

29 Eylül 2008

Address by Mr Yavuz Mildon, President of the Congress of Local and Regional Authorities of the Council of Europe

Mr AYVA (*Turkey*). – Thank you for your speech, Mr Mildon, which we found highly satisfactory. My question is about the decision-making process and its efficiency and effectiveness. We all know that local and regional authorities are important for democracy. Consistency and stability are also important for democracy. Without doubt, all decisions, commitments and resolutions are made to be fulfilled. We know that some resolutions have not been fulfilled, for example [Resolution 170](#) about Cyprus. In that context, what is your comment on the efficiency and effectiveness of your decision-making process and on the fulfilment of decisions, commitments and resolutions?

Mr ÇAVUŞOĞLU (*Turkey*). – May I too congratulate you, Mr Mildon, on your good speech? In light of the conclusions of the European conference of ministers responsible for migration affairs earlier this month in Kiev, which you also attended, how do you evaluate the contribution of the Congress to the integration of migrant workers at local and regional level in Council of Europe member states? How could the contribution of the congress to that end be improved?

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Address by Mr Demetris Christofias, President of the Republic of Cyprus

Mr ÇAVUŞOĞLU (*Turkey*). – Mr Christofias, do you also assume that this Assembly is an outsider, just as you called the United Nations outsiders? Secondly, the international contacts of Turkish Cypriots in sport are highly criticised and opposed by the Greek Cypriot public. In this atmosphere, what is your government doing to prepare the Greek Cypriot public to accept a political settlement on the island? Without an awareness-raising campaign, will it not be possible for the Greek Cypriot public to reject an agreement in a referendum, as they did in 2004?

Statement by Mr Frank Belfrage, State Secretary for Foreign Affairs of Sweden, representing the chairmanship of the Committee of Ministers

Mr AYVA (*Turkey*). – My question is about people with disabilities. Unfortunately, the service standards for people with disabilities are not available, so organisations cannot define their objectives as regards those services. Therefore, we cannot monitor or audit those services. Development of the living standards

and conditions of people with disabilities is very slow. Do you plan to concentrate on the improvement of those service standards?

Address by Mr Haris Silajđić, Chairman of the Presidency of Bosnia and Herzegovina

Mr CEBECİ (*Turkey*). – Thank you, Mr President, for your address to our Assembly. What is the biggest challenge for Bosnia and Herzegovina on its way to completing the necessary reforms? In that context, what is your first request for support from the Council of Europe in reaching that objective?

Mr KOÇ (*Turkey*). – Mr President, thank you very much for your address to the Assembly. Probably right after the local elections, you will start to work hard for constitutional reform. As it takes almost totally opposite views on the future constitutional arrangement, do you believe that the leadership in your country is capable of working on it without the interference of the international community?

Honouring of obligations and commitments by Bosnia and Herzegovina

Mr ÇAVUŞOĞLU (*Turkey*). – Bosnia and Herzegovina joined the Council of Europe on 24 April 2002. Since then, the authorities of Bosnia and Herzegovina have been steadily implementing the formal commitments entered into on accession. To date, Bosnia and Herzegovina has signed and ratified 64 Council of Europe conventions.

Bosnia and Herzegovina's European aspirations should be welcomed. In that context, the Assembly congratulates Bosnia and Herzegovina on the signing, on 16 June 2008, of the Stabilisation and Association Agreement with the European Union. The agreement offers new opportunities for the country, including trade and financial benefits. It should also give a fresh impetus to the long-awaited reforms aimed at bringing the domestic legal order closer to the European *acquis* in the field of democracy, the rule of law and human rights. That said, Bosnia and Herzegovina's membership of the Council of Europe and advancement on the road to the European Union are interconnected: the success of Bosnia and Herzegovina's integration in the European Union greatly depends on the implementation of commitments to the Council of Europe. In that respect, a lot of effort is needed.

On the other hand, we have observed some negative developments in the country. I will not touch on the so-far failed constitution, because my dear colleague, Mr Sasi, will evaluate it in his presentation. However, the increase of nationalist and ethnic rhetoric is a matter of concern, especially on the eve of the October 2008 local elections in the country. Unfortunately, recent initiatives by the authorities of Republika Srpska undermined and weakened the state institutions. Resolutions adopted by the national assembly of Republika Srpska, on 21 February 2008, in which it referred to the possibility of holding a referendum on self-

determination, contradicts the Dayton peace agreement. Another example is the adoption of the Republika Srpska law on conflicts of interest. The draft law aimed at creating the Republika Srpska-specific office of ombudsman for children's rights would undermine the powers of the merged Bosnia and Herzegovina state ombudsman office, which is supposed to perform the very same functions.

The European Charter for Regional and Minority Languages has not been ratified yet, despite the commitments made six years ago, when the country became a member of the Assembly. The compatibility study regarding domestic legislation and the European Court of Human Rights has not yet been published. The procedure for appointing members or candidates on behalf of Bosnia and Herzegovina to several Council of Europe monitoring mechanisms or advisory bodies – particularly the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racial Intolerance and the Venice Commission – has not yet been completed.

I could make many other points, but I will stop there to leave more time for my co-rapporteur and dear colleague, Mr Sasi. At the end, we will try to answer questions and respond to comments. Thank you.

