



**European Conference of
Presidents of Parliament**

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**Conférence européenne des
Présidents de Parlement**

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**PROCEEDINGS OF THE EUROPEAN CONFERENCE OF
PRESIDENTS OF PARLIAMENT**

**THEME 3: MAJORITY AND OPPOSITION –
STRIKING A BALANCE IN DEMOCRACY**

CONCLUSIONS

OSLO – NORWAY

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Summary

Theme 3: Majority and opposition – striking a balance in democracy

Mr David USUPASHVILI, Speaker of the Parliament, Georgia

Ms Ankie BROEKERS-KNOL, President of the Senate, Netherlands

Mr Mars DI BARTOLOMEO, Speaker of the Chamber of Deputies, Luxembourg

Mr Mohamed YATIM, First Deputy Speaker of the Chamber of Representatives, Morocco

Mr Igor CORMAN, President of the Parliament, Republic of Moldova

Mr Pavol PAŠKA, Speaker of the Národná Rada, Republic Slovak

Mr Cemil ÇIÇEK, Speaker of the Grand National Assembly, Turkey

Mr Josip LEKO, Speaker of the Sabor, Croatia

Mr Einar K. GUDFINNSSON, President of the Althingi, Iceland

Ms Laurence DUMONT, Deputy Speaker of the National Assembly, France

Mr Ivan MELNIKOV, First Deputy Speaker of the State Duma, Russian Federation

Mr Trajko VELJANOSKI, Speaker of the Sobranie, “the former Yugoslav Republic of Macedonia”

Mr David USUPASHVILI, Speaker of the Parliament, Georgia

Conclusions:

Ms Anne BRASSEUR, President of the Parliamentary Assembly

Mr Olemic THOMMESSEN, President of the Storting, Denmark

Theme 3: Majority and opposition – striking a balance in democracy

Chaired by Mr Thommessen

Mr David USUPASHVILI, Speaker of the Parliament, Georgia

Majority and opposition are the most important ingredients of functional democracy. Achieving balance between the two is probably the solution to the problems we discussed earlier today and yesterday.

My job became much easier when I saw an interesting brochure on the topic prepared by the conference organisers, so I shall share with you my experience of my country, which offers a wide range of case studies. In the early 1990s we changed power by bloody revolution. Later we managed to change power in a peaceful revolution, and about two years ago we finally achieved the standards of democracy when the government was changed in peaceful elections.

The process of democratisation is not unique to my country and we must take into account the great differences between member countries on this issue. If we look across member states of the Council of Europe we see that the notion of opposition differs significantly, from the Leader of Her Majesty's Loyal Opposition, with appropriate privileges, institutional settings and a role in the functioning of parliamentary democracy, to an enemy of the state who must be prosecuted, with Bolsheviks running after everybody who holds a different opinion.

The same can be said of the notion of majority. A majority can be a coalition of parties that made concrete promises to voters and has a clearly articulated coalition agreement, but it can also be composed of one authoritarian leader.

These realities across the European space suggest that the topic of majority and opposition and the very basic fundamental issue of democracy must be addressed much more carefully.

I shall try to emphasise three dimensions to the problem: international, internal and human.

No one questions whether opposition is necessary for democracy, but when we look across democracies we find some common problems and explanations of why this balance is not always maintained. It seems impossible to strike a balance between majority and opposition if no balance is maintained between the poor and the rich, men and women, black and white, urban and rural and so on. If the basic principles of the modern world – equality and tolerance – are not observed, it is difficult to think about achieving standards when political forces are competing in a free and fair competition.

That is closely related to another issue – monopoly on the truth. For some years I thought that this disease was the disease of former Communist countries and former Soviet societies, where truth was an officially recognised principle of the Communist Party. I now know that, for example, the EPP's monopoly on the truth is no better than that of the Communists or of any other party's monopoly on the truth. Unfortunately, we observe followers of different ideologies try to hold the monopoly on the truth. In such circumstances, there are few steps between the Opposition being declared the problem rather than the solution – being declared an evil rather than a necessary component of democracy.

It is often difficult to analyse what we mean when we discuss opposition. Is it the best possible critic or the best alternative to the government? If we are to achieve the standards required to treat the Opposition on that level we must address the monopoly on the truth and where the distinction between the party lines of political institutions and state institutions is difficult to observe. In such cases, free political competition becomes quite problematic.

The smaller the government, the smaller the size of power, the smaller the amount of resources directly controlled by governments the better the balance between opposition and majority. In such cases there are other players in society who influence representatives on both sides to maintain balance.

The issue has international dimensions, and again I can give examples from our own experience. Where do the majority and minority come from? They come from elections. What kind of elections?

They come from free and fair elections. Are these standards observed in all member states of the Council of Europe? Unfortunately, the answer is no.

The fact that a certain number of people represent the majority, with the rest in opposition, does not mean that they adequately reflect the mood of the people. Without adequate reflection of the mood of the people in elected bodies, maintaining balance between opposition and majority and achieving the right standards in their interaction is very difficult.

The standard of elections is not a national but an international issue. We used to joke in Georgia that international observers – Council of Europe observers, OSCE observers and many other observers – came to observe our elections with widely closed eyes. They came in order not to see something. If majorities are born from such elections we cannot think about democracy or striking a balance between majority and opposition, because any state capture leads to controversy in internal politics. This issue should be addressed and revealed in another dimension, which is an international dimension as well. Unfortunately, internal politics, especially in smaller countries, is affected greatly by international politics. The relationship between political forces in smaller countries, including Georgia, or new democracies is not only an internal issue. There were times when leaders of our country were forgiven election fraud, violence against the Opposition and the deprivation of basic political rights, but that led to huge problems.

It is important that such issues are dealt with on the level of international politics. I represent the Republican Party, a liberal party. The party was founded about 35 years ago under Communist rule as a secret organisation and it flourished only after we began to co-operate with our sister parties in Europe. I therefore understand how important it is to maintain such contacts, to apply standards of democracy and not to be too bound by political interests at an international level.

How do we ensure that majority and opposition co-operate to ensure prosperity among people? Both majority and opposition consist of humans. The right leadership must be shown and the right example set in our behaviour. We in this room should play the most important role in our societies, because the job of Speaker may be described as achieving balance between the majority and the minority, therefore promoting democracy. If we do our jobs appropriately we will contribute to the solution of this problem, which appears to arise in my country and other civilised countries too.

