



Majority and opposition – striking a balance in democracy

Theme 3

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1. Introduction

Political pluralism is an inseparable part of democracy and the government's acceptance of protest or of the opposition and the existence of an institutional representation of the political opposition are preconditions for the democratic operation of institutions. According to the French philosopher and political scientist Raymond Aron, democracies are systems "in which the peaceful rivalry for the exercise of power exists constitutionally".¹

The situation of the opposition determines the democratic character of institutions as well as the broad balance of the pluralistic political system. This balance comes about less between the government and the parliament (according to the concept of the separation of powers coupled with a system of checks and balances) since they are linked together within the same party or majority coalition, and more between the majority and the opposition.

Democracy therefore involves the exercise of a delicate balance between a majority – the winner of the elections must be in a position to govern but without monopolising all the power – and an opposition, whose role is to oppose the government and which must be able to participate effectively and responsibly in the political process (2).

Striking a balance in democracy between the majority and the opposition comes down to putting in place the necessary counterbalances to offset the majority's legislative dominance by conferring rights on the opposition (3). However, this legal recognition of the opposition is not in itself enough to guarantee the effectiveness of political dialogue and, consequently, long-term democratic stability (4).

2. What is the opposition?

There are several types and forms of opposition according to the nature and operation of the political system. The opposition may be defined as all the political parties or movements that do not belong to the parliamentary majority or the government coalition and voice their disagreements and critical views concerning government action and are competing for legal accession to and the peaceful exercise of power. The political opposition is not necessarily the parliamentary opposition, even though it finds the preferred means to ensure its recognition and express its opinions in the deliberative institution.

Alexis de Tocqueville defined the majority as "the dominant party or group of political parties exercising and controlling state power", whereas the eminent French professor of constitutional law Georges Vedel defined the opposition as "a party or group of parties united in their vision of the conquest of political power".

The opposition in pluralistic systems has little in common with those attempting to organise themselves in autocratic systems, so within the various systems themselves it is important to distinguish between oppositions according to their objectives.

Accordingly, the majority's/opposition's "code of conduct" is based on the following three principles:

- competition with the aim of assuming power;
- tolerance in the exercise of power;
- the changeover of power.

The opposition in democracies therefore has several functions. Firstly, it constitutes a counterweight: it makes it possible to guarantee transparent and responsible government serving the public interest and to avoid the majority being tempted, once it has come to power, to conduct a policy that interferes with rights and freedoms. More specifically, the opposition's role is to:

- criticise the government's programme, decisions and actions by closely examining its draft laws and budget;

¹ *Democracy and Totalitarianism*, 1965

- offer political alternatives by developing its own programmes and proposing alternative solutions to the decisions planned by the government and representatives of the majority;
- clearly explain and promote its voters' interests;
- improve the parliamentary decision-making procedure by ensuring debate, analysis and the presentation of divergent opinions;
- monitor and oversee the activities of the government and the administrative authorities;
- strengthen the stability, legitimacy, accountability and transparency of the political process.

The opposition also represents the prospect of political change by democratic means: by its very existence, it contributes to genuine political pluralism, and through its actual participation in parliamentary life, its actions and its declarations it enables citizens to be offered a real and informed choice at election time.

The Guidelines on the rights and duties of the opposition in parliament, adopted in 1999 in the context of a series of seminars organised by the Inter-Parliamentary Union, continue to be a relevant reference framework as far as rules guaranteeing an effective contribution by the opposition to the democratic process are concerned.²

Another key reference document is provided by the Council of Europe's European Commission for Democracy through Law (Venice Commission), which at the invitation of the Parliamentary Assembly adopted a detailed opinion in 2010 on the role of the opposition in a democratic parliament.³ The Venice Commission pointed out that the concept of an opposition varies considerably from one national tradition to another and that "there are few common European rules or standards that protect the parliamentary opposition and minorities as such". It concluded that "European democracy has now reached a stage where it is appropriate and interesting to explore the ways and means by which the role of the parliamentary opposition can be formally better regulated and protected. Given that a proper balance is struck between democratic majority rule and legitimate minority interests such institutionalisation should serve to improve parliamentary procedures and to strengthen the democratic robustness of the national political system."