Mr CEBECİ (*Turkey*). – I thank the co-rapporteurs, Mr Çavuşoğlu and Mr Sasi, for their comprehensive and constructive report on Bosnia and Herzegovina, which has some unique characteristics.

The Dayton Agreement of 1995 ended the violence and established a basis on which Bosnia and Herzegovina has started its transition towards being a multi-ethnic democracy. This process entered into an irreversible phase through Bosnia and Herzegovina's accession to the Council of Europe. The country had made remarkable progress in the implementation of its formal commitments and obligations since April 2002. In view of the difficult conditions and memories of a tragic past, this progress should not be ignored or understated. Nonetheless, there still remains much to do.

The current constitution of Bosnia and Herzegovina forms a complex and multi-layered administrative and institutional system containing one state, two entities, one autonomous district and ten cantons with territorial jurisdictions and different sets of laws. Today, that constitution, which includes provisions on group rights and ethnic representation, is increasingly becoming the main obstacle to continuation and implementation of the reforms aimed at achieving a functioning, democratic state. Thus, there is a real need for comprehensive constitutional reform. To be more precise, I would like to stress the need for rebalancing the distribution of power among the country's many layers of institutions with an aim to strengthen the central institutions of the state. As seen from unfortunate experiences in the past, the concentration of power at the entity level becomes a

major impediment to the full transition of Bosnia and Herzegovina to a multi-ethnic democracy.

In view of this need, all political leaders in the country should see the interests of the citizens of Bosnia and Herzegovina as their first priority and devote their efforts to that end. As a first step, the use of ethnic and nationalist discourse during the election campaign for the October local elections should be prevented. Otherwise it will have inevitably adverse affects. I therefore support our Assembly's call "upon all the political stakeholders in Bosnia and Herzegovina to re-launch the dialogue" on constitutional reform immediately after the forthcoming local elections and in close co-operation with the Venice Commission.

The authorities of Bosnia and Herzegovina should step up their efforts towards European integration, especially after the signing of the stabilisation and association agreement with the European Union in June 2008. We will continue to extend our support and assistance to Bosnia and Herzegovina and its people in their efforts towards a multi-ethnic democracy where every individual's human rights are protected by an efficient state structure whose sovereignty and territorial integrity should be respected by all.

Mr ÇAVUŞOĞLU (*Turkey*). – Thank you, Mr President. First, I thank all colleagues for participating and contributing to the debate. Many of them rightly mentioned constitutional reform. We need constitutional reform in Bosnia and Herzegovina, because so many other reforms, including police reforms, depend on it. We therefore urge the authorities to ensure constitutional reform after the local elections.

I would like to respond to Mrs Marković and Mr Ivanić. They said that we are accusing Republika Srpska, and it alone, of failed reforms. That is not true. We are not accusing it, and it is not responsible for all the problems in the country, but we do criticise it for its actions that undermine and weaken state institutions. We call on it not to undertake such activities, and to instead make an effort to strengthen state institutions; that would be beneficial to everyone.

I thank Mr Vareikis for his kind words to us, but I am more grateful for his recommendations and proposals for the country, all of which I support. They are all essential for Bosnia and Herzegovina. There are more reforms to be undertaken.

Mr Höfer was right to say that the election code had improved, but it has not improved enough yet, and we urge the authorities to improve it. We also recommend that the authorities take into account the recommendations of the Council of Europe, the Venice Commission and the Organization for Security and Co-operation in Europe when improving the election code.

A lot remains to be done in Bosnia and Herzegovina, so we should continue to monitor it closely. As Mr Cebeci said, we should do our utmost to support that country because it is a difficult and very complex place, and the situation there is still difficult. We are pessimistic, but there are several reasons to be optimistic. Thank you.

1 Ekim 2008

Situation in Cyprus

Mrs KELEŞ (*Turkey*). – In order to understand the situation in Cyprus we should first remember that the Cyprus problem did not start in 1974 with the intervention of the Turkish army. Secondly, the Republic of Cyprus was established in 1960 by two sides that had equal rights. Now, there are two sides and two states in Cyprus, and we should not ignore this reality if we want to reach a stable solution. Thirdly, the 1960 London-Zurich Agreement and the Guarantee Agreement are the main agreements, and they are part of international law.

Guarantee Agreement item 4 says that if the items of the agreement are not implemented, Turkey, Greece and the United Kingdom will agree to consult each other about the measures needed. It also says that if they cannot act together or come to a conclusion, each of the three guarantor states can act by itself. The 1960 agreement and the structure of the state were dissolved in 1963, when Greek Cypriots kicked out Turkish Cypriots from the posts that they had held under the 1960 agreement. In addition, Greek Cypriots started to attack Turkish villages and to kill Turkish Cypriots. That lasted for 11 years. During that period, the Akritas plan was prepared by Greek Cypriots. The plan explained that the real aim was to achieve enosis and to unite with Greece, but to influence the international public, the Greek Cypriots referred to their demands as “the right of self-determination”.