Ms Ankie BROEKERS-KNOL, President of the Senate, Netherlands

On 17 July, 298 innocent men, women and children died when Malaysian Airlines flight MH17 was shot down: 196 of my compatriots died. The question I ask myself is: for what?

There is nothing we can do to reverse what happened that day. It happened. However, the one thing we can do for the victims is to continue to speak and learn about freedom, democracy and the rule of law. By continuing this important dialogue, we reconfirm the values that we share and that the Council of Europe upholds.

Part of this dialogue is talking about a striking a balance between majority and opposition, and the challenges that this brings. For this reason it is an honour for me to speak to you on this theme today. This is the one thing that I – and we – can do today.

Respect for minorities is a basic principle in a democratic society that is based on the rule of law. The right to speak openly, the right to ask questions, the right to criticise, the right to protest, and freedom of association are all prerequisites of a free democracy. Opposition in parliament means just that. It offers a countervailing power. When the opposition voices a concern, it does so not only on behalf of their electorate but on the basis of their perception of the needs of society as a whole.

Ian Shapiro, author of the book "The moral foundations of politics", stated: "Democracy is an ideology of opposition as much as it is one of government". For me, this sums up today's theme. The task of the opposition is to scrutinise government decisions and policies and to represent a credible alternative government. Opposition ensures transparent and responsible government. Without this, democracy cannot exist.

This does not mean that all opposition is good opposition. In some cases, the actions of political parties in opposition may overstep the mark. Good opposition always enhances the political debate; it does not hinder it. The distinction between what is and is not allowed in a political debate is to some

extent arbitrary: circumstances play a major role. But while social standards, languages and times can all change, there is always a certain basic level of respect that should be maintained.

Perhaps some of you have heard about the sharp exchange of words between Lady Nancy Astor, Member of Parliament for Plymouth Sutton, and Winston Churchill in the 1940s. Lady Nancy Astor said: "Sir, if you were my husband, I'd poison your tea." Mr Churchill replied: "Nancy, if I were your husband, I'd drink it." It is clear that both were being ironic. Churchill's riposte made the exchange totally acceptable in my view.

For us, presidents and speakers of parliament, it can be hard to determine when a line has been crossed. I would say that, as a general rule, when an opposition party attacks not the actions or policies of government, but when it makes a personal attack, then the line has been crossed.

Presidents and speakers of parliament have a great responsibility in maintaining neutrality and making sure that all political parties can play an equal part in the debate. In some cases, this requires giving opposition parties a slight advantage in order to keep the balance and maintain a fair parliamentary process. However, this should never lead to a "dictatorship of the minority", just as there should never be a dictatorship of the majority, either.

Opposition in a multi-party system with ever-changing majorities and a fragmented political landscape can be fairly complex. The Senate of the Netherlands currently has two parties in the governing coalition and 10 parties making up the opposition. Our House of Representatives includes 12 opposition parties. The current political climate in the Netherlands has put the Senate in a somewhat unique position, because for the first time in decades the reigning coalition does not have a majority in the Senate. Some say that this damages the position of the Senate because it puts all the various parties – both opposition and coalition – in an increasingly political position. But one can also argue that it allows the Senate to fulfil its role as *chambre de réflexion* even better than before, because it can never be assumed that a majority of senators will be in favour of a Bill.

In my opinion, the current political climate has not fundamentally changed the way the Senate does its job. In fact, I think the current situation enhances the quality of the debate and broadens the support for a Bill a great deal. Coalition partners have to produce really excellent arguments if they want a Bill to be passed by the Senate as well. Last year, the coalition parties signed a political agreement with three opposition parties regarding the budget plans. The agreement involved the so-called "constructive three" and included healthcare, pensions, education and childcare. In order to come to this agreement, the government coalition was forced to consult, debate, persuade and compromise. To me, this is an essential part of democracy.

The wide range of parties in the Dutch system is not ideal. Working with 12 or even 14 different parties creates a heavy workload for the parliamentary administration and makes political compromises all the more complex. If all political parties wish to speak during the debate on a legislative proposal, the debate can be very lengthy and there can be an element of repetition in the arguments explored. Raising the electoral threshold and thus reducing the number of political parties in parliament could address these problems. It would force the smaller parties to join forces, reducing political fragmentation. It would take away some of the imbalance in parliament and make it easier for the opposition to find support for legislative initiatives, for instance. However, so far, there has been no proposal in the Netherlands to raise the electoral threshold.

The Senate of the Netherlands has certain guarantees on the equal treatment of political parties. All parliamentary parties are in principle granted an equal maximum amount of time during the first term of a debate. The order in which the spokesmen speak is determined mainly by the order in which they register for the debate. Every senator can insist on a plenary debate on a legislative proposal. Committee chairmanships are distributed between all the major political parties, including the opposition.

There is a free election for the president of the Senate. This means that the speaker or president can even be a member of an opposition party. Once elected, the speaker or president remains aligned to his or her own party, but is thereafter considered to be above parties. He or she is the representative of the parliamentary house as a whole. Any speaker or president who sought to favour the representatives of his or her party over those of other parties would not sit comfortably for very long. Our rules of procedure do not include the words "minority" or "opposition". Under the Dutch system these parties do not need special treatment because of their numerically weak position. They are considered equal and complementary partners.

I emphasise that democracy is an inclusive process that all political parties should be able to participate in meaningfully. Maintaining an open political debate boils down to a mind-set: parliamentarians need to keep an open mind to other points of view in the public debate – and maybe sometimes even be willing to change their own point of view. A parliament should never simply rubber-stamp government proposals, even when the coalition has a comfortable majority.

Regulation can enhance due parliamentary processes – in a room full of people who devote their lives to creating meaningful laws and policies, I could hardly state otherwise. But regulation, even procedural rules or the constitution itself, is only an instrument. In the end it comes down to respect for free political debate. The acceptance of a legislative proposal should always be the result of a debate in which all arguments have been heard and debated. Without this, a free democracy is an empty shell.

Marcus Tullius Cicero once said that arguments should be weighed, not counted. He believed in the power of the argument – that when all arguments, both for and against, are put on the table, a debate can be enriching and new insight can be generated, leading to increased respect for the opinions of others.

However, above all arguments and debate, and above the majority and opposition, there is the rule of law, the prerequisite for any of these things to exist. My friend and colleague Senator Willem Witteveen, who died when Malaysian Airlines flight MH17 was shot down, once said: "The rule of law is not some place of refuge that we own, it is not a home where we can go to sleep without worry."

