

16 Nisan 2007

Honouring of obligations and commitments by Azerbaijan

Mr TEKELIOĞLU (*Turkey*). – I would like to thank the rapporteurs, Mr Herkel and Mr Lloyd, for the detailed report that they have prepared on the honouring of obligations and commitments by Azerbaijan. As the report suggests, there have been improvements in the protection of human rights and democracy in Azerbaijan, but there are also some concerns that need to be tackled immediately.

Unquestionably, some further work is necessary for Azerbaijan to fulfil its democratic commitments and to realise its potential as a stable and prosperous democracy. I firmly believe that, with its strong political will, Azerbaijan can successfully complete this task and become one of the leading democratic states governed by the rule of law and the principles of human rights in the region. Let me explain why I believe that this is so.

First, Azerbaijan chose of its own free will to become a democracy embracing the core values of the Council of Europe. Azerbaijan made this choice in the belief that democracy would secure its sovereignty, independence and prosperity in the years to come. Secondly, we observe that Azerbaijan has started to fulfil its commitments and has begun to lay the groundwork for a democratic future. The latest improvements in democratic structure in Azerbaijan testify to the fact that Azeri authorities are on the right track in building their future.

Thirdly, Azerbaijan is not alone in its struggle to realise a democratic future. There are many international organisations, such as ours, ready to help the reconstruction of democracy and human rights in Azerbaijan. Fourthly, as a Caspian littoral state, Azerbaijan is capitalising on the sizeable hydrocarbon resources of the region. Azerbaijan's real gross domestic product grew immensely in 2006. This economic boom, together with a young and skilled population, will help the democratic reconstruction of the state.

Having identified the positive aspects of Azerbaijan's future, I should also mention some negative aspects. The first and foremost problem that has to be solved immediately for a democratic future in Azerbaijan is the Nagorno-Karabakh conflict. The problem of Armenian occupation of Azerbaijani territory has been awaiting a peaceful solution for more than a decade. The peaceful solution of this conflict will contribute not only to the democratic construction of Azerbaijan, but to the normalisation of Turkish-Armenian relations.

In conclusion, I emphasise my sincere belief in the genuine efforts of the Azerbaijani authorities, which will transform the country into a place where human rights are fully implemented and citizens are governed by democratic principles and live in prosperity. The Council of Europe, through the Parliamentary

Assembly, should give its full support to Azerbaijan. The Council of Europe presence in Azerbaijan should be strengthened to provide the necessary support for the reforms made by the Azeri Government. Instead of taking punitive action such as challenging the Azeri parliamentarians' credentials, we should embrace a constructive dialogue with Azerbaijan to lead the country in a positive direction.

Mr ÇAVUŞOĞLU (*Turkey*). – The report prepared by Mr Herkel and Mr Lloyd deserves appreciation. It is factual and comprehensive. It recognises the efforts made by Azerbaijan in a number of areas and draws attention to issues of concern.

Last year, we discussed challenges to the credentials of members of the Azeri parliamentary delegation due to the failure to meet democratic standards in the November 2005 elections. We observed the partial re-run parliamentary elections and have examined developments since then. We all know that co-operation between the Council of Europe and Azerbaijan is essential for the development of every area in the country. The next presidential elections, which are due in 2008, will be a critical test for Azerbaijan with regard to its commitments and obligations towards this Assembly. It is high time that the countries of the Caucasus displayed their maturity by holding fully free and fair elections.

Economic development in Azerbaijan is impressive. It holds the world record for economic growth and has become a notable supplier of oil to western markets and carried out new infrastructure projects within the country as well as in the region. Azerbaijan gives a strong impression that it has a bright future, but economic progress is never sufficient. Prosperity is an asset when it is generated and spread in a pluralistic democracy. I am confident that Azerbaijan will achieve this target by realising political and social transformation simultaneously.

As the co-rapporteurs rightly highlight, the separation of powers is the key to pluralistic democracy. The Parliament of Azerbaijan should be provided with the necessary means to strengthen its control over the executive and the system of checks and balances should be improved. Dialogue is needed between the majority and the opposition to start with. We welcome the improvements regarding the revision of the election code and the efforts to create an independent and well-trained judiciary. Of course, we expect concrete steps to resolve the issue of political prisoners, and in the fight against corruption.

