



**Administrația
Prezidențială**



Strasbourg, 3 April 2017

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE PRESIDENTIAL ADMINISTRATION OF ROMANIA

INTERNATIONAL CONFERENCE

**“The interaction between the political majority
and the opposition in a democracy”**

Sala Unirii, Cotroceni Presidential Palace

Bucharest, Romania, 6-7 April 2017

*Under the patronage of the President of Romania and of the Secretary General
of the Council of Europe*

PROGRAMME

Recent years have witnessed a tendency, by democratically elected political majorities in a number of European countries, of misuse of the power according to the principle of "winner-takes-all", to the detriment of pluralism, social equilibrium and the democratic functioning of a Rule of Law based society.

In his 2016 report on the "State of democracy, human rights and the rule of law: a security imperative for Europe", the Secretary General of the Council of Europe emphasized that "enjoying a large majority does not absolve a ruling party or coalition from the obligation to strive towards an inclusive political process, particularly when tackling fundamental reforms". The Secretary General further underlined that the interaction between the majority and the opposition was "an important indicator of the healthy functioning of democratic institutions in Europe" and noted that, "in the past few years such interaction has raised concerns in some member states", and their number has increased.

While the rule of the majority undoubtedly constitutes a fundamental principle of democracy, countering majority abuses is crucial to avoiding a dangerous move, as noted over the past few years in some Member States of the Council of Europe, towards more authoritarian, "illiberal" democracies.

As part of the Council of Europe efforts to tackle this undesirable phenomenon, the Venice Commission was invited to update its 2010 "Report on the role of the opposition in a democratic parliament", and to broaden its analysis and examine also, in the light of the role, functions and rights of the opposition, the responsibilities incumbent upon the majority, and their interaction. This is meant to contribute to the reflection initiated by the Secretary General on possible Council of Europe guidelines concerning the role and the responsibility of the political majority and its interaction with the opposition.

In this context, the Venice Commission is organising, in co-operation with the Presidential Administration of Romania and with the support of the Parliamentary Assembly of the Council of Europe, an international conference to discuss the expectations, good practices and lessons learned in this respect from the experience of the last few years.

This conference will be held in Bucharest on 6-7 April 2017, under the patronage of the President of Romania and of the Secretary General of the Council of Europe. It will provide the participants (representatives of European national parliaments, of the Parliamentary Assembly, members of the Venice Commission, experts, civil society and media representatives, as well as of relevant international organisations) with a forum for a brainstorming on the most challenging aspects of the interaction majority/opposition and possible ways to make this interaction more constructive and effective, for the benefit of European democracies and their people.

A first session will focus on a stocktaking of the Council of Europe's earlier work on this subject, in particular the relevant reports of the Parliamentary Assembly and the Venice Commission. Two working sessions will then enable the participants to exchange views on the functions and responsibilities of the majority and the opposition and their interplay and, drawing on relevant national experiences and recent trends in the field, to identify common concerns and explore democratic tools and processes, at both the formal and informal level, to address them. A general discussion will conclude the event.

The participants will be expected to consider in particular the following questions:

- What are the main responsibilities and rights of the majority and of the opposition?
- What are the main obstacles to a positive/meaningful interaction majority - opposition?
- What are the minimum pre-requirements for a constructive approach?
- What are the most suitable ways and means (at the legal, institutional and practical level) for building a (more) constructive and effective co-operation between the majority and the opposition?

6 April 2017

15h00 - *Registration of participants*

Opening session

15:30 -16:30

- **Welcome addresses**

- *Opening Speech by H.E. Mr. Klaus Iohannis, President of Romania*
- *Opening Speech by Mrs Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe*
- *Opening Speech by Mr. Pedro Agramunt, President of the Parliamentary Assembly of the Council of Europe*
- *Opening Speech by Mr. Gianni Buquicchio, President of the European Commission for Democracy through Law (Venice Commission)*

16:30 – 17:00 *Coffee break (and photo of participants)*

Session I: Council of Europe work on the interaction majority-opposition

Chair: Prof. Dr. Tudorel Toader, Minister of Justice of Romania, member of the Venice Commission (Romania)

17:00 -18:00

- ***The concept of political majority. The majority rule as a basic principle in a democratic state***

Presentation by Prof. Dr. B.P. Vermeulen, Free University of Amsterdam, Member of the Council of State of the Netherlands, member of the Venice Commission (the Netherlands)

- ***Work of the Parliamentary Assembly of the Council of Europe on the rights and responsibilities of the opposition in a democratic parliament***

Presentation by Ms Liliane Maury Pasquier, Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Parliamentary Assembly of the Council of Europe (Switzerland)

- ***2010 Report of the Venice Commission on the role of the Opposition in a democratic parliament***