The rule of law is something that we need to work on continuously. And for him, and all the other victims of this terrible tragedy, we will keep working on it. Let us make that promise here today

Ms Brasseur, President of the Parliamentary Assembly of the Council of Europe, took the Chair in place of Mr Thommessen

Mr Mars DI BARTOLOMEO, Speaker of the Chamber of Deputies, Luxembourg

Democracy is only a colossus built on shaky foundations if it is confused with the rule of the majority or the rule of the strongest. Safeguarding the rights of minority players, in particular the parliamentary and extra-parliamentary opposition is part of the cement with which stable, pluralist and open systems are built. Ensuring the right balance between the majority and the opposition can help consolidate the separation of powers and strengthen parliament's position in relation to government.

My own experience in parliament and in government, as a member of both the majority and the opposition, has shown me that areas of agreement between the majority and the opposition often take precedence over areas of disagreement in countries with great democratic traditions. By way of example, the vast majority of bills in our parliament are passed unanimously. A further example was the big debate on same-sex marriage, which was followed by a 90% vote in favour of the draft legislation.

Opponents must not therefore be confused with enemies, as we are not enemies. Our parliaments are actually well advised not to side-line opposition members. Firstly, because they are the representatives of a relatively large proportion of voters – often, in fact, almost half of them. Secondly, because it would be unforgivable for parliaments not to take advantage of opposition representatives' energy and proposals. They are paid for their work, so they must be given the opportunity to work in the general interest.

A parliamentary majority separate from the government and an opposition aware of its rights and also its duties – not confusing opposition with obstruction – can prevent parliament becoming a body that merely rubberstamps government decisions.

In Luxembourg, the reforms planned as part of a major overhaul of the constitution require a two-thirds majority in parliament, which quite simply rules out the option of not listening to the opposition's views on key political issues.

In systems with narrow majorities, as with minority governments, winning political arguments is crucial for governments. The right balance between the majority and the parliamentary and extra-parliamentary opposition can help to ensure that democracy works for everybody.

In conclusion, I should like briefly to refer back to our last discussion: I would like to thank our colleague, Mr Lammert, for his very committed stance and also the Speaker of the Knesset. Personally, I believe in parliamentary diplomacy and, from this point of view, we have a very great responsibility. Of course, I listened to our colleagues from Ukraine and from the Russian Federation yesterday, but I did not hear real dialogue. It was a dialogue of the deaf. I hope that in the corridors, the two sides did not just say, it wasn't me, it was them, but that there was real dialogue. If not, it is still not too late!

The Chair

I thank Mr di Bartolomeo, who is not only my President but is my successor – as I preceded him as Speaker of the parliament. I was his colleague for three weeks, but then he put me out of office!

Mr Mohamed YATIM, First Deputy Speaker of the Chamber of Representatives, Morocco

An active participatory democracy and the place occupied by the parliamentary opposition in the political life of a nation are two vital factors which reveal the effectiveness of democracy in a parliamentary system.

In Morocco, the new constitution ensures pluralist citizen participation in public life and in the management of public affairs, in particular through three strands: citizens' initiatives in the area of legislation and petitions to the public authorities; the rejection as unconstitutional of any law which violates the freedoms enshrined in the constitution; and, to ensure the balance between the majority and the opposition, Article 10 of the constitution deals solely with the safeguards for the parliamentary opposition. It grants the opposition the following rights: freedom of opinion, expression and assembly; air time in the official media proportionate to its representation; public funding in accordance with the provisions of the law; effective participation in the legislative procedure, in particular through inclusion of proposed legislation on the agenda of both houses of parliament; effective participation in the scrutiny of government work, through motions of censure, questions to the government and oral questions to the government and parliamentary commissions of inquiry; contribution to the election of the members of the Constitutional Court; appropriate representation in the internal organs of both houses of parliament; chairmanship of one or two committees and, in particular, the committee in charge of legislation in the Chamber of Representatives – in practice, chairmanships are shared between the opposition and the majority; appropriate resources for performing its institutional functions; active participation in parliamentary diplomacy with a view to the defence of the just causes and vital interests of the nation; contribution to the representation of citizens, both male and female, through political parties; and the exercise of power at local, regional and national levels by way of democratic alternation and in accordance with the provisions of the constitution.

To sum up, opposition groups are required to make an active and constructive contribution to parliamentary work. The arrangements for the exercise by these groups of the rights provided for above are set out, as appropriate, in institutional acts, in ordinary legislation or in the rules of procedure of the houses of parliament. The ball is now in the court of political parties, especially opposition parties. Major efforts still have to be made in terms of bringing these parties up to standard especially with regard to multi-party democracy and ensuring the expression of different opinions and different views within individual parties because there can be no real democracy without democrats or democratic parties.

Mr Igor CORMAN, President of the Parliament, Republic of Moldova

The topic we are discussing is equally significant in countries with well-established democratic systems and even more important for countries such as Moldova.

A quotation from the report states that every country has a government, only democracies have an opposition. From this point of view, my country is a large democracy. Since independence in 1991, the constitutional transference of power has always been based on free elections. Now we have a strong opposition of different political groups on the left and on the right.

Unfortunately I cannot say that I am very proud of the relationship between the majority and the opposition. As a Speaker I sometimes have to remind colleagues that parliament is a ring for ideas, not for a wrestling contest. Although we have some examples of co-operation – of common legislative achievements – they can be viewed more as the exception.

We know that even in longstanding democracies such relationships can be far from simple. It is not only about the interaction between the majority and the opposition; it is also about relationships within parliamentary coalitions. In some democracies it is common for ruling coalitions to form and dissolve several times. In European parliamentary democracies a partner in one coalition may become an opposition in the same coalition.

We face the same experience, but in a more difficult environment. In our relatively young history of independence we have experienced a very short term coalition in 1998-99 and we have been learning to govern in a three-party coalition since 2009. It is interesting that if the opposition is very active coalition is more united, and vice versa.

The balance between the majority and the opposition depends greatly on the degree of democracy, the political culture and experience. In my country there are other aspects specifically related to the situation in the region. Unfortunately, geopolitics – economic sanctions imposed by Russia on Moldova – and the dramatic events in Ukraine are dominating our political agenda.

Using this context, the left opposition is changing the European integration agenda of Moldova following the parliamentary elections in November last year. I do not think that they themselves believe in this. The only reason I can see is to gain political dividends and compete for votes from that part of Moldovan society that is influenced by anti-European propaganda. It is regrettable that we have to face this challenge now, after obtaining visa liberalisation and signing an association agreement with the European Union. In 2005, the majority and the opposition voted in our parliament for a political partnership on European political integration.