The freedom of the media remains the most important issue to follow in Azerbaijan. We also look forward to the conclusion of the ongoing programme of prison reform as that would be considered a positive step in the field of human rights. Allegations of torture or ill treatment can be dealt with by implementing the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Adoption of the national action plan on the protection of human rights is an encouraging development.

I certainly believe that Azerbaijan has the potential to realise political, economic and social transformation. I am also aware that it is struggling to overcome obstacles and shortcomings, not only in the country but in international forums. We cannot turn our backs on the frozen conflicts in that region. The absence of a definitive settlement to the Nagorno-Karabakh conflict obstructs the way towards real progress. Without lasting peace between the two neighbouring countries and the return of the hundreds of thousands of displaced persons, it is not possible to achieve peace, stability and democratic governance in the region as a whole.

The Committee on Migration, Refugees and Population has written many reports and the one on refugees, internally displaced persons and missing people was mentioned by Mr Platvoet. In Paris, the Standing Committee has just adopted a report on the situation of women in the Caucasus. When we look at the roots of the problems, we see that the conflict in Nagorno-Karabakh is the main reason for them. I therefore appreciate the interest displayed by this Assembly in the resolution of the conflict and I extend my full support to the efforts led by the Bureau's ad hoc committee in this respect.

17 Nisan 2007

Accession of the Republic of Montenegro to the Council of Europe

Mr AÇIKGÖZ (*Turkey*). – I thank Mr Gardetto for preparing this concise report on the Republic of Montenegro's accession to the Council of Europe. His report displays the clear journey that the Republic of Montenegro has made since the declaration of independence on 3 June 2006.

The political will and dynamism in the legislative field are obvious. We observed the referendum on the state's status held in May 2006 and the parliamentary elections of September 2006, and concluded that both were generally conducted in accordance with Council of Europe commitments and standards as well as other international standards for democratic electoral processes.

The statement made by the Montenegrin Minister for Foreign Affairs that as a newly independent state, the Republic of Montenegro would like to establish its successor status to all conventions, charters or agreements of the Council of Europe, is most welcome. It is also encouraging to see that Montenegrin experts have been taking part, with observer status, in all inter-governmental committee meetings, and an ad hoc delegation of its parliament has been participating in our activities, pending the examination of its application for membership.

The signature of the declaration accepting the seven minimum principles to be included in the constitution of Montenegro is another concrete example of the Montenegrin authorities' commitment to the Council of Europe. The progress that has been made until now should continue to be carried out steadily. Montenegro is

expected quickly to complete its constitutional reform and adopt a new constitution at the earliest stage. It should continue legislative and institutional reforms as well.

I sincerely believe that the Republic of Montenegro is able and willing to fulfil the prerequisites for membership of the Council of Europe. My country was among the first seven countries to recognise the independence of the Republic of Montenegro. Turkey also supports Montenegro's membership of the Council of Europe. That being so, I fully support the rapporteur's view that the Assembly should recommend the Committee of Ministers to invite the Republic of Montenegro to become a member of the Council of Europe. Political dialogue should be established immediately and support extended for the necessary reforms to show that the nascent republic can honour its obligations and commitments following its accession.

18 Nisan 2007

State of human rights and democracy in Europe

Mr TEKELIOĞLU (*Turkey*). – First and foremost, I would like to thank Mr Pourgourides as well as Mr Gross for the detailed report they have prepared. Both rapporteurs touch upon very important issues and draw our attention to the problems threatening rights and democracy in Europe. Moreover, I believe that drafting such reports will not only enhance the visibility of the Council of Europe but also underline the leading role of this Assembly in protecting and promoting human rights.

However, having said this, I have to draw your attention to certain compatibility problems deriving from having three different reports on the related subjects. Some members of our delegation have underlined a couple of times during the committee meetings that these three reports should be consistent and coherent. We also urged our rapporteurs to stick to the mandates drawn for them while preparing their reports. We have also brought this to the attention of our rapporteur, Mr Pourgourides, because the mandate drawn for him was to prepare a thematic report, not a progress report on the Council of Europe member states. However, Mr Pourgourides insisted on referring to certain member states in his explanatory report rather than focusing on a thematic report. Unfortunately, by insisting on this approach, Mr Pourgourides paved the way for the problems of inconsistency.