In 1974, Makarios asked Greece for help, because he had information that Greek soldiers in Cyprus were organising a *coup d'état* against him. This was after the *coup d'état* in Greece. The President of Greece, instead of helping Makarios, effected a *coup d'état* in south Cyprus, together with other generals in Cyprus. He threw aside the Cyprus Constitution and declared Nikos Sampson head of state. There is a state in the south of Cyprus today, but it is not the state founded in 1960 by the London-Zurich Agreement. No one should use the term “occupier” for a country like Turkey, which waited for 11 years and which intervened only when enosis, forbidden by the 1960 agreement, was on the way to being realised. That intervention took place in accordance with international law, because Turkey consulted the United Kingdom and Greece and asked them to act together.

There is also the matter of Decision 2658/79 of the High Court of Greece, dated 21 March 1979. It was treated as a top-secret document by Konstantin Karamanlis, because the decision accepts the right of Turkey to intervene as a guarantor state. Turkish intervention blocked enosis, stopped the ethnic cleansing of Turkish

Cypriots and brought peace to Cyprus and democracy to Greece. There are Turkish troops in the North Cyprus state because there is not yet a solution. There are also English military bases in south Cyprus.

If we really want a just, durable and realistic solution, we should stand at an equal distance from both sides. Personally, I feel that accepting a new partnership state would be the best solution, because it would mean one state with a confederation of two sovereign founder states. That would be a more realistic and stable solution.

Mr ÇAVUŞOĞLU (*Turkey*). – I know that our rapporteur does not want us to deal with recent history, but I ask you to remember the recent past. Four years ago, we were here again debating a draft resolution on Cyprus. That was immediately after the referendums held simultaneously on both sides of the island on the United Nations peace plan. You will remember that it was the time when we came closest to a solution in Cyprus, but a great opportunity was missed. Turkish Cypriots overwhelmingly voted in favour of the solution and integration with Europe, whereas the Greek Cypriots rejected the solution by an even greater majority.

Back then, we applauded the Turkish Cypriots. Back then, we decided to respond positively to the Turkish Cypriots' European choice. We all agreed that Turkish Cypriots should not be punished because of Greek Cypriot intransigence. In Resolution 1376, we decided that we would do all we could to end the isolation. As a result of that resolution, two Turkish Cypriot parliamentarians, who are democratically elected representatives of their people, can sit among us today.

I have no doubt that you remember all this. That is why I cannot help asking how the current draft resolution came to take its present form. It is obvious that some of us, first and foremost our rapporteur, have difficulty remembering the recent past that I have just revisited. Therefore, I wish to ask a question of our rapporteur and of the Assembly. What has changed so dramatically in the past four years that we should have before us a draft resolution that is so entirely different from the one that we adopted four years ago?

In the past four years, a leadership that is even more enthusiastic about a solution has come to power in Northern Cyprus. We have just listened to President Talat's speech. In Turkey, the government who gave full support to the Annan plan – which included withdrawal of the Turkish troops – are still in power with a strong determination to facilitate a solution in Cyprus. In the past four years, it has been the Turkish Cypriot side and Turkey which have worked industriously to resume the negotiation process. On the other hand, on the Greek Cypriot side, the leader who said yes to the plan in negotiations and then appeared on television in tears to ask his fellow citizens to reject the plan is still part of the government.

Despite all that, the draft resolution invites Turkey and the Turkish Cypriot side to confirm their pro-solution credentials, but fails to make such a demand of the Greek Cypriot side, which was responsible for the rejection of the United Nations plan.

Turkish Cypriots live in ever increasing isolation. They are even denied the opportunity of a friendly football match with an overseas team. Turkish Cypriot universities are left out of the Bologna process. Membership applications to international organisations from Turkish Cypriot NGOs are either turned down or left in limbo. Travel, trade and communications barriers are still in place.

I ask colleagues to consider those points before voting on the amendments and the draft resolution. I have one final question. How can the Parliamentary Assembly contribute to the recently begun negotiations in Cyprus on the basis of such a biased, unfair and lopsided report?

Mr AÇIKGÖZ (Turkey). – The report coincides with an ongoing negotiation process, which is why we should examine it to make sure it does not undermine that process. Among other things, it calls on the Turkish Cypriot side to implement a blanket ban for the sale and construction of so-called Greek Cypriot properties in North Cyprus. Why is no such call made to the Greek Cypriot administration in respect of Turkish Cypriot properties in South Cyprus? Thousands of Turkish Cypriots are denied their property rights, yet there is not a single word on that in the report.

Halting the sale and construction of such properties in North Cyprus has long been a demand of the Greek Cypriot side. It has somehow found its way into the report. Such a demand is neither fair nor realistic. The Greek Cypriot side wants to have the best of both worlds. They want to keep on rejecting peace plans, like it did in 2004 by voting against the Annan Plan, but it also wants Turkish Cypriots to keep waiting for it as if nothing happened.

One important matter should be noted. The property issue is part of the comprehensive solution and within not months but weeks this issue will be at the negotiation table. Thus the report is actually sabotaging the process by making such a call.

Another important aspect is that the property issue and the sale and construction of these properties would have been long gone with the Annan Plan. This issue is still with us only because of Greek Cypriot rejectionism and their never-ending whims and wishes.

Life goes on, and these properties, like any property, are a vital part of the Turkish Cypriot economy and on an island bent on tourism. The construction sector has been the flagship of the booming Turkish Cypriot economy. It is playing a very

positive part for the solution process by helping to bridge the economic gap between the two sides. Let us not forget that bridging this gap has been a long-cherished goal of the international community.