In spite of all the difficulties, the process of association with the European Union has been launched, and for us there is no other option. We truly believe this is the best foundation for our future, for our democracy and for our modernisation. It is for the citizens of Moldova to decide which way to go. I am confident that the transfer of your countries' experience will positively influence all spheres and our political climate by establishing a balance between the opposition and the majority.

I thank all member states and the host country, Norway, for their permanent support for all the high-level things we have achieved together. I would also like to thank all the countries that have already ratified an association agreement with Moldova, and we hope others will do the same in the near future.

Mr Pavol PAŠKA, Speaker of the Národná Rada, Republic Slovak

In the light of the experience acquired over the past 25 years by our young democracy, I believe that balance in society is the cornerstone, which we must strengthen through measures of solidarity which we all endorse. Moreover, contrary to a fairly widespread tendency, the natural conflicts generated by democracy should not be stifled. In my view, internal conflicts are necessary in order to achieve balance.

The primary application of the rule of the majority is a practice which is not natural in our political system. Of course, it offers huge advantages which cannot be overlooked: it ensures a degree of consistency in ideological terms because majority positions enable a government programme to be implemented without the need for political wheeling and dealing. Another advantage is political stability. The majority is required to take decisions on the basis of the results of the ballot box, and that is no doubt the best way of achieving democratic stability. To put things very simply, somebody has to take the decisions. It only seems normal for there to be a whole range of different opinions and points of view in a pluralist society. Nevertheless, voters should not have the impression that they have nothing else to do once they have cast their votes. That would definitely not be beneficial for the development of democracy and pluralism.

Naturally, the majority must enjoy a degree of trust if relations between the government, parliament and voters are to be based on confidence.

In majority-based democracies, the majority parties implement their manifestoes and ensure a degree of ideological continuity. However, some systems possibly allow for greater consensus than others and perhaps produce more harmonious relationships between the majority and the opposition.

In Slovakia, 25 years ago, we inherited some vestiges of the Communist regime. The decision to establish a new form of political representation enabled us to draw on western experience, which is based on a balance between the majority and the opposition. However, we also had to deal with the legacy we inherited from the Communist regime. We had to form a majority and ensure proper relations with the opposition. We had to make a fairly radical transformation because, I repeat, some vestiges of the Communist regime remained and we had to prevent them from deforming democracy. Since 1989, however, consensual or even unanimous decisions have been taken in a number of areas, which has been of great benefit for society. For instance, our accession to the EU and entry into the Schengen area were based on agreements between the majority and the opposition. And that consensus still exists today.

A number of factors are vital in order to achieve a degree of balance in a democracy. Firstly, there are the deep respect which we must have for minorities and the protection which the opposition must enjoy. Of course, there is no debate about that. In the longer term, however, what matters are democratic changes of government, which enable different views to be expressed in line with voters' wishes. In our country, as in many others, there is a desire for consensus. However, 100% consensus could leave a vacuum which would immediately be filled by extremists.

The conclusions which we draw from this conference will enable us properly to understand these issues and the fact that we are one big family which wishes to continue co-operating. Allow me therefore to close with a quote from a former Social Democrat politician, Alexander Dubcek: whatever the political system, whether it is based on majority rule or consensus, we must always seek out what unites us rather than what divides us.

Mr Cemil ÇIÇEK, Speaker of the Grand National Assembly, Turkey

Different ideas are represented in parliament, and we have to understand that they complement one another if there is to be proper coexistence between the majority and the opposition. The opposition is the cornerstone of democracy, along with the government. The different stances supported by the public must be represented in parliament in order to strike a balance between them. This is an issue which has been debated for a very long time. To ensure that legislative work proceeds smoothly, the different positions must be debated in a constructive spirit of mutual respect. That should make the work of parliament more transparent and more legitimate. At the same time, the rule of law must be strengthened in order to strengthen democracy and pluralism.

Democratic values are central to the Council of Europe's work. In the case of the relationship between the majority and the opposition, the Council of Europe has developed standards which have also been accepted by countries which are not members of our organisation. From this point of view, the work of the Council of Europe and the Venice Commission is vital. Political parties and the opposition are crucial for the proper exercise of democracy.

In keeping with PACE Resolution 1601 setting out guidelines on the rights and responsibilities of the opposition, Turkey is one of the countries where the opposition enjoys constitutional protection. For its part, however, the opposition must seek to be constructive rather than obstructive. It must come up with practical proposals and real alternatives and it must operate within the law; it must not undermine public order or endanger security. What I have just said applies to representative democracy.

As far as participatory democracy is concerned, it means going beyond parliament and looking at the role of civil society. The parliamentary opposition is not enough on its own, it is necessary also to consider how civil society and NGOs can be involved. Otherwise, democracy will always suffer from a lack of representativeness and its legitimacy will always be called into question in some quarters. The relationship between the opposition and the government should not be addressed in a restrictive manner. The Council of Europe should pay more attention to the role of civil society in democracies. Perhaps a special session could even be held on the subject.

Mr Josip LEKO, Speaker of the Sabor, Croatia

According to John Stuart Mill, "political institutions are the work of men and owe their origin to human will". Democracy is not a gift from heaven; it is something which we have forged and which we should continue to work on a daily basis through our countries' political practices.

If real democracy is to prevail, an effective mechanism for imposing the will of the people is necessary. In Croatia, the development of this democratic mechanism followed a particular development path. The political democratic pluralism has developed the one-party system gradually and not without considerable suspicion. The specific feature of the development of democracy in Croatia was the existence of a strong opposition. It was against this background that democratic institutions and standards developed in our country and in our society.

The initial vulnerability of democratic development in Croatia, which resulted from the war of independence and a complete change in the political environment, especially in the 1990s, was first reflected in a kind of national uniformity. For many years, politics and democracy operated in a vacuum which allowed only little diversity. Then there was a war of independence and several election cycles before things begin to change.

In Croatia, we have a developed parliamentary democracy characterised by joint decisions taken by the legislature and the executive. It is not an easy process. Parliament is the key institution for the smooth functioning of democracy, but we know that the executive, the government or the ruling party or coalition often only use parliament to validate their decisions and protect the interests of the government.