I would like to give a concrete example. In the resolution prepared by Mr Pourgourides, “northern Cyprus” is referred to as an area where the Council of Europe human rights mechanisms cannot, or can only partially, be implemented. We challenged this reference in the Committee on Legal Affairs and Human Rights but Mr Pourgourides insisted on his approach and the reference to northern Cyprus remained in the text even though the European Court of Human Rights considers northern Cyprus as a territory where it exercises its jurisdiction. However, on the

other hand, in the report on the “Progress of the Assembly’s monitoring procedure” which is prepared by the Monitoring Committee, “northern Cyprus” is not referred as a “black hole”. This is not because the Monitoring Committee simply forgot to refer to northern Cyprus in its report, but because our rapporteur, Mr Pourgourides, insisted on inserting northern Cyprus in the resolution he prepared, even though he knew that the European Court of Human Rights exercises its jurisdiction in the northern part of the island. I can name many judgments of the European Court of Human Rights as regards the northern part of Cyprus and most of these judgments have been implemented or are in the process of implementation. Referring to northern Cyprus as a black hole in the “state of human rights report” will not only create an inconsistency in both reports but also be in contradiction to the Court’s jurisprudence. Furthermore, the Court judgments on the northern part of the island have also been referred to in the opinion prepared by the Committee on Migration, Refugees and Population.

Apart from these consistency problems, I would like to say a few words on the current human rights situation in Turkey. Turkey’s comprehensive reform process aimed at the promotion and protection of human rights yields its fruits now. To achieve the goals of its human rights policy, Turkey has pursued close and constructive co-operation with international human rights mechanisms.

Last but not least, I would like to emphasise once again that the work done by the Council of Europe in terms of protection and promotion of human rights in Europe is valuable. Turkey has benefited immensely and still benefits from this work and I would like to give our full support to all Council of Europe activities carried out under this mandate

Mr AÇIKGÖZ (*Turkey*). – I thank Mr Lintner for his comprehensive and highly relevant report. This year, the document goes beyond a mere annual progress report and provides us with a stock take of the activities of the Monitoring Committee for the 10 years of its existence. It also raises a number of essential questions about the future work of the committee.

I find the periodic reporting on the groups of member states that are not involved under a monitoring procedure or in post-monitoring dialogue particularly important. I believe that this procedure should be further improved, particularly by adding to it the component of dialogue that seems to be lacking at the moment.

Ensuring the full compliance of all member states with their undertakings in a spirit of co-operation and non-discrimination was the basic objective of the core mandate of the Monitoring Committee when it was adopted in 1997. In practice, however, the work of the Monitoring Committee focused mainly on the honouring of the accession commitments of the new member states. The implementation of the obligations of long-standing members, with the exception of Turkey, did not receive attention until last year.

I have carefully read the follow-up reports to Assembly recommendations that addressed in 2006 the first group of 11 member states and this year's periodic reports on the second group. It is clear that not one of our countries is immune from having deficiencies in human rights and democracy. The situation needs to be improved in all Council of Europe member states. It is therefore important to maintain an overall monitoring system that covers the obligations and commitments of all our countries – old and new members alike.

Improvement in human rights and democratisation is an ongoing process in all our countries. Despite the fact that issues remain to be addressed by individual member states, we expect the Assembly to acknowledge and accurately reflect the progress achieved. In this context, I draw the attention of the distinguished members of the Assembly to the amendment we tabled to the paragraph in the draft resolution dealing with Turkey. I hope that we will receive the Assembly's support and set the record straight on Turkey's performance.

Mr ATEŞ (*Turkey*). – The beautiful book that you have in your hands, Mr President, was not produced easily. The Political Affairs Committee has confronted many difficulties, one of which was choosing the methodology for this excellent report. Another even more difficult task was defining democracy. What is democracy? The third hard question that we had to deal with was how to strengthen democracy. Any political affairs committee anywhere could easily fail to answer these questions. Fourthly, we had to avoid writing yet another academic textbook on democracy. Nobody wants to read another scientific, academic textbook on that subject. However, one has to be an academic in order to write a book such as this. Fortunately, this Political Affairs Committee and this Chamber have politicians who are also academics. One such person is Mr Gross, and I want to thank him for his excellent work.