3. The necessary institutional recognition of the opposition by granting rights and responsibilities

In pluralistic constitutional systems, the legal framework of the opposition in general is laid down (status of the parties, MPs' rights, freedom of expression, freedom of association, etc) and the parliamentary opposition in particular enjoys legislative or regulatory rights or rights handed down by custom and practice and even constitutional recognition so that it can freely express its views and act effectively as a counterweight to the majority within an institutional environment. It is clear that the nature and strength of the opposition primarily depend on the electoral and voting system employed.

"Every country has a government; only democracies have an opposition". This quotation, taken from the explanatory report to Resolution 1601 (2008) of the Council of Europe Parliamentary Assembly on procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament,⁴ would no doubt be a trite statement if it corresponded to an indisputable reality in 21st century Europe.

² See <http://www.ipu.org/splz-e/gabon.htm> (extracts):

"The opposition in parliament is a necessary and indispensable component of democracy. In democracy, political life is enriched by free competition of political programmes; it is impoverished by rivalry based on personal ambitions which merely disqualifies it in the eyes of public opinion.

The primary function of the opposition is to offer a credible alternative to the majority in power. Moreover, by overseeing and criticising the action of the government, it works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals, thereby ensuring the defence of the public interest.

Just like members of parliament who are part of the government majority, members of the opposition require full respect for basic rights. Parliamentary privileges and immunities, including in particular respect for freedom of expression and freedom of information, are indispensable for parliamentarians, particularly those who belong to the opposition, to permit them to carry out their parliamentary duties.

Parliamentary work must be organised in a way that reflects the political composition of the assembly and guarantees fair representation of the opposition in parliamentary bodies and committees.

The opposition in parliament must engage in constructive and responsible opposition by making counter-proposals. In its action, the opposition must not seek to hinder pointlessly the action of the government but rather endeavour to encourage it to improve such action in the general interest."

³ See document CDL-AD(2010)025 – [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2010\)025-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2010)025-e).

⁴ Parliamentary Assembly report on procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament (Doc. 11465 rev), rapporteur: Mr Karim Van Overmeire (Belgium, NI).

Ideally, the parliamentary opposition should enjoy legal (constitutional, legislative or regulatory) recognition, so it will have “specific rights” or, to be more precise, specific responsibilities that have been conferred on it by the parliament’s rules of procedure, in which it is enshrined as a body in its own right.⁵

In June 2010, the European Conference of Presidents of Parliament (Limassol, Cyprus, 10-12 June 2010) devoted one of its two working sessions to the rights and responsibilities of the opposition in a parliament. It is impossible to separate the opposition’s rights from its responsibilities, which are: overseeing the government and carefully scrutinising the work of other frontline bodies, initiating and taking part in the legislative process and being involved in the operation of the parliament, all of which are rights that have to be protected. However, they also constitute duties that have to be discharged in a way that ensures that the common good takes precedence over the parties’ short-term interests and political differences. Indeed, the best way of ensuring that the opposition discharges its responsibilities is to extend and precisely define its rights.

However, in only a few Council of Europe member states do the laws or constitution explicitly mention the role of the opposition. In the vast majority of countries, the opposition’s rights and responsibilities derive from parliamentary procedures or practice and, in some cases, from agreements between the political groups represented in parliament, so it is desirable to improve the consistency and fairness of this system and ensure it no longer depends on political negotiations, in order to turn it into a set of clear legal rules.