Thus, the Greek Cypriot side's real goal is to undermine the Turkish Cypriot economy. The Greek Cypriot side hopes that the Turkish Cypriot side will come to the negotiation table out of poverty and compromise on its rights. The Turkish Cypriot side approved the Annan Plan and opted for a future in Europe at a time when it was enjoying relative prosperity and economic development. No doubt the construction sector played a vital role in this. Thus curtailing the construction sector will only mean punishing Turkish Cypriots.

Let me repeat again that the property issue is part of the comprehensive solution. Expecting the Turkish Cypriot side to implement unilateral measures when a solution is still awaited is not realistic and grossly unfair. We should avoid undermining the current negotiation process by raising issues whose due place is the negotiating table.

Mr CEBECİ (Turkey). – I attentively read the report prepared by Mr Hörster on the situation in Cyprus. The explanatory memorandum of the rapporteur is well prepared. The basic principles for the Assembly's involvement are clear and the role for the Assembly and the Council of Europe is well designed.

However, the draft resolution does not concur with the memorandum, in which Mr Hörster highlights the ownership of the process as the number one key principle on which our efforts should be based. He states that the prime responsibility for finding mutually acceptable solutions on core issues, such as territory, property issues and security guarantees, lies with the Cypriots themselves. He further emphasises that the Assembly should abstain from being involved in these issues. But in the draft resolution, he suggests that the Assembly intervene directly or indirectly in the ongoing negotiation process. He calls upon the Turkish Cypriot side to put on hold the sale and construction of Greek Cypriot properties, and upon Turkey to reduce its military presence in the north.

I tell the rapporteur that these calls do not facilitate the international efforts for a solution. At a time when we welcome the launching of fully fledged negotiations, which commenced on 3 September, and hope that the new process will bring a just and lasting solution to the Cyprus issue, such attempts prejudice the course of the negotiations.

The rapporteur should have abstained from proposals which place one of the parties in a more advantageous position vis-à-vis the other. This Assembly cannot have a role in the repositioning of sides so that one party can negotiate on better terms.

The Cyprus problem can only be solved in the United Nations and on the basis of long-established UN parameters. These parameters are bi-zonality, political equality of the two sides, and a new partnership to be founded by the two constituent states and two peoples of equal status.

What we can do is to offer the Council of Europe's expertise in support of the process. We can help the creation of conditions for rebuilding confidence. We can help re-establish contacts, multiplying channels of dialogue and building trust between the two communities by the help of concrete projects.

We can focus more on areas like history teaching, protecting cultural heritage, fighting against trafficking of human beings, education, law enforcement and bicomunal civil society projects. This will certainly contribute to the creation of will on both sides for cohabitation.

We can work, in our national capacities, for lifting the isolation of one of the sides to improve the atmosphere of reconciliation and thus help a solution. This is a humanitarian issue that needs to be addressed.

The United Nations Secretary-General, in his report to the Security Council in 2007, encouraged the international community to maintain economic, social and cultural ties with the Turkish Cypriot people. He underlined that the lifting of the isolation of the Turkish Cypriots does not contradict Security Council resolutions.

It should also be noted that the decision of the European Council on 26 April 2004 was to "put an end" to the isolation of the Turkish Cypriots. Contrary to Mr Hörster's call in the draft resolution, there was no conditionality attached to this decision. To reach a long-lasting and viable solution, the economic and social situation of the northern part of the island should be improved.

We can extend our full support to the negotiation process and encourage both sides to continue their constructive attitude towards finding a durable and just solution in Cyprus. We should avoid siding with or providing competitive advantage to one of the parties.

In this report, I regret the rapporteur's attitude of ignoring the views and opinions on the draft resolution of the Turkish and Turkish Cypriot parliamentarians. If they were taken into consideration, today, we could have a balanced report which could have contributed to the positive atmosphere on the island.

Mrs TÜRKÖNE (Turkey). – I congratulate Mr Joachim Hörster, the rapporteur, on his informative report which draws our attention to a very important issue. The Cyprus conflict is a sensitive problem which has been at an impasse for many years, but now we should pay the tribute that is deserved to the process of face-to-

face talks between the two leaders, which began on 21 March 2008 under the auspices of the United Nations.

Having said that, I turn to the report in front of us. It has some factual errors as well as some misconceptions that may lead to misunderstandings. Let me name these issues.

First, the report regrettably falls short in underlining the idea that the problem on the island should be solved under the auspices of the United Nations and according to the parameters set forth by the UN. In that framework, it should be kept in mind that the Good Offices of Mission to solve the Cyprus problem was entrusted to the United Nations Secretary-General by the UN Security Council. However, by making proposals that imply handling the issue is out of the UN's scope, our rapporteur unfortunately fails to sustain an even-handed approach. At a time when the negotiation process for the comprehensive settlement between the leaders on the island is continuing, such proposals might prejudice the outcome of the ongoing negotiations on the island.