We tried to find answers to those questions, and the rapporteur of the Political Affairs Committee viewed the problems associated with democracy through the eyes of the citizens. That was very important, because the committee agreed that the citizens are the only source of legitimate political power. We strongly believe that democratic politics should be all about people's interests. Our report took the citizens as its central reference point. Our rapporteur, Andreas Gross, was absolutely correct to follow this methodology, and the excellent book that you have in your hands, Mr President, is proof of that.

I want to thank all our rapporteurs, chairpersons and the secretariat. Putting all the various elements was another difficult job, and I should also thank Mrs Dinsdale in this regard. It was a very painful job. A democracy is a living organism. It is not possible to write a report saying that we solved everything; the situation changes. Different communities require different things at different times, so we must do such work periodically. However, we must also allow more time for the discussion

of the adoption of such reports. The experience of this report will probably give us a better final outcome.

19 Nisan 2007

Debate under urgent procedure: functioning of democratic institutions in Ukraine

Mr TEKELIOĞLU (*Turkey*). – A stable, peaceful and democratic Ukraine is a significant factor in peace and security in its region. However, since the establishment of the new government, disagreements between the president and the prime minister have created a dual leadership and an unstable political situation. That unfavourable political atmosphere seems to have slowed down the process of democratic reform. This confrontation between the president and the government has resulted in the dissolution of parliament by President Yuschenko. The long-term effect of that political polarisation is difficult to predict.

I hope that political groups in Ukraine will resolve their differences through dialogue within democratic rules and a constitutional framework, refraining from actions that may escalate tension. That requires all parties to act with restraint and to seek political reconciliation. The solution should be sought within the country. I am confident that Ukraine will display the strength and political will to overcome that obstacle on its way to democratisation and the rule of law.

This Assembly supports Ukraine's democratic transformation in accordance with the preferences expressed by the Ukrainian people. We can assure the Ukrainian people that the Council of Europe will manifest solidarity and share its expertise to achieve that aim. However, the key to reconciliation lies in the hands of political forces in the country. I strongly believe that the course of democratic transformation and western orientation will be protected by the Ukrainian Administration.

Political developments in Ukraine are important to regional stability. Turkey considers Ukraine to be one of its major partners in the region. That is reflected in the decision by the Turkish Government in 2003 that envisages giving priority to strengthening and deepening relations with Ukraine. Bilateral relations between Turkey and Ukraine have developed considerably in recent years. Political and economic relations especially have gained momentum through reciprocal visits. Prime Minister Yanukovich, who addressed us here on Tuesday, paid an official visit to Turkey in January. During the visit, we had the opportunity to make an overall evaluation of our co-operation at bilateral and regional level.

We extend our full support to the Ukrainian authorities in their efforts to achieve democratic transformation through peaceful means. We are confident that the

principles and values of the European Council will help to overcome political polarisation and that Ukraine will continue on its way towards a brighter future.

Mr ILICALI (*Turkey*). – We are very concerned by the current political crisis in Ukraine, which has created an unstable political situation in this country. We fear that this instability might harm the reform process in Ukraine.

We strongly support the political stability of Ukraine. We believe that a stable Ukraine is in the interest of all of Europe. My country, Turkey, attaches importance to its close relations with Ukraine. Ukraine is a major partner of Turkey in the region. We want Ukraine to preserve its role in the region as a stable and democratic country.

We believe that the current political crisis can be resolved in Kiev. The solution should be on the basis of the co-operation of all the political forces in Ukraine. There is already a culture of democracy in this country. We believe that a solution could be found through a democratic dialogue between all political forces. Such a dialogue would help Ukraine to overcome the current polarisation. It would also enable the democratic institutions in Ukraine to function properly. I am confident that there is already a strong political will in Ukraine to end the crisis.

Dear colleagues, the Parliamentary Assembly has the ability to help Ukraine to overcome the current crisis. The Assembly should provide Ukraine with guidance for further democratisation.