3.1. The guarantee of democratic balance: the rights of the parliamentary opposition to counterbalance the risk of abuse by the majority

In its aforementioned opinion, the Venice Commission states that “(t)he issue of how far the parliamentary opposition should have legal rights can therefore be seen as a question of the balance to be struck between legitimate majority and minority political interests represented in parliament. To the extent that the opposition is not guaranteed sufficient basic rights, then this may weaken or destroy the democratic functioning and legitimacy of the system. On the other hand, if the opposition is given broad rights and powers, then this may weaken or destroy the possibility of the majority and the government to effectively run the country”.

In some countries, the opposition is an institution in its own right whose key role is ensuring the day-to-day exercise of parliamentary democracy. For example, the United Kingdom has made leader of the opposition an official position (“Leader of Her Majesty’s Most Loyal Opposition”). It is a position that sometimes has genuine constitutional or legislative status.

Several Council of Europe member states have sought to varying degrees to promote the institutional role of the political opposition by establishing a number of specific rights on a constitutional or legislative basis or by introducing good practices.

Drawing on the most advanced parliamentary models, the Parliamentary Assembly issued in its Resolution 1601 (2008)⁶ comprehensive procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, to which express reference is made here.⁷ These rights of the parliamentary opposition may be summarised as follows:

Legal status and protection as a guarantee of MPs’ independence (members of the opposition enjoy the same status and rights as members of the majority)

<http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=17626&lang=en>

⁵ By convention, in this paper the term “parliamentary opposition” will be used generically without specifically drawing any distinction with the “parliamentary minority”, whereas it is in fact necessary to distinguish the “opposition” from the “minority”. An MP who does not wish to join a group belonging to the majority or the parliamentary opposition can join a third entity known as the “minority group”.

⁶ <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=17626&lang=en>

⁷ It should be noted that a seminar was held by the Norwegian Parliament on 20-21 May 2010 on the rights and responsibilities of the opposition in parliament, enabling the question to be reviewed on the basis of the 39 replies to the questionnaire sent to the national correspondents of the European Centre for Parliamentary Research and Documentation (ECPRD) (Request No. 1394 of 24 February 2010). Reference may also be made to the additional replies given in connection with another request, Request No. 1960 of 21 March 2012, on the law relating to the opposition.

- freedom of expression, freedom of opinion and the right to speak
- system of parliamentary immunities and privileges
- allocation of financial resources, public grants and material resources necessary for the exercise of the office (public funding for the election campaign, payment of a parliamentary allowance; allowance for reimbursement of expenses).

Right to information

- free and equal access to information: members of the opposition are entitled to receive the same government information as members of the majority
- right to inform the public and access to the same means of communication (parliamentary television channel, internet site)
- right to reply when the government has made a statement in the media.

Right to participate in monitoring and scrutinising the government's activities and policies

- right to ask members of the executive parliamentary questions and receive replies (written questions, oral questions and questions on current national or international issues); the opposition should be given longer speaking time than that allocated to the majority
- right of interpellation
- forcing the issue of government accountability by tabling a motion of censure or no confidence
- right to request a committee of inquiry, a fact-finding mission or a monitoring and assessment body or to organise a hearing, and the right to lead/chair them
- involvement in reviewing the constitutionality of laws (right to refer a matter to the Constitutional Court); right to refer a matter to the Court of Auditors
- right to be consulted before any decision is taken to dissolve parliament.

Rights to be represented on parliamentary governing bodies and decision-making bodies and in working groups

- right to set up a parliamentary group
- membership of and participation in the parliament's decision-making bodies (Bureau, conference of speakers (presidents), financial and administrative body, etc.) and composition of bodies according to the proportionality principle; at least one deputy speakership of the parliament to be allocated to the opposition; the bureaux of the committees to contain members of the opposition
- composition of the committees reflecting the proportionality of political party representation
- the chairmanships of committees to be shared proportionally; the chairmanships of the main monitoring and oversight committees (budget and finance, defence, supervision of the security services, auditing the accounts, commissions of inquiry) to be held by members of the opposition parties.