In modern democracies, we are all faced with the question of knowing how to achieve a democratic consensus and how the decisions of the executive can be checked and scrutinised by voters and their legitimately elected representatives, namely parliament. Governments must put forward bills based on the manifestoes on which they were elected, while the parliamentary opposition must play an active and creative role. In this context, the work of parliamentarians at committee level and any properly prepared amendments which they propose can be powerful democratic tools capable of influencing the legislative process in the interest of society as a whole. Proposals by the majority and the opposition have the same status, except when the time comes to decide.

What is the situation in practice? That is a question which many of us ask ourselves. It is not easy to find a clear answer. Or would it be difficult and politically inopportune to say it out loud? Do we face a dilemma between loyalty to the party and true democracy? Can we go beyond the stage of parliamentarianism and the legislative process in which everything depends on membership of a party? I believe the answer is yes. We can do so by communicating and by negotiating both inside and outside parliament. That makes it possible to strike a balance between the majority and the opposition, between different values and different attitudes and between those in power and the public. It makes it possible to overcome differences and to seek and identify solutions for the benefit of society as a whole.

In a recent address to the Croatian public, I said that it would be good for parliamentary speakers to be impartial, neutral individuals with greater procedural powers. That would facilitate parliamentary debate and make for a more extensive process of political negotiation. Time will tell to what extent we can reach a consensus about the role of parliamentary speakers, but I hope that channels of communication will be open on the subject.

Apart from the conventional parliamentary opposition, it can be said that civil society represents a major non-institutional or extra-parliamentary form of opposition. Usually, referendums are a tool in the hands of government. The question is whether they can serve to establish a genuine democracy or whether the two terms are contradictory, with one involving discussions, negotiations and the determination of the most effective parliamentary procedures for identifying joint solutions, while the other gives precedence to the direct expression of the will of the people. In the final analysis, a referendum boils down to a simple yes or no. Yet solutions in democratic societies are not black and white. Parliamentarianism is worth our joint efforts. We must learn from one another so as to improve it and make it effective for everyone. The Parliamentary Assembly of the Council of Europe is certainly the best forum for this.

In conclusion, I will quote one of our contemporaries who said that “democracy could achieve nothing without power but power without democracy was tyranny”.

Mr Einar K. GUDFINNSSON, President of the Althingi, Iceland

I thank our colleagues from Georgia and Holland for their interesting presentations of this classic yet always current theme for our parliaments.

The opposition has an important role, as well described in the background documents prepared by the secretariat, according to which it “must be able to participate effectively and responsibly”.

Ensuring the rights of opposition is the task of any responsible democratic parliament. In recent years we have introduced many measures to strengthen the role of the opposition in the Icelandic parliament. The measures include increased opportunities for the opposition to scrutinise the Executive and increase resources of opposition leaders. Measures have been taken to ensure effective participation, but the question remains: is the opposition always acting responsibly? Most majorities feel at some point that the opposition is not living up to the standard of behaving responsibly and undoubtedly the feeling is mutual.

The biggest problem facing the majority in the Icelandic parliament is filibustering. I can speak from experience. I was in opposition last term and I certainly exercised my rights in that respect.

Changes in the standing orders on speaking time have not been able to change the fact, and the political culture, developed over decades, encourages filibustering. We have not been able to come to a general agreement on limiting speaking time and allocating time according to the relative strength of political parties, whereas that is a tradition in many European parliaments. Filibustering should be a measure of last resort for the opposition and should be used only sparingly. This has not been the case in my country and relates, perhaps, to the theme we discussed yesterday and to which I referred.

One of the conclusions of the research conducted in the Icelandic parliament was that the communication culture in politics causes a lack of trust. Filibustering can be an effective tool for the opposition but it can be perceived by the public as a sign of lengthy debates lacking substance.

The majority has tools to avoid filibustering: by presenting Bills in good time; by seeking consensus; by preparing legislation thoroughly; and by thorough consultations with minorities and interested parties in society.

The subject we are discussing is vital in finding an effective parliamentary procedure that preserves the important status and role of minorities.

Before concluding my speech I want to add a word of caution. There is no panacea here. We must strike a delicate balance between the role of the majority and minorities: both play an important role in any democracy. The majority must be effective without losing the confidence of the public. The governing parties share the responsibility and have the tools to make the legislative procedure smoother and more professional.

Ms Laurence DUMONT, Deputy Speaker of the National Assembly, France

The majority principle is central to contemporary democracies. Winning the largest number of votes or having the largest number of elected representatives is the key to all political legitimacy. At the same time, the protection of the opposition during electoral contests and in deliberative assemblies once elections have been held is the necessary corollary to this principle. Political pluralism could not exist without an active opposition. However, this protection of the opposition within parliaments is far from satisfactory.

Respect for pluralism must underpin all the rules of political life. For instance, in France there are rules to promote the expression of the opposition’s views in the media. The audiovisual regulator (CSA) is required to ensure respect for pluralism in radio and television broadcasts.

In addition, the limits on electoral expenditure and its financing with public funds also help ensure respect for pluralism.

You all know the extent to which France has a tradition of political confrontation and debate. Earlier on, Mars di Bartolomeo told us that the bill introducing same-sex marriage had been passed unanimously in the Luxembourg parliament.

The Chair

Almost!

Ms Laurence DUMONT

Almost unanimously. In France, however, it took no less than 109 hours of debate in public sittings in the National Assembly to study the 5 000 amendments tabled by the opposition. Strangely, however, although France has this political tradition of debate, the role afforded to the opposition was very limited for many years. As you are aware, unlike the position in consensus-based democracies, the opposition is not included in the majority through coalitions. The French model is also not comparable to the UK model with its structured, institutionalised opposition.

In France, the drafting of the Constitution of the Fifth Republic was a response to a major concern, namely the need for stable and strong majorities capable of dealing with crises. While the application of the majority system does give the opposition a high profile, it significantly reduces its room for manoeuvre. At the time when our constitution was drafted in 1958, no specific thought was given to the position of the opposition.

Admittedly, substantial progress has been made since then in this respect. In terms of legal advances, for instance, the parliamentary opposition can now appeal to the Constitutional Council; there are also new political practices, in particular questions to the government, which involves setting aside two hours a week for questions to all ministers shared equally between the majority and the opposition, and these questions to the government are a real media platform, especially for the opposition. However, until 2008, in other words, until only very recently, French law made no reference at all to the opposition. Now the highest law includes specific rights for opposition groups, for instance, the setting of the agenda one day a month by the opposition.