The Monitoring Committee has prepared an important report on the functioning of democratic institutions in Ukraine. The report recommends that concrete measures should be taken by the Ukrainian authorities. I believe that these recommendations will provide Ukraine with the necessary guidance to end the crisis. These recommendations should be taken into consideration by all the political forces in Ukraine. As the report states, the recommendations should be implemented on the basis of an open and constructive dialogue between all parties to the crisis.

Not only the Parliamentary Assembly but also all other Council of Europe bodies should be ready to assist Ukraine for further democratisation. We should not forget that a stable and democratic Ukraine is in the interest of all of us.

Situation in the Middle East

Mr AÇIKGÖZ (*Turkey*). – I would like to thank the rapporteur, Mr Margelov, for his valuable report. We are holding a timely debate today on an issue that is of primary concern not only to the peoples and countries of the Middle East, but to Europe and the world at large. Our meeting coincides with a critical period in the Middle East. This is a time when hope and pessimism co-exist in sharp contrast to one another, while continued instability in Palestine, Iraq and Lebanon and the

potential confrontation surrounding Iran's nuclear programme remain serious causes for concern. As a Turkish parliamentarian, I have a duty to convey to you the high expectations of Europe that are held by the peoples of the region. The Council of Europe and other European institutions cannot remain indifferent to the alarming situation in our immediate vicinity.

The question of Palestine continues to lie at the core of the problems in the Middle East. The issue is not simply a conflict between two countries. It is a problem for which everyone pays a heavy price and which has detrimental effects on a global scale. Lasting peace, security and stability in the Middle East can be achieved only through a negotiated settlement to the Israeli-Palestinian dispute. We should give our full support to the vision for the region whereby two states, Israel and Palestine, will live side by side within secure and internationally recognised borders. United Nations Security Council resolutions, the road map, the "land for peace" principle and the Arab peace initiative should be taken as important points of reference in realising that vision.

The situation in Iraq has become a cause of even greater concern. Dozens of people die every day in our immediate neighbourhood. It is of paramount importance that Europe help to stabilise Iraq. In order to do that, the political unity and territorial integrity of Iraq must be preserved, and law and order must be established. Central government must be empowered and remain in control of the national wealth, to benefit all Iraqis. Sectarian violence must be prevented. Last but not least, Iraqi territory should not be a safe haven for international terrorist organisations.

The situation in the region makes multilateral co-operation all the more imperative and requires concerted action to tackle the risks and threats. The Council of Europe and Assembly must give its full support to efforts to achieve peace in the Middle East. We must not forget that the growing sense of injustice associated with the problems in the region deepens the rift in cultural perceptions; indeed, the continuation of the region's problems is used to justify extremism around the world. Progress towards lasting peace in the Middle East will positively impact on many other problems. We cannot permit events in the region to undermine prospects for the cross-cultural harmony that we are working so hard to achieve.

Mr ATEŞ (*Turkey*). – I thank our colleagues from the Knesset and the Palestinian Legislative Council for coming to our Assembly. We are always happy to see them.

The Parliamentary Assembly has been following the situation in the Middle East with the utmost attention for many years, not only through the Political Affairs Committee but through other committees of the Assembly. We have observed not only the situation in Israel and in the Palestinian Authority but that in the border region of the Middle East.

Why is the Assembly concerned about this area? It is because we know that whatever happens between Israel and Palestine or in the region, it is not only the problem of the countries involved; it is the problem of the whole world, and especially the Europeans. We have to solve the differences. If there are disagreements, we would like to be part of the solution.

On the other hand, the co-operation between the Assembly and Israeli and Palestinian parliamentarians has so far been characterised by many ups and downs, but I believe that it is promising and that it will go somewhere. We will probably achieve some kind of good result in the near future. It is also very important to underline that the Assembly cannot be directly involved in the peace process. We must recognise that, but our contribution may consist of promoting relations, at least at the parliamentary level. Instead of having no discussion, it is very important that such relations are fostered.

As to solving the problem between Israel and Palestine, dialogue only between the two sides is not enough as far as I am concerned as chairman of the Political Affairs Committee. That dialogue must be broadened, and it should include other countries in the region. That will probably be the only way in which we might have lasting peace in the region.