Rights of participation in the law-drafting process and in the organisation of legislative proceedings

- right to put forward legislation
- right to be appointed rapporteur; possibility of being involved in the preparation of a major draft law; possibility of appending divergent/dissenting opinions to reports discussed by the committees or to submit a minority report
- right to vote, right to table amendments, right to speak (and fair distribution of speaking time), right to table procedural motions
- possibility of having a say in drawing up the legislation timetable and the order of business of sittings
- right to call for the convening of an extraordinary session or plenary sittings
- right to call for an urgent or current affairs debate
- possibility of choosing subjects for debate.

Rights of representation on other bodies

- membership of and participation in interparliamentary delegations in accordance with the proportionality principle
- appointment by the opposition of a national representative on an international body (e.g., EU commissioner).

The question remains as to the extent to which in practice the rights of the opposition are or are not still dependent on the goodwill of the parliamentary majority ...

3.2. *The sustainability of the democratic balance: the opposition's exercise of its responsibilities*

The opposition has the natural potential to become tomorrow's majority. Accordingly, in an ideal situation it is expected to be jointly responsible for the good governance of the state, for institutional continuity and for the transparency of the legislative process, in the pursuit of the public interest. To put it briefly, this means a constructive, responsible opposition that demonstrates its maturity and does not systematically seek to impede the work of the majority or, on the contrary, adopt a passive stance or is even no more than "mere decoration". There is also a right to expect that an opposition endowed with appropriate procedural rights will resort less to blocking the parliamentary process. For example, the Inter-Parliamentary Union's above-mentioned Guidelines on the rights and duties of the opposition in parliament state that "(i)n democracy, political life is enriched by free competition of political programmes. It is impoverished by rivalry based on personal ambitions, which merely disqualifies it in the eyes of public opinion".

It is unfortunately rare for the opposition to make full use of its potential. There are oppositions that make no claim regarding the exercise of power and decide merely to protest and challenge, and attach too much importance to scoring points against the government instead of formulating an alternative political strategy that could win the support of the electorate and increase its chances of coming to power. The systematic recourse to parliamentary boycott cannot be considered a constructive contribution to the democratic process.

Through its mechanism for monitoring compliance with the obligations and commitments entered into by the Council of Europe member states, the Parliamentary Assembly has for nearly twenty years ensured smooth functioning of the political dialogue between the majority and the opposition, recognition of the opposition's institutional role and respect for the rights of the parliamentary opposition. It assists parliaments encountering serious difficulties by seeking ways of overcoming a political crisis.

4. Is an institutional status for the opposition insufficient for strengthening the long-term stability of the democratic balance between the majority and the opposition?

The status of the opposition primarily concerns the "parliamentary opposition", which must be able to scrutinise the government effectively. To this end, it should have proper rights, failing which it will be reduced to the role of simply "saying no" and expressing its views outside parliament, with all the risks that this position entails.⁸

However, the discussion cannot be reduced to the existence in our European societies of a single bipolar split which divides opinion between a majority and a parliamentary opposition in an institutionalised framework, and which divides the political and social spheres in the same way. There are many different groups that oppose one another in both the political and the social sphere through the participation of individuals in community life in its various forms (political parties, associations, trade unions, etc.), thus resulting in continually changing divisions without these groups ever having a guarantee of retaining their majority or being condemned to being stuck in opposition.⁹ As was pointed out at the Council of Europe's Forum for the Future of Democracy in 2007, "the lack of a strong opposition in parliament may lead to a form of extra-parliamentary opposition in which protests may be expressed in violent forms in the streets; one means of avoiding situations in which opposition is essentially extra-parliamentary is to lower the thresholds for parliamentary representation; in a developed democracy thresholds should be low, in order for the rights of all citizens and all political views and interests to be represented in parliament".