Secondly, the resolution in paragraph 9 gives credit to the Greek Cypriot administration for the efforts aimed at improving the situation of the Turkish Cypriots, as if the Greek Cypriot administration has made a positive contribution to ease unjust restrictions imposed upon the Turkish Cypriots. In fact, despite the calls from the UN Secretary-General to ease the restrictions imposed on Turkish Cypriots, the Greek Cypriot side insisted on blocking the way not only for direct trade to be realised with the northern part of the island but also to the educational, cultural and other contacts of the Turkish Cypriot people.

Thirdly, the report has been drafted so as to prejudice the comprehensive settlement negotiations going on in the island. Let me give a clear example: the report calls for "Turkish Cypriots' integration into Cyprus and Europe" in paragraph 9. The approach adopted by our rapporteur actually implies that the Turkish Cypriot people are a minority rather than political equals of the Greek Cypriots. Furthermore, this approach also disregards the fact that the Turkish Cypriots will be the co-founder of a new partnership to be established by two constituent states of equal status. This fact has also been verified by the two leaders' joint statement of 23 May 2008. Therefore, the approach adopted in the report indicating "Turkish Cypriots' integration into Cyprus" is not only technically wrong but prejudices the results of the ongoing negotiations.

Fourthly, the report says, "... looking forward, not backwards. Instead of digging into history in search of justice, the Assembly should look into the future for reaching a lasting solution."

I must point out that I am one of those who favour very much leaving behind talking endlessly about history, but only as long as we draw the necessary lessons from it, and are honest about facts and history.

To assess the situation in Cyprus fairly, we must look to the past and understand what is going on now. The Republic of Cyprus was founded in 1960, but from 1963 to 1974 there was an oppressive and undemocratic regime which was only removed by Turkish intervention. Simply, Turkey used her guarantor powers in the event that the founding agreements were totally violated. Those guarantor powers are not uniquely enjoyed by Turkey but shared by Greece and Britain.

My political inclination is not to live with memories and bitterness for ever. But it is a fact that to reduce the number of Turkish troops in the north cannot be demanded without first ensuring the rights of Turkish Cypriots to live in a viable state.

Responsibility for the Cyprus problem does not only rest on the shoulders of the Turkish Cypriot side. It is unfair to apply pressure on one side only. There are missing persons in Northern Cyprus too and most of them are civilians unlike the missing soldiers who are the majority in the southern part.

There are Turkish Cypriot properties, too, in the southern part of Cyprus whose sale or construction have been put on hold. The number of Greek applications to the European Court of Human Rights cannot be evidence alone that the Greek Cypriot side is the only side of this issue that was damaged and has lost rights.

However, I should also mention one observation, among others, contained in the report, to which I extend my full support, and that is the opinion that everyone has a shared responsibility to give Mr Talat and Mr Christofias, the personalities who are best equipped to address this issue, an opportunity to succeed.

It is undeniable that the talks created a positive atmosphere and transformed the possibility of searching for a common ground on which further progress could be achieved to a reality.

Mr KUMÇUOĞLU (Turkey). – When we read through Mr Hörster's biased report, we see that his whole endeavour is aimed at the so-called reunification of the island rather than at having a just and fair solution to the conflict and securing peace and harmony there. In fact, his understanding of unification seems to be the integration of the Turkish Cypriots and the Turkish Republic of Northern Cyprus into the Greek Cypriot state in the south.

While listening to Mr Christofias's speech yesterday, we became sure where this brilliant idea had come from, because he, too, stated that his vision was first

“reunification” and then “the transformation of the unitary state to federation”. He later implied that this was an important concession that the Greek Cypriot side can make.

At this point, I cannot help asking whether the Republic of Cyprus as established in 1960 was in fact a unitary state. Instead of going into some detailed deliberations on this issue, I will quote from the 1960 Constitution of the Republic. Article 1 states: “The State of Cyprus is a Republic with a presidential regime, the President being Greek and the Vice-President being Turk, elected by the Greek and the Turkish communities of Cyprus”, respectively. Article 3 states: “The official languages of the Republic are Greek and Turkish”. Article 38 states: “The Vice-President of the Republic ... be present at the presentation of the credentials of the foreign diplomatic envoys”. Article 86 states: “The Greek and the Turkish communities respectively shall elect from amongst their own members a Communal Chamber which shall have the competence expressly reserved for it under the provisions of this Constitution”. Last but not least, Article 173 states: “Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusto, Larnaco and Paphos”.

As is clear, this is not a unitary state in the sense Mr Christofias claims. It is therefore clear enough that neither Mr Christofias nor the Greek Cypriots are making any concessions by accepting a bi-zonal and bicomunal federal state based on the political equality of both sides.

Furthermore, Mr Christofias has stated that “as fighters of the Popular Movement of Cyprus”, he fought alongside the present leader of the Turkish Cypriot community, Mr Mehmet Ali Talat, from the beginning of the 1980s. Together they envisioned Cyprus without the presence of foreign troops. I wonder if this is his actual position and standing as far as foreign troops are concerned, because Turkish military forces are not the only troops on the island.

If Mr Christofias is trying to say that he is still against the military bases and military presence of the United Kingdom on the island too, then it seems that the negotiation process for a comprehensive solution is going to be a little bit complicated but much more colourful.