For its part, the National Assembly revised its rules of procedure in 2009 so as to ensure better representation of all currents of opinion within its organs, with the chair of the finance committee automatically being assigned to the opposition, for instance.

Those are but a few examples. While enhancing the rights of the opposition in the various laws and regulations is, of course, vital, it must go hand in hand with changes in attitudes and practices. That has recently begun to take place in the French National Assembly.

In conclusion, I would quote a great French author, Albert Camus, who said "Democracy is not the law of the majority but the protection of the minority". That was his way of saying what Norbert Lammert so rightly said in conclusion of the previous theme, and I should like to thank him here for being so frank.

Mr Ivan MELNIKOV, First Deputy Speaker of the State Duma, Russian Federation

I have to begin by asking a question. Today, we learned that I am also on the list of persons subject to EU sanctions. Perhaps you were not aware. My question is as follows: am I still allowed to speak at this conference?

The Chair

I am in the hands of the Norwegian authorities, as you, Mr Melnikov, are here on Norwegian territory, but you came here when you were not on the list and were welcomed. I therefore take responsibility for giving you the floor at our conference.

Mr Ivan MELNIKOV

Thank you, Madam Chair.

For the Russian Duma, all these issues relating to the balance between the majority and the opposition are very topical. In the two decades of the modern development of parliamentarianism, our country has gone through various phases.

The first phase was in the 1990s, which was a very dramatic period in our history, with a painful process of radical reform of the executive. At the time, the executive was not able to establish a dominant political group after the elections. At the same time, the opposition, especially left-wing forces, was represented by a strong political group. In that era, the president very often vetoed the decisions of parliament. The bills submitted by the president did not receive the required number of votes. Democracy's first steps were therefore painful, with confrontation between the different branches of power.

In the second phase, at the start of the 21st century, with the new president, the country's economic and financial climate stabilised compared to the 1990s and the executive succeeded in establishing a simple majority in parliament and then a constitutional majority. At that point, the representation of the opposition was significantly reduced and its influence on the political process also declined. That situation was very detrimental to effective political competition and was one of the reasons why people took to the streets at the end of 2011; they were fed up with that state of affairs. However, it was at that point which the third phase, the one we are now in, started. For it was then that the ruling party lost its constitutional majority, with the breakdown of votes between the majority group and three other groups standing at 53% to 47%. This created a situation completely different from the one we had known previously, and the opposition can no longer either block legislation or systematically succeed in passing it in parliament as it did in the 1990s. Nevertheless, the opposition now has a much wider range of political instruments, which give it greater weight in the political system.

This climate of healthy competition is also encouraged by the current speaker. We have succeeded in amending the rules of procedure so that each sitting now begins with political declarations. At the same time, we entirely agree with the view already expressed that the distinction between opposition and majority groups is becoming more and more blurred for the public. However, the causes for this trend probably vary from country to country, as in Russia we are not in a situation where opposition groups have stopped proposing alternatives or other strategies. On the contrary, they make their views known very forcefully and give voice to very clear strategic divides. Nevertheless, it is true that there are some extra-parliamentary movements which have only few followers but substantial information resources and have been operating destructively in recent times, systematically opposing parliament and claiming to embody the opposition in the street. A movement of this kind without competition naturally has negative consequences for public perceptions of parliamentary debate. Things therefore have to be explained to voters.

In Russia, we are proud to think that all political groups in parliament agree on the major foreign policy issues, as, indeed, does society as a whole. Nevertheless, we should not let ourselves be taken in. In the State Duma, real debate does take place both on legislative and on ideological issues.

Everyone fully understands the importance of the balance of interests, especially when we see the example of our colleagues in the Verkhovna Rada in Ukraine, where, under the guise of democratic slogans, a dictatorship is actually being established, where opposition deputies are chased from the floor or literally beaten up and where the group of the Communist Party of Ukraine has simply been dissolved. All that under the watchful gaze of Europe and with its tacit consent, sometimes even with its support. I am sure that if you assessed the situation in Ukraine critically on the basis of European democratic values and standards, you would help the country, its parliament and its people a lot more than with indiscriminate support for any action of whatever kind.

Mr Trajko VELJANOSKI, Speaker of the Sобрание, "the former Yugoslav Republic of Macedonia"

If we take account of the fact that democracy is a political system based on citizens being able to elect their representatives, in terms of an essential aspect of democracy, a balance has to be struck between the majority which wins elections and the opposition as a counterweight. Its positions have to be respected.

In a democratic society, various types of opposition can be recognised, depending on the kind of political system and the way it operates. Regardless of the type of opposition or how it is defined, there is one common point: it is not part of the ruling coalition. The opposition expresses its arguments and its criticisms of the work of the government and is in direct competition with it.

The existence of an opposition is not enough in itself; there must be real political will and the opposition must also be able to make a quality contribution. A balance has to be struck with the majority. To that end, the opposition must take part in the political process. If it does not, there may be a contradiction. In other words, there is no benefit to such an opposition. The opposition has to perform a serious role within the system. Who is going to scrutinise the exercise of power by the government if it is not given this role?

I would underline that the Republic of Macedonia is a young democracy. We celebrated the 23rd anniversary of our independence last week. Throughout that period, we have worked hard and committed ourselves to following the best democratic practices. We have succeeded.

To keep to my speaking time, I will only talk about the opposition. The work of the Assembly of the Republic of Macedonia is governed by rules of procedure, the provisions of which favour neither the majority nor the opposition but ensure the responsibility of each member of parliament in the process of passing laws and in all other activities. I will mention only some of the practical solutions. One of the assembly's three deputy speakers is elected on the basis of a joint proposal by the majority and the opposition. Several bodies within the assembly are chaired by members of the opposition. Every month, opposition members are entitled to put twice as many questions as members belonging to the majority. Opposition members take part in co-ordinating meetings and speaker's office meetings. It is there that the decisions on working methods are taken. All committees can organise debates on any subject or legislation.

These arrangements have the effect of enhancing the position of the opposition and fostering balance between the majority and the opposition. As I said, however, the mere existence of an opposition is not enough for it to operate properly. It needs to have a sense of responsibility, political maturity and the ability to offer real political alternatives. In addition, it needs constantly to respond to voters' needs and to work to ensure the stability, legitimacy and transparency of the political process.

Mr David USUPASHVILI, Speaker of the Parliament, Georgia

It seems that most present in the hall represent majorities, so perhaps we are not best placed to speak on the subject!