4.1. Majority/opposition: an increasingly shifting borderline?

The parliamentary opposition should not only be understood as a simple alternative to the government in power since, depending on their size, parliamentary opposition groups do not always pursue the aim of gaining power. Many European parliaments contain opposition parties that do not always intend to go into government, either for ideological reasons (parties that aim to destabilise institutions and challenge the values and principles on which they are based or, by contrast, parties whose ideas do not stand out enough from those of the majority party) or owing to their low numerical representation or their specific nature (e.g., parties of national minorities).

⁸ For Hans Kelsen (*Vom Wesen und Wert der Demokratie* [On the Essence and Value of Democracy], 1929), the consequence of parliamentarianism based on the majority principle is not the domination of the largest number by the smallest but the reciprocal influence of the minority and the majority. The majority principle therefore encourages compromise, failing which a minority deprived of any influence will end up withdrawing from merely formal participation.

⁹ Robert Dahl, *Political Oppositions in Western Democracies*, 1966.

Moreover, in the last few years we have seen parties lose their permanent political base: citizens no longer feel the same sense of loyalty as in the past to a party that they always voted for. One of the lessons learnt from recent elections in European states is “voter infidelity”: the volatility of citizens’ voting patterns is shifting party lines and challenging the traditional political alliances. This is not without its consequences for the operation of parliaments and contributes to “indiscipline” on the part of MPs.

– *Distinction between the majority and the opposition less marked in parliament*

In the political practice of our democracies, it is traditional for an opposition party to choose to give its support to the majority on a case-by-case basis, for example for a particular draft law. Similarly, but more rarely, MPs from the majority may distance themselves from the party line and join the opposition on a specific government draft.

However, it may be difficult for the opposition to distinguish itself from the majority and present a separate and credible policy plan forming the basis for a real change of government, especially as an intelligent government will be able to use interesting opposition ideas for its own ends. In addition, the problems facing our states in Europe – especially the economic and social crises – have caused a shift in power towards the formation of grand government coalitions, in which the majority and the opposition merge.

– *The phenomenon of changes in political affiliation*

The question of post-electoral changes in MPs’ political affiliations during their term of office deserves serious consideration.¹⁰ This phenomenon is known to many parliaments in Council of Europe member states and the move of MPs from one political group to another or their withdrawal from a party to sit as independents – whether for ideological considerations, out of political or electoral opportunism or in the pursuit of personal advantage – is likely to have an impact on the balance between the majority and the opposition in parliaments. This phenomenon has gained pace in some European countries and is reflected in the chaotic operation of institutions, where the uncertainty of party alliances is hampering government policies.

For parliaments, this phenomenon may undermine the opposition’s exercise of its rights, so it is worth examining the rules governing the rights afforded to political opposition groups: are they granted at the beginning of each legislative period or every year at the beginning of the ordinary session? The recurrent confusion in the parliaments of some countries does not fit well with the need to ensure the long-term sustainability of these rights.

– *Constitutional/anti-constitutional opposition*

Opposition conducted in compliance with the principles of fairness and responsibility is essential for the preservation of constitutional democracy, but it can also manifest itself in more radical protest. Its role may consist either in opposing the entire “system” or simply the government of the day. In such a typology, the so-called “anti-constitutional” opposition is contrasted with the kind of opposition which forms an integral part of the institutional system, and refers to a structural opposition which calls into question the country’s institutions and the principles on which they are based, as well as the very foundations of the political system. The arrival of extremist and “anti-system” parties, by democratic means, in the parliaments of some states, is a challenge to the sustainability of the institutional balance.

4.2. *What role can the extra-parliamentary opposition play?*

Opposition is expressed in various forms and there is no single opposition model: the parliamentary opposition, which is indeed an opposition within the parliament, is distinct from other types of opposition, which can in particular exist politically without necessarily being recognised by the law since they are outside the institutional system.

How generously national political forces are represented depends on the voting system. The search for a stable government based on a strong and cohesive parliamentary majority can therefore naturally lead to the exclusion of the weakest political groupings from legislative power. The democratic process is such that new

¹⁰ A Parliamentary Assembly report on this question is currently being prepared and will be based on the replies to a questionnaire sent to the national ECPRD correspondents (Request No. 2417 of 8 November 2013).

political forces are emerging on the parliamentary stage while, by contrast, parties that seemed firmly entrenched in the political landscape are disappearing.