Presentation by Prof. Dr. Lucian Mihai, Faculty of Law, University of Bucharest, former member of the Venice Commission (Romania)

18:00 - 18:45 Discussion

19:00 Cultural event

Reception offered on behalf of the President of Romania

7 April 2017

Session II: Majority and opposition - key actors in a democratic society

8:30 Welcome Coffee

Chair: Prof. Dr. Hanna Suchocka, Chair of Constitutional Law, Law Faculty, Adam Mickiewicz University, Poznan, Honorary President of the Venice Commission, Former Prime Minister (Poland)

9:00 - 10:15

- **Role and rights of a the opposition in a democratic parliament**

Presentation by Mr Serhii Kiral, Ukraine, Deputy, Samopomich Union, Verkhovna Rada, Committee on Rules of Procedure, Immunities and Institutional Affairs of the Parliamentary Assembly of the Council of Europe

Presentation by Mr Nicușor Dan, Romania, Deputy, President of Save Romania Union

- **Role and responsibilities of the majority in a democratic parliament**

Presentation by Prof. Dr. Angel J. Sanchez Navarro, Universidad Complutense, former member of the Venice Commission (Spain)

Presentation by Mr Ionuț Sibinescu Senator, Secretary of the ALDE Parliamentary Group of the Senate, President of the Senate Committee for Constitutional Issues, Civil liberties and monitoring of the execution of the European Court of Human Rights decisions

- **The relationship between majority and opposition in the jurisprudence of the Romanian Constitutional Court**

Presentation by Prof. Dr. Tudorel Toader, Minister of Justice of Romania, member of the Venice Commission (Romania)

10:15 - 10:50 Discussion

Discussants:

Prof. Dr. Cristian Pîrvulescu, Dean, Political Studies Faculty, National School for Political and Administrative Studies, Bucharest (Romania)

Ms Laura Stefan, Executive Director, Expert Forum, Bucharest (Romania)

10:50 - 11:20 Coffee break

Session III: Interaction majority - opposition: main challenges and best practices

Chair: Mr René Rouquet, Vice-President of the Parliamentary Assembly of the Council of Europe, Member of the National Assembly of France

11:20 - 13:00

- **Developments and tendencies in the interaction majority-opposition. Recent findings of the Venice Commission**

Presentation by Prof. Dr. Hanna Suchocka, Chair of Constitutional Law, Law Faculty, Adam Mickiewicz University, Poznan, Honorary President of the Venice Commission, Former Prime Minister (Poland)

- **The experience of Romania**

Presentation by Mr. Gabriel Vlase, Vice-President of the Chamber of Deputies of the Romanian Parliament, Vice-President of the Social Democratic Party (Romania)

Presentation by Ms Raluca Turcan, Deputy, President of National Liberal Party (Romania)

- **The experience of France**

Presentation by Mr Alain Delcamp, Honorary General Secretary of the French Senate, Vice-President of the French Association of constitutionalists (France)

- **The experience of Greece**

Presentation by Prof. Dr Nicos Alivizatos, Athens Law School, member of the Venice Commission (Greece)

13:00 - 14:30 *Lunch*

Session III: Interaction majority - opposition: main challenges and best practices (cont'd)

Chair: Prof. Dr. Simina Tanasescu, Faculty of Law, University of Bucharest, Presidential Advisor, Presidency of Romania

14:30 - 15:30

- **The experience of Hungary**

Presentation by Prof. Dr Péter Smuk, Széchenyi István University, Győr (Hungary)

- **The experience of the Georgia**

Presentation by Ms Tamar Chugoshvili, First Vice Chairperson of the Parliament of Georgia (Georgia)

- **The experience of Poland**

Presentation by Prof. Dr. Ryszard Piotrowski, Warsaw University (Poland)

- **The experience of Turkey**

Presentation by Prof. Dr. Osman Can, Marmara University Law School, member of the Venice Commission (Turkey)

15:30 - 16:30 General discussion

Discussants:

Prof. Dr. Adrian Paul Iliescu, Faculty of Philosophy, University of Bucharest (Romania)

Elena Tudose, Director, Institute for Public Policies, Bucharest (Romania)

16:30 - 17:00 Coffee break

Closing session

17:00 -17:45

Chair: Prof. Dr. Bogdan Aurescu, Faculty of Law, University of Bucharest, Presidential Advisor for Foreign Policy, Presidency of Romania, substitute member of the Venice Commission (Romania)

- **General report** by Prof. Dr. Nicos Alivizatos, Athens Law School, member of the Venice Commission (Greece)

- **Concluding remarks**

Mr Thomas Markert, Director, Secretary of the Venice Commission

Prof. Dr. Simina Tanasescu, Faculty of Law, University of Bucharest, Presidential Advisor, Presidency of Romania