Lastly, I underline that the report minimises the suffering of the Turkish Cypriots under the unjust isolation imposed by the Greek Cypriots. Moreover, it is frustrating to see that it fails to reflect the recommendations made by previous and current United Nations Secretaries-General in removing the restrictions on the Turkish Cypriots. In this context, I remind our colleagues that this Assembly gave its consent to representation by two parliamentarians from the Turkish Republic of Northern Cyprus just after the rejection of the Annan Plan by the Greek Cypriots. This momentum in easing the restrictions on the Turkish Cypriots should be sustained.

The OECD and the world economy

Mr KUMCUOĞLU (Turkey). – I thank our rapporteur for her impressive and informative report on the recent activities of OECD and the global economic situation.

I also thank Secretary-General Mr. Gurría for his presence at this sitting and for his invaluable presentation. He was able to shed some humour on to the gloomy world economy. The presence of the OECD Secretariat, as well as the representatives of non-European OECD countries, is extremely beneficial to a meaningful debate on the state of the world economy.

With its 30 members, representing 60% of global gross domestic product, OECD is certainly one of the leading international organisations and constitutes a forum for the governance of the world economy and for the analysis and assessment of global economic trends. Past years have shown us the critical role that OECD has played, and will play, in dealing with global economic challenges through a co-ordinated approach.

I share the view that OECD membership should be broadened to other major players in the world economy. Enlargement would strengthen OECD by increasing its global influence and its capacity to fulfill its mandate.

I believe, however, that OECD's enlargement process should proceed on a selective basis. This would require that every applicant country be evaluated on its own merit and on a case-by-case basis. I agree with our rapporteur that one of the most important criteria to be taken into account for inviting countries with free market economies to OECD membership should be adherence to democracy and human rights.

Needless to say, the world economy is now dominated by uncertainty and panic. On the one side, there is the pressure of soaring inflation, with oil and food prices on the rise while, on the other, there is the worsening crisis in financial markets. Day after day, news reports on the collapse or seizure of major financial institutions, particularly in the United States, make the headlines. The fear is that if more significant financial companies fall, a spillover effect within the United States and on world markets might be inevitable. The panic in world financial markets has already led to sharp falls in share prices and to the contraction of credit markets. Projections for economic growth are getting more pessimistic.

As alarm bells are ringing in the financial markets, the expertise of OECD as a truly global economic forum where the most powerful global economic actors are represented is getting more relevant. OECD member states should make better use of this ideal forum, which can facilitate the adoption of the co-ordinated approach needed to contain and reverse the negative effects of global financial instability. In

this regard, I strongly believe that the recommendations of OECD should be duly implemented by its member states.

Refreshing the youth agenda of the Council of Europe

Mrs MEMECAN (*Turkey*). – I would like to congratulate Mrs Sabuni on her good remarks.

The motion to look into refreshing the youth agenda of the Council of Europe is a great idea, and the rapporteur, Mr André Schneider, has done a great job. We hope that the Committee of Ministers will take Mr Schneider's recommendation on refreshing the youth agenda of the Council of Europe into consideration at its earliest convenience.

Following the major debate that the Parliamentary Assembly held in 1968 on youth questions, many projects have been started and supported by the Assembly. Youth centres in Strasbourg and Budapest, co-management programmes, educational programmes and activities to promote the principal values of the Council – the “All different, all equal” campaign – are some of the youth-related projects that have come to life since then.

It is about time to have a fresh look at European youth and explore with them the opportunities that their future holds for them. We do not suggest remodelling the future of youth for them but exploring the opportunities and creating awareness of the opportunities among the young people of Europe. They will use their creativity to make the best use of the opportunities that the future holds for them. The proposals of the European Youth Ministers' meeting in Kiev this month will provide good guidelines for all European governments for their youth policies.

The young people of Europe today are more diverse and decreasing in number. As the profile of European youth changes, so do the needs, wants and opportunities. They will soon be living in a society with more older people and working hard to support them. The diversity of European youth is a challenge and an opportunity for Europe. Differences may cause fear, prejudices and clashes among young people as long as they remain unknown. However, there is so much to be learned from each other. The synergy of diverse backgrounds, cultures, diverse viewpoints coupled with youthful energy result in innovative, creative ideas and contributes to the progress of civilisations. Exchange programmes from local to international levels should be promoted to bring young peoples of different places together. The routes of traditional backpacking excursions should expand to include new member countries and candidate countries. Once the young people are provided with opportunities to be exposed to differences, they will bring the best out of them.

The White Paper, “Europe and Youth: a new impetus” very well notes the benefits of such experiences: “The participation of numerous young Europeans in voluntary

projects in other countries ... reinforces young people's commitment to, and involvement in, building the Europe of tomorrow. The thousands of personal contacts made across the countries ... will contribute significantly to the foundations of a human Europe rich with interpersonal contacts that go well beyond cultural differences." It also says that the political foundations inherent to European construction – democracy, human rights, tolerance and solidarity – are very much present in international voluntary teamwork, and that the abstract concepts like Europe, enlargement, and the European institutions come to life as young people from different cultures interact with them. The Assembly and the national governments should include promotion of the concept of diversity in their youth policies. A positive approach to diversity will help correct perceptions, improve sense of equality and create more innovative societies.