Although it is true that today's opposition in a parliament may be tomorrow's government, it must also be admitted that the same might apply to the non-parliamentary opposition. The economic and financial crisis that has gripped Europe since 2008 has swept away many certainties and is having a real impact in terms of the transformation of the political and party landscape. More than any other forum, the parliament is still the place where democracy manifests itself, and in our societies there is hardly any debate that radically challenges the actual principle of representative democracy. However, the frequently mentioned "crisis of parliamentary representation", although no doubt due more to the repeated calling into question of representative democracy, mainly reveals that the dialogue with and between the citizens is no longer the prerogative either of parliaments or of political parties.

When the majority loses power, it is sometimes a new generation of men and women that takes over its responsibilities, and that generation could even originate from parties that have not been represented in parliament so far. What role should be given to the extra-parliamentary opposition, assuming it is likely to take on important offices in the event of a future election victory?

Democracy is not content with working within the parliamentary forum. In its Resolution 1744 (2010) on Extra-institutional actors in the democratic system,¹¹ the Parliamentary Assembly underlined the increased role played by these actors – trade unions, constituted advisory bodies, civil society organisations (NGOs, associations), religious organisations, the business community, interest groups, advocacies, networks of influence, media – through their participation in the political process, and their influence on the political decision-making process.

As an expression of political pluralism, the participation of extra-institutional actors may be, under some conditions, beneficial for the functioning of a democratic political system in so far as these actors:

- provide a framework for individuals to associate among themselves and jointly express views and defend their interests;
- encourage wider participation in public life and provide opportunities to engage in the political process;
- offer a link between the people and the political institutions;
- allow a better representation of specific interests and needs, including those of minorities;
- provide expert information in the field of their activity, which is necessary for informed political decision making;
- provide additional channels of public oversight over political decisions.¹²

Parliaments themselves have developed ways of engaging in dialogue with the citizens and civil society. Should this dialogue be institutionalised?¹³ Discussions are under way on this question. For example, the World Forum for Democracy held in Strasbourg in 2013 on the subject of "Rewiring Democracy: connecting institutions and citizens in the digital age" emphasised new participation practices and initiatives by assessing their influence and their potential risks for human rights and the integrity of democracy and concluded that many of them reinforce the legitimacy, transparency and responsiveness of the governing institutions and contribute to re-establishing a relationship of trust between the citizens and their representatives.¹⁴

¹¹ See the Parliamentary Assembly report (Doc. 12278)

<http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=12514&lang=EN>

and the report of the Venice Commission on the Role of Extra-Institutional Actors in the Democratic System (Study 590/2010, document CDL-AD(2013)011, March 2013)

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)011-e)

¹² See also the Code of Good Practice for Civil Participation in the Decision-Making Process drafted by the Conference of INGOs of the Council of Europe in 2009 - http://www.coe.int/t/ngo/code_good_prac_EN.asp

¹³ This aspect of the question is not unconnected to Theme 1 of this Conference of Presidents. Reference may be made here in particular to the Parliamentary Assembly report on "Democracy in Europe: crisis and perspectives" (Doc. 12279), rapporteur: Mr Andreas Gross (Switzerland, Socialist Group), and Resolution 1746 (2010). The report proposes a set of measures aimed at enhancing people's participation in the conduct of public affairs, thus improving the quality of democracy and promoting the common interest. It also proposes setting up a Strasbourg Democracy Forum as an umbrella structure providing an international reference in the field of democracy and a test-bed for new ideas.