Draft memorandum of understanding between the Council of Europe and the European Union

Mr ATEŞ (*Turkey*). – We are about to have a very important discussion, as we are, in a way, going to decide the future of the Council of Europe, as to whether it is going to be swallowed up by the European Union or will continue its functions.

Colleagues may remember that on 12 May 2005, the 3rd Summit was held in Warsaw, attended by heads of state and heads of government. At the summit, governments and states decided that co-ordination was needed between the Council of Europe and the European Union, and they asked Prime Minister Juncker to write a report on how to co-ordinate the activities of the two organisations. A few months later, Mr Juncker issued the report, submitted it to the Council of Europe and also sent it to the European Union.

A follow-up committee was established on the 3rd Summit to see whether the decisions were properly implemented or followed up. The committee has been working on a memorandum of understanding for the past two years. First, we had a memorandum of understanding during the British presidency of the Committee of Ministers. The chairmanship of the committee changed, however, and the Romanian chairmanship came up with another memorandum of understanding. Subsequently, we had another report. Now we have a San Marino chair, of the Committee of Ministers, whom I thank for his effort. However, all those memorandums of understanding were completely different. The Council of Europe

did not know what to do. Each time, we made suggestions, recommendations and amendments, but the next time a memorandum was published, it was completely different.

That did not discourage us, however. We showed all our good intentions. We kept attending the meetings and corroborating with, and helping, the follow-up committee. On 10 April 2007, the follow-up committee presented drafts of the memorandum trying to accommodate different views presented by delegations. The San Marino chairman presented the new version of the draft memorandum of understanding that he had drawn up following his informal consultation on the subject in recent weeks with all the delegations wishing to be involved. Unfortunately, the text was very different from what we have seen so far.

We have received about four or five different texts in the past two years, all of which have been completely different from one another. The most recent text, on which I wrote my report, is much shorter than the previous ones. However, it seems that the elimination of a number of questions from the memorandum did not serve our objective and did not solve the problems that we are encountering between the two organisations.

As you know, colleagues, it has been agreed that once the final draft of the memorandum has been agreed by the deputies, it will be formally transmitted to the Assembly for an opinion. Our understanding is that we are supposed to receive a compromise draft that will not be further modified except for possible further amendments resulting from the Assembly's proposals. That was our understanding and agreement—a gentleman's agreement, at least.

Indeed, if they were to reopen discussions, there would be no point in us giving our opinion. However, at the meeting on 10 April, I was surprised to learn that this was not the case. It was said that we had "misunderstood" the whole process. I find that unacceptable. It means that we are providing an opinion on a text that will undergo further changes. I regret that the co-operation that we have had with deputies so far has reached such a disappointing stage. I know that we tried hard to reach a compromise with the deputies, but I do not know whether they wanted to compromise with our suggestions. Nevertheless, the result was disappointing.

As the rapporteur, I have carefully examined the text of the draft memorandum and I must say that it is disappointing. It lacks a visionary, ambitious approach. It is not a political breakthrough at all, because it does not do much more than reflect the current practice in mutual relations between the Council of Europe and the EU. We have not taken advantage of the momentum of the 3rd Summit.

The majority of Mr Juncker's recommendations have not been taken on board. Furthermore, the Assembly's proposals, which have been reiterated on many occasions, have not been included in the final text. I ask you to support my report

and opinion, which returns to all the Assembly's proposals that have not been included in the final draft.

Although I will not go into details, I shall mention those issues that are of greatest concern for us. There is no mention of the Council of Europe's unique expertise in the field of its core activities: democracy, the rule of law and human rights. There is not sufficient insistence in the draft on the coherence of the European legal space and the accession of the EU to the Council of Europe's major legal instruments. No effort has been made to prepare a codex of the main conventions that we would propose for EU accession.

Obviously the most urgent issue is the European Convention on Human Rights. Regrettably, the memorandum does not specify a deadline for accession and it does not include a provision that would give a parliamentary dimension to quadripartite meetings.

I have included all these observations in my opinion. Once it is adopted by the Assembly, let us hope that it will be taken seriously into account by the deputies.