I thank all those who contributed to our discussion. We heard diverse views from different countries, including the subject of internal debate in those countries. We heard some advanced views, such as on how to make a better electoral framework in order to achieve better participation and better representation of the people and minorities – the principal issue in some countries – or how to facilitate the formation of more effective coalitions and issues of thresholds and other internal rules that are so important to parliaments.

In other areas, we are still discussing some basic, fundamental issues. The opposition is the enemy or a necessary part of democracy, and that is a subject of discussion in many areas.

We found out that one country among us, Russia, has solved all the problems and has developed parliamentary democracy, whereas in other countries there are problems. That is a part of democracy. Everyone has a fundamental right to believe whatever they believe.

But there are some facts and standards that are internationally recognised, and we all need to work harder to promote them. The majority of speakers spoke of room for improvement, and I believe there is room for improvement, including in this inter-parliamentary and international work. We must have better understanding of situations. Countries such as Georgia need to learn more about how democracy works in consolidated democracies and how political rivalry and competition benefits society, within the framework of the rule of law and standards of democracy.

At the same time, those who come from such democracies need to learn about the fundamental issues in countries such as Georgia and should not reach quick conclusions – whether things have been solved, whether elections were fair or whether democracy is flourishing.

There is one topic that must be underlined. Neither the majority nor the opposition should act as shelters for criminals. The rule of law and justice must be exercised regardless of who it is. The status of politician cannot guarantee impunity.

Countries such as Georgia face that problem. Representatives of the former government are in jail; some of them have been convicted, while others are under investigation. Prosecutors have posed questions and our former president is wanted for some issues. This is unfortunate but necessary. If tens of millions of dollars are missing from the budget – public money – questions have to be answered by somebody. It must be made clear that it is a political prosecution and does not cross the boundaries of the rule of law.

We must learn more from each other and we must understand each other better. Our Russian colleagues might believe that they have completed their work on democracy, but we in Georgia are still building democratic institutions and conferences such as this and organisations such as the Council of Europe are so important to us in pointing towards the right direction and offering advice. We believe that the future of our country, our region and our common home of Europe depends on that.

Conclusions

Ms Anne Brasseur, President of the Parliamentary Assembly of the Council of Europe

During these two days, we have discussed three specific inter-related subjects, central to the work of national parliaments and interparliamentary institutions:

- fundamental constitutional rights and freedoms – participation, trust and public debate as conditions for democracy,
- democracy, sovereignty and security in Europe,
- majority and opposition – striking a balance in democracy.

It would be simply impossible, and unjust, for Mr Thommessen and for me to try to summarise all that has been discussed over the last two days. Instead, we have decided – each one of us in turn – to provide you with a “photograph” of what, in our view, are the topics which need emphasising. My remarks will focus issues relating to “the strengthening of democratic security in Europe,” while Mr Thommessen will concentrate on “the need to promote participation and inclusiveness.”

Permit me to remind you that, at the outset, it was the Parliamentary Assembly of the Council of Europe which was at the origin of the idea to draft the European Convention on Human Rights, the Council of Europe’s greatest achievement. Also, it was the founding fathers of the Assembly who committed themselves to the construction of a new Europe out of the ashes of hatred, a Europe based on the common values of democracy, human rights and the rule of law. These values stand above any national or cultural specificities. Today 65 years after the establishment of the Council of Europe, we must continue to focus on what unites us and not on what divides us.

Strengthening democratic security

We Europeans, living in prosperous, dynamic, democratic European states, believed that the atrocities of World War One and World War Two would never be repeated. And yet, even after the initial euphoria of 1989 and 1990, our continent is once again faced with serious challenges as well as new fears and anxieties.

The recent tragic events in Ukraine remind us of the fragility of “democracy” as perceived by the Council of Europe’s founding fathers. We have not yet been able to prevent major human rights violations which we had mistakenly considered to be confined to the annals of history of our “civilised” continent. Other older and as yet unresolved conflicts still undermine the security architecture of Europe, be it in Cyprus, Transnistria, South-Ossetia, Abkhazia or Nagorno-Karabakh. Similarly, we cannot ignore violations of human rights which pose threats to peace, stability and security to our Mediterranean borders and beyond. We must strive to prevent, or at least limit, the human suffering caused by these conflicts.

I refer, in this context, to Resolution 1990 adopted last April in which the Parliamentary Assembly “strongly condemns the violation of Ukrainian sovereignty and territorial integrity by the Russian

Federation, and considers that such a flagrant violation by a Council of Europe member State of its obligations and commitments requires a strong signal of disapproval.”

The Council of Europe, with its constitutional expert body, the Venice Commission, as well as the European Union, possess a substantial panoply of legal and other instruments to reinforce democratic institutions, human rights and the rule of law. This institutional architecture creates the framework to ensure freedom, security and prosperity.

We will be soon celebrating the 25th anniversary of the fall of the Iron Curtain, which marked the emergence of a Europe without dividing lines. A Europe without dividing lines means a Europe based on mutual respect and dialogue. Hopefully, the understanding that, across the whole European continent, we have strong common interests will prevent the building of a new Wall in the heart of Europe.

A further challenge we are facing is the need to redefine the relationship between fundamental freedoms and security. If we cannot downplay the need for reasonable security measures, these must not suppress freedom more than is required for the protection of the public interest. We condemn all forms of terrorism, which must be combatted effectively by means that fully respect human rights and the rule of law.

The participants of this conference have agreed that democratic security and stability must be built first and foremost upon the respect of fundamental human rights and freedoms, even when Europe faces a huge migratory flow.

Similarly, there can be no balance between majority and opposition if human rights of men and women, minorities and majorities, rich and poor, are not adequately guaranteed and respected.

Against the backdrop of the commemoration of the Norwegian constitution's bicentenary, our discussions have reaffirmed the key functions that a constitution serves in a modern state:

The symbolic function: the constitution reflects the basic values on which the state, as indeed the society at large is based;

The political function: the constitution should provide guidelines for political bodies in their day-to-day decision-making in order to conduct debates and lead the state and society in a direction based on consensus or political compromises;

And last but not least, the legal function whereby the constitution has a binding effect on the legislative and executive authority. Fundamental rights are set forth, and acknowledged, by the Constitution; laws must respect their essential nature at all times.

What is unique in Europe is that constitutional protection of fundamental rights is further reinforced by their international protection by, in particular, the European Court of Human Rights. In this respect, we have a double responsibility to ensure that the European Convention of Human Rights remains the anchor point in this constitutional architecture.