Young people today are more technology-oriented and equipped. In an environment where there are so many rapid advances in technology, it is helpful to study the social consequences and predict the opportunities that await in future. Online friendships, online communities, social groups, online self-expression possibilities through chats, forums, blogs, Facebook and so on are all new areas of connecting with other young people. The future of virtual lives of young people is another area that needs a fresh look into for identifying new opportunities. Youth policies should not only be developed but well advertised to young people to increase their involvement in the process. Europe will flourish with young people with true European values.

2 Ekim 2008

The consequences of the war between Georgia and Russia – resumed debate

Mrs KELEŞ (*Turkey*). – I thank the rapporteurs for the report and congratulate distinguished members on making the correct decision yesterday. Recent conflicts in Europe have shown that the European Union is not very quick to react to new political conflicts in its neighbourhood, but time is very important if we are to be effective in forming new foreign affairs policies. To make a realistic evaluation and recommendations, we should first accept that the Russian Federation is, like China, emerging as a superpower. Secondly, we should consider the fact that some European countries are dependent on the Russian Federation to a great extent for energy. It is therefore important to have other channels of energy supply if we want to be freer when taking decisions on future conflicts.

The first steps to be taken are to end the military operations, to help humanitarian aid reach the people who need it, to make the military forces on both sides retreat to their own borders and to start negotiations on the status of South Ossetia and Abkhazia. The solution will take shape during negotiations. Georgia is not just a country on the border of Turkey but an important transit region for energy. The Baku-Tbilisi-Erzurum petrol pipeline and the Baku-Tbilisi-Ceyhan natural gas

pipeline are the only important energy lines not within Russian borders. Georgia is therefore very important to both the European Union and Turkey.

However, Georgia is also important to Russia, if Russia is to be able to control the Caucasus, reach Armenia and exert pressure on Azerbaijan, if need be. The recent dispute will also have helped the Russian Federation to keep some of its neighbouring countries away from NATO. Russia used this opportunity, which arose unexpectedly, to confirm its superiority to some neighbouring countries.

Separatists in Georgia have also gained some advantage from recent events. From now on, South Ossetia and Abkhazia will have more support for their demands for independence. Turkey has declared the independence, sovereignty and territorial integrity of Georgia to be important. To restore stability in the Caucasus, hostilities should be ended, force should not be used and peaceful means should be used to solve existing disputes.

Turkey proposed forming a new platform – the Caucasus stability and co-operation platform – to establish confidence, stability and security in the region. Turkey, Russia, Georgia, Azerbaijan and Armenia may come together within the context of that platform. It is proposed as an additional forum to the other institutions, organisations and mechanisms that deal with problems in the Caucasus. Our first impression is that all those countries seem to be interested in the proposal and are ready to support it.

Meanwhile, women want the Council of Europe to pay more attention to the situation of women in the region. What happens to women in refugee camps? Can they access health services? What happens to pregnant women there? I ask those questions because although war is very painful for everybody, it has been proven time and again that when there is a war, it is women who suffer most.

Mrs MEMECAN (*Turkey*). – Today, we face two member states of this Organisation trying to resolve their conflict by force, which is sad and shameful. We, the members of this Organisation, believe in and promote dialogue to solve our disputes. When there is hatred or animosity among people that arises from past experiences or from ethnic or religious differences, it is a duty of leaders to promote resolutions by introducing modern values such as tolerance, respect for each other, equal rights and openness, and to suggest finding common ground for dialogue. It is unacceptable and rather old-fashioned to resort to violence and force to eliminate problems and other people by killing them.

We face an unfortunate situation. We heard from the Commissioner for Human Rights, Mr Hammarberg, about the sad situation and suffering of the people of the region. We heard from the Human Rights Watch officers about the unacceptable living conditions of the people, the threat of cluster bombs and mines in the region, looting and weapons. Many innocent people have been killed, wounded and left

homeless or even townless. The human rights violations in the region are terribly sad.

We in the Council of Europe should provide the means for dialogue between the parties involved so that they can achieve reconciliation. Peace and stability in the member countries involved are necessary for peace and stability in the region.

We in Turkey, as neighbours in the region, are terribly concerned about the unrest there. Having the advantage of being in close contact with the relevant parties and other countries of the region, our prime minister has proposed the establishment of a Caucasus stability and co-operation platform. The aim of that body would be to encourage regional political dialogue to develop good neighbourly relations and strengthen regional peace, stability and security. Such a body would not be an alternative to any existing mechanism and it is planned to function as a facilitator. We are happy that the ongoing dialogue on that proposal with the countries of the region is encouraging.

Given the intense meetings and discussions that have taken place this week with Russian and Georgian delegates in the Assembly, and given the constructive involvement of the rapporteurs and many other colleagues, I hope to be able to feel confident that the crisis will soon be under control. We should take immediate action to take care of people's basic needs so that they can survive the coming cold days of winter. I urge everyone to concentrate their attention on that priority.

Address by Mr Fredrik Reinfeldt, Prime Minister of Sweden

Mr ÇAVUŞOĞLU (*Turkey*). – My colleagues asked questions about refugees, but I have a specific question. What do you think about European policies on refugees from Iraq? I know that your country takes a great interest in Iraqi refugees.