¹⁴ <http://www.coe.int/en/web/world-forum-democracy/home-2013>

Parliamentary Assembly Resolution 1970 (2014) on “Internet and politics: the impact of new information and communication technology on democracy”¹⁵ notes that the internet and social media are opening new doors to enlarged dialogue between citizens and elected representatives and stimulating more dynamic participation in democratic life and recommends to the national parliaments in particular to:

- increase their capacity to use the new information and communication technologies to improve the transparency of the decision-making process and dialogue with citizens, in particular through social networks, parliamentary internet channels and other platforms allowing citizens to provide feedback;
- use the internet more effectively as a source of aggregate data that can be used to identify citizens’ preferences and needs so that the political agenda better reflects the issues of concern to society, while bearing in mind the long-term effects in the context of the public interest;
- take advantage of the functions of the internet to boost co-operation between the authorities, civil society and universities with a view to developing and implementing initiatives to promote political and democratic engagement among citizens.

A seminar organised in Rome by the Italian Parliament on 12 and 13 June 2014 (*“From e-Parliament to smart-Parliament: How to improve citizen’s participation using web technologies and social media? And how can parliamentary rules of procedure support transparency and participation?”*), under the auspices of the European Centre for Parliamentary Research and Documentation (ECPRD) tackled the question of the rules and good practices developed and implemented by parliaments to guarantee the openness and transparency of decision-making procedures and citizens’ participation in this process and in the scrutiny of decisions taken through the use of the new technologies and social media.¹⁶

It is clear that there is a need for a debate on promoting dialogue between the majority and the opposition, in the broad sense of the term, in order to explore new forms of consultation. However, is there also a need to take this debate further to include the institutionalisation of the extra-parliamentary opposition in one form or another?

¹⁵ See the Parliamentary Assembly report (Doc. 13386)

<http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=20329&lang=en>

¹⁶ A questionnaire has been sent to the ECPRD in order to gather together the relevant information relating in particular to the use of social media, internet platforms and the publication of data (Request No. 2533 of 11 April 2014).

Recommendations made by the European Conference of Presidents of Parliament

(Limassol, Cyprus, 10-12 June 2010)

- 1) *The legitimacy of parliament is based on the free and fair character of the electoral process and on the possibility of the electorate to express a free and informed choice. There is no unique model of electoral system that could be recommended as the best one. However, excluding large sections of the population from the right to be represented is detrimental to the democratic process.*
- 2) *There is scope for improving the legal framework and material conditions enabling opposition parties in parliament to have the means to fulfil their functions.*
- 3) *In particular, the capacity of the opposition to exercise its oversight role could be enhanced; the opposition could also be given more opportunities to influence the parliament's agenda and take part in the management of parliamentary business.*
- 4) *In the light of their mediation role and their duty of impartiality, Presidents of parliament hold primary responsibility in ensuring that opposition representatives are given the possibility to fully participate in the functioning of parliament and discharge their responsibilities. Consistent with the different constitutional and political traditions of each country, there is scope for expanding the powers and latitude of Presidents of parliament in this regard.*
- 5) *Opposition parties should not limit themselves to criticising the government but formulate alternative proposals and policies, in order to prepare themselves for taking up governmental responsibilities.*
- 6) *Opposition parties are strongly encouraged to establish a constructive dialogue with the government, in order to contribute to the good functioning of the political system for the benefit of the public interest. Obstructionism should be an exceptional measure, to be used as a last resort.*
- 7) *The government should seek to establish a process of consensus-building, in particular when matters of national interest are at stake.*
- 8) *The adoption of electoral legislation should involve the broadest spectrum of political forces; similarly, all political forces should play a role in the context of electoral institutions.*
- 9) *National parliaments should ensure that delegations engaged in inter-parliamentary activities reflect a pluralist composition and that opposition members can actively and effectively take part in them.*
- 10) *Participation in international parliamentary bodies and other international fora should be encouraged, as a way to increase knowledge, exchange information and good practice, and secure access to information.*
- 11) *Parties supporting the government and those opposing it share a joint responsibility in consolidating the citizens' trust in the political system and democratic institutions, ensuring their good functioning and offering the public an informed choice.*