and, frankly, that is how it should be. It is your Convention as much as it is ours – it is also your heritage to preserve and nurture and to turn into a living reality which will help and profit the citizens and inhabitants of your countries.

Together we have undertaken and accomplished much during these last eight years, and the Court is now firmly established on the map of Europe. Despite certain initial difficulties, we managed to merge the former Commission with the former Court. We have fought the good fight against what Lord Woolf of Barnes identified as an eightfold rise in the number of cases since 1998, and have come off quite well. I firmly believe, in fact, that we have acquitted ourselves very well. We have constantly striven to rationalise our working methods and reorganise our priorities, and thus raise our productivity, but the quality of our judgments has not suffered as a result. It is broadly recognised, likewise, that our Court is well managed and has a good working atmosphere.

Our case-law, which has always rejected a sterile positivism, preferring to adhere to the doctrine of the living instrument, is a beacon and a symbol visible from well beyond the frontiers of Europe. As I have already mentioned, we have maintained a living dialogue with our colleagues in the national supreme and constitutional courts and in other international courts, and my visits to those courts, almost always in the company of the national judge, have been a priority for me. The Court has adopted guidelines on judges' attendance and their official journeys and will soon, I very much hope, adopt its code of ethics. The list of accomplishments I could mention is a long one, but I will stop there.

Over these eight years the Court has undergone some sweeping changes. "Change" had been our catchword all along. From the beginning in 1998, we were faced with a dramatically rising caseload and the need to adapt working methods. I would like to pay tribute to my colleagues and to the members of the Registry for their efforts and their openness to change, for their willingness to support the complete computerisation of what we might call our "production lines". We should not be complacent, however. More needs to be done. The time taken to process and adjudicate substantial cases is still too long, in some cases unacceptably long, and this undermines the credibility of the system. We were aware early on that the Convention mechanism must continue to evolve. Today we are still aware that it has to continue to evolve. In this respect too efforts have been made, notably the elaboration and adoption of Protocol No. 14 and more recently the Wise Persons exercise. One conclusion from all this activity is that no one has yet discovered the miracle cure, undoubtedly because ultimately the answer lies mostly in the domestic legal systems and to change them is inevitably a slow and lengthy process. In the meantime the Strasbourg machinery has to be made more efficient, and that is what Protocol No. 14 is designed to achieve. As you know, we are waiting for one more ratification – that of the Russian Federation – for it to come into force. I can only stress that the Protocol would have an important contribution to make in enabling the Court to confront the growing volume of cases, while helping to limit the increase in costs. One of the underlying aims of Protocol No. 14, and above

all the accompanying recommendations and resolutions, is to redress the balance between the international machinery and domestic authorities by strengthening the principle of subsidiarity. Again, the idea is that citizens should be able to vindicate their rights in the national courts; however well organised, international protection of human rights can never be as effective as a well-functioning national system of protection.

Everything would seem to plead for a rapid entry into force of Protocol No. 14. The Court is ready for it, the necessary draft rules have been adopted, the working methods have been adjusted, and this has helped to achieve substantial increases in productivity. We should not have to wait for any further evolution as a result of the Wise Persons' report; we should move forward now.

In my last official act as President of the Court, in a speech to the Ministers' Deputies, I therefore made a plea to the authorities of the Russian Federation to play the game, to be fully part of the Convention system and to give the Court the tools it needs to pursue its drive to increase the efficiency of its processes. Protocol No. 14 is in no way a revolutionary text, but it does offer practical solutions for certain problems, notably the single-judge mechanism for clearly inadmissible cases and the three-judge committee for repetitive cases. The Wise Persons' report builds on such measures and assumes their implementation.

Allow me one final, important question which may appear deceptively simple. How do we see a European Court of Human Rights? What is it and what should it be? Should it be an instrument of European integration? Should it do the job of non-governmental organisations? Should it be what I sometimes call a "fighting machine" for human rights or for certain theories concerning human rights? Should it espouse a political role and if so, what sort of role? Should it, as some American writers would put it, be the defender of the "system", which must presumably mean that the Court should defend the ruling class or governmental system of each member State? These questions would surely deserve elaborate answers, and there is no time for that. But I would give a deceptively simple answer and say that a court should be just that and no more than that: it should be a court. It should, in total independence and impartiality and in orderly, fair and foreseeable procedures decide the issues for which it is competent. If it assigns to itself other roles, if it is less than independent and succumbs to governmental pressures, it cannot really fulfil its beneficial functions and will lose first its credibility and then its usefulness. It is granted that the European Court of Human Rights decides social conflicts and will therefore not always be able to please everybody, and it will not always be popular with governments. But that is unavoidable, and accepting that is an inescapable part of belonging to the community of democratic States.

Ladies and gentlemen, looking back over my time as President and as judge, there are so many rich and vivid memories: of my colleagues and friends, of the important cases, of my visits to national courts, of my meetings with fellow judges from throughout the Council of Europe countries. I am ever so grateful for all these memories, for all the support I have been given, for the friendship with which I have been privileged. Of course it is a wrench to leave the Court, but I do so with a sense that we have done the very best we could with the limited resources available to us. I am also confident that I have handed over responsibility to a new

President who is perfectly capable of taking on this mission, whose wide experience in the judicial and other domains particularly qualify him for the post and for whom I have the highest respect as a judge and a person.

Obviously, I would not like to hand over my duties and office to a French judge without doing so in French. Dear Jean-Paul, we all know that you are an experienced judge, quick of thought, with a clear and elegant style, but at the same time precise and lucid, with sound common sense. You have proved yourself at the Court, and before that in the course of a brilliant and impressive career in France. I also know your qualities as a human being and a friend, and am grateful for them. My colleagues and I have placed our trust in you, and it only remains for me to wish you (and Brigitte) good fortune, success and good health, for your own well- being and for the Court's.