

The Regulation Forum

The Regulation Forum arose out of shared concern between administrative lawyers and we are driven by the dissemination and the meaning of key matters of our professional practice, as well as the necessary critical reflection about such matters, in order to construct a new administrative Law for globalisation.

There are three concepts which outline our horizon that are heaving with intellectual restlessness. The first concept seems to affirm the notion that individual liberty and the correct workings of the market economy is based on the absence of any administrative regulation, when we know with certainty that there can be no freedom without the State, nor can a market economy be possible without adequate regulation. Therefore, the rigour of the analysis must direct itself, not towards the unassailable existence of a regulatory Administration, but rather toward the size, organisation and, above all, the legal status of such a regulatory Administration.

The second concept sustains that a global economy corresponds to a right that is also global, of which we are still a long way from having. Particularly in the area of public Law, this global right is even more closely tied in, if possible, with the federal jurisdiction compared to other specialisations. The question lies in where we should be moving forward in order to progressively construct a new Law; that is, leading by the pathway of integration and improving the status quo, but doing so without destroying the State of Law as we know it today, because it has been an irrefutable legal conquest, of which the same may be said of the guarantee of our liberty, our equality of opportunities, our security and our prosperity.

The third concept seems to sustain that good lawyers are simple tools, colourless, odourless and bland, at the service of efficiency in attending to the interests of their clients and their professional societies, and postponing as a secondary consideration, how much pertains to the general social interest. But it is the jurists, only the good jurists, that can be good lawyers, and we know that efficiency is a false goddess, blind and unaccountable, more prone to the opportunistic whims of opinion than to criteria that is founded in reasoned study and in the critical and independent spirit. Furthermore, efficiency moves away from responsibility when it falls into the temptation of assigning greater importance to the end goal rather than the means, which is radically contrary to the aspirations that encourage our vocation: liberty, justice and social peace.

Administrative law is the Constitution of our day-to-day. Its correct workings is an essential social value that might seem to be a gift freely given, but it is an agonising gift that has to be conquered everyday. In a word, being the drivers of the Regulation Forum, our clinical experience as lawyers will be more fertile if it is accompanied by the required study in order to improve its functioning as well as continuing concern in order to serve the general interest.

The Regulation Forum is thus an open association of administrative lawyers, united by our specialisation as jurists and by the shared concern to which has been referred to above, and we have created a public cybernetic space with three specific objectives:

- A) To make our work more transparent and increase awareness of its problems and implications, the ideas that stimulate it and orient it, improving thus the service to our clients and to the society in which we live.
- B) That between ourselves, administrative lawyers from around the world, we have the chance to get to know each other better and have at our disposal a further meeting point where we are able to exchange ideas and experiences, and which encourages us to also have our website's content in English, where possible.

C) That the journalists find accurate information in our Forum, but at the same time is both accessible and educational about questions on public Law and will assist them in their work. This will hopefully help us at the time of making our work socially understandable and boost our social responsibility when the time comes to talk about or decide such matters. To that end, our Regulation Forum will be open access, in order to facilitate the cooperative knowledge that characterises its present format of acquiring and sharing knowledge.

It is possible that what is mentioned here will be completed in the future through other initiatives that may be able to contribute to better compliance of the objectives that mobilise us, only time will tell.

Adolfo Menéndez Menéndez

President of the Regulation Forum