First, we have the responsibility to speak out on the dangers facing the European Court of Human Rights by the non-implementation of certain judgments of the Court and correct misinformation about its case law appearing in a number of media outlets.

Secondly, we, as parliamentarians, should work together to ensure accession of the European Union to the European Convention of Human Rights – a longstanding commitment – which would put into place a coherent system of human rights protection across our continent.

Europe needs strong parliaments to promote the common values established in our constitutions and legislation.

And we ourselves need to seriously rethink the way we are conducting politics: it should not be done for short-term electoral gain, but rather with a long-term political vision in the interest of future generations.

Finally, before giving the floor to Mr Thommessen, our host, I should like to quote a passage from the speech delivered yesterday evening by the Prime Minister of Norway, Ms Erna Solberg: “Mistrust and lack of confidence within or between states will never be resolved by violence and aggression. They can only be addressed by respect for international law and human rights. This is a prerequisite for peaceful co-existence between peoples and states. It is crucial that all member States fully respect the United Nations Charter and the Statute of the Council of Europe.”

Mr Olemic Thommessen, President of the Storting

Promoting participation and inclusiveness

It is the responsibility of national parliaments and parliamentarians themselves to keep an open mind to other points of views and support free public debate.

Our discussions – and indeed history – have shown that, however important formal constitutions based on democratic principles are, they provide no automatic guarantee of a full and vibrant democracy. The values and ideals that form the cornerstone of our constitutional traditions need to be strengthened on a daily basis by encouraging citizens’ involvement and active participation.

Democracy is not only a political system whereby constitutional rights and freedoms are guaranteed by the supreme law – the constitution; it is also a form of society which implies not only delegating and taking decisions, but also debating, participating in the conduct of public affairs and living together in dignity, respect, trust and solidarity.

Access to and transparency of decision-making as well as accountability of the decision makers are of key importance in this respect.

Transparency entails publication of public institutions’ budgets and a policy of openness with respect to documents drafted by parliamentary committees of inquiry.

Accountability implies that elected representatives must be held accountable for their actions constantly and not only every four or five years when they seek the citizens’ vote.

Democracy is an inclusive process in which all political actors should be able to participate. In this context, the role of the opposition – whether in parliament or outside – should be considered. The opposition in democracies guarantees transparent and responsible government in the public interest. More specifically, the opposition’s role is to scrutinise the government’s decisions and policies; to offer political alternatives by developing its own programmes and solutions; and to represent a credible alternative government.

However, the strength of the opposition primarily depends on the electoral system, and the quality of the opposition depends on parliamentary rules and working practice. Good opposition enhances political debate, it does not hinder it. Keeping the balance between majority and opposition and maintaining a fair parliamentary process implies that there should not be a dictatorship either of the majority or of the minority.

The current economic crisis and its severe social impact have led to millions of people – especially the youth – being jobless and lacking social safety-nets. This often results in a feeling of disenchantment, frustration and anger. It is only by reducing the gap between citizens and institutions that the former can regain trust in the latter.

Many of you have expressed deep concern with what you perceive as a crisis of confidence in traditional politics, and a lack of trust in the political system and its representatives. Some of you even highlighted a paradox: the more we increase openness and access to political processes, the deeper the mistrust and disengagement in traditional politics. Such disengagement is expressed, among others, through lower turn-out at elections and lower numbers of party memberships. This situation only serves to underline the challenge we are facing, and must overcome, to create a genuine and rich environment of continuous and inclusive participation.

We need parliaments fully “connected” to the people they serve. In this regard, participants mentioned examples of innovative good practice which aim at promoting an increased participation of citizens and of civil society at large: by promoting the right of citizens to initiate legislation and to petition, and

to be consulted through referenda, and by encouraging the consultation of NGOs, professional associations and other representative organisations.

The digital revolution of our age offers fresh opportunities but also raises new challenges in this respect. The internet offers a platform for political participation whereby the voice of the general public on a variety of societal matters can be heard. At the same time, it enables us, parliamentarians, to engage in dialogue with citizens on the activities of our parliaments and our committees. More and more parliaments are now present on the social media and this is surely a welcome development.

But, at the same time, we have to be cautious that social networking and the flood of information does not turn into a “cacophonous noise” rather than a civilised discussion. It can lead to a fragmented discussion conducted behind closed doors. The internet can even occasionally offer a platform to propagate hate speech or even incite hate crime.

As democratic politicians, we firmly condemn, and stand up against, hate speech, hate crime and all forms of extremism, whatever their grounds and origin.

And as presidents of parliament, we resolve to foster broad and open public debate including on the common values upon which we want to build our future societies.

Both President Brasseur and I are therefore strong supporters of the initiative to establish a European day for the victims of hate crimes. We encourage all of you, in your respective parliaments, to support and promote this idea. We also encourage you to support and promote the Council of Europe No Hate Speech Movement and the Parliamentary Assembly’s No Hate Parliamentary Alliance.

Strengthening and empowering civil society should be one of our objectives for the future. Greater participation of civil society in international and national decision making will increase peoples’ trust. At the same time, we need to safeguard the preconditions for representative democracy. Its institutions must interact with civil society but they cannot outsource accountability and responsibility for actual decision making.

Last but not least, we must not forget the young people. Youth represents our greatest potential. Youth parliaments or other innovative practices of involving young people in the decision making process can revitalise our democracies. Political parties should also more actively reach out to young people.

Our wish to strengthen democracy should take inspiration from the Athenian example and should place the focus, once again, on education for democratic citizenship or “education in public affairs” so that effective citizen participation is not an abstract right but a genuine practice put to test on a daily basis.

In conclusion, I am deeply grateful to all the participants who have attended the conference. I think we have had some very interesting interventions and discussions reflecting the many facets of the countries present. The diversity represented by our countries is an incredible asset. It is something we should embrace. But we must never lose sight of the values and principles that bind us, the values and principles to which we are all committed: democracy, respect for human rights, rule of law, and separation of powers of the state.

And we cannot accept the blatant violations of international law that we have seen in recent times in Ukraine.

Once again, I would like to express my heartfelt thanks to all of you. Thank you for your contributions during our sessions and for all the knowledge and insights you have shared with us. It has been a great pleasure to have you in Oslo and I hope you have enjoyed your time here. I wish you safe journeys back to your capitals and I hope to see you again in the future.

This European Conference of Presidents of Parliaments has now come to a close.

Thank you.

(The conference closed at 12.35 pm)