The consequences of the war between Georgia and Russia – resumed debate

Mr CEBECİ (*Turkey*). – I thank the rapporteurs for their work. The recent resort to the use of force in the Caucasus, involving two member countries of the Council of Europe, is worrisome. As I come from one of the countries in the vicinity of that conflict, I am very concerned about the latest developments, which clearly violated the territorial integrity of Georgia. I attach the utmost importance to Georgia's independence, sovereignty and territorial integrity and favour a durable solution to the crisis in line with the fundamental principles of international law.

The Georgian administration has been excessively aggressive in its dealing with South Ossetian affairs. However, the military operation mounted by the Russian administration is a clear violation of international law and extremely disproportionate. Also, the recognition by the Russian Federation of Abkhazia and South Ossetia as independent entities is a major source of concern.

I call on all sides involved in the conflict to act responsibly and refrain from further escalating the tension in the region. As members of the Parliamentary Assembly of the Council of Europe, we have a responsibility to condemn oppression wherever and whenever it occurs. We also have a responsibility to remind the Georgian and Russian authorities of the fundamental values of our Organisation, as well as their commitments and obligations arising from their membership. In so doing, we should refrain from taking steps that could jeopardise the channels of dialogue with any of the involved parties.

It is my wish that the Russian administration show the same sympathy and mercy to the minorities that live in Russia proper as it has shown to the South Ossetians and Abkhazians. Also, the Georgian administration should be aware that the Caucasus is a china shop and you have to be careful about what you are doing. The parties involved should refrain from taking steps that further escalate the tension and settle the dispute through peaceful means.

Mrs TÜRKÖNE (Turkey). – I am one of those who is in favour of looking forwards not backwards into history. However, let us learn from the past and try to find a better understanding to overcome crucial disputes. History has different aspects and when we want to look carefully into certain events, we usually find various aspects that overlap and are linked.

Last night, I attended two receptions, those held by Germany and Russia. At the German reception, I heard the German national anthem and people also sang the European Union anthem. Both have common values in their lyrics. The clear message of both is “unity, freedom and justice”. I have started thinking back to how Europe has come up with these values, which of course did not emerge in one night. It has a long history, so we come back again to something we can find in that history. This reminded me of battles, wars, bloodshed, millions of lives lost, fears and tears.

I remembered 17th-century religious battles, I thought of the 1215 Magna Carta and the 1789 French Revolution, I thought of two great world wars and the losses we had. But this history of fears, blood, war, battles, confrontation and pain can also lead us to dignity, happiness, harmony, consensus, compromise, freedom, justice, trust, democracy and hope, as, Robert Schuman and Jean Monnet, the founding fathers of the European Union stipulated when they started thinking about a united Europe. It was thought that if common control of the raw materials of armaments could be managed, co-operation could be achieved and the source of disputes disappear. I believe that what is needed now is such an initiative, to allow us to overcome this crucial dispute in the Caucasus region.

Each country may pursue different policy objectives. These policy objectives may contradict the perceptions and goals of other countries, such as Russia, Georgia, Armenia, Azerbaijan and Turkey. In addition to these conflicting policy objectives

of different actors, the persistent unresolved conflicts in the Caucasus aggravate the situation in the region. In this way we will be able to focus on our common interests rather than sticking to the same old disputes, which just allows conflicts to remain frozen and very dangerous.

The absence of any regional mechanism for dialogue does not help but continually embitters the situation. In the light of this analysis, the Turkish Government put forward a positive initiative immediately after the outbreak of violence between Georgia and Russia, which it first proposed in the 1990s. The initiative is called the Caucasus Stability and Co-operation Platform. This proposal would bring Georgia, Russia, Azerbaijan, Armenia and Turkey together for regional dialogue. The overriding immediate objective of such a regional dialogue would be to reduce the level of perceived confrontation in the policy objectives of regional states. That must be seen as a major step in the right direction.

In the medium term, this platform could facilitate strengthening regional peace, stability and security, encouraging regional political dialogue, enhancing economic co-operation and energy security, and go some way to ending tensions and starting to develop good neighbourly relations for the first time – by any standard; a major step in the right direction.

Having said that, I hope that unity, freedom and justice, which are the common values of Europe and the essence of the anthem of the European Union, can spread all over the Caucasus. I know that what I offer you today may be perceived as a dream by some, but one should also note that dreams can only come true when we first start to believe them. And if this Assembly stands for anything it must be for making the dream of unity, peace and, most important of all, protection of the rights of innocents come true. If we do not speak up for them, who will?

3 Ekim 2008

Combating violence against women: towards a Council of Europe convention

Mrs MEMECAN (*Turkey*). – I congratulate the rapporteur not just on his initiative and this report but on his sincere dedication to combating violence against women. I also thank the Secretariat of the committee for their in-depth knowledge of and attentiveness to the subject. With such great people, we have a great chance of being successful in this battle.

Violence against anyone is a display of weakness both for the perpetrator and the victim, and it is a factor in holding societies back from progress. Violence against women is a violation of one of the most basic human rights. It is shameful still to be talking about it in this day and age, but it is a reality and it has to be dealt with. It is our duty and responsibility here in this Assembly to fully comprehend the scope of it and find its cure for the sake of all the people we represent. We must keep the issue alive until there is no more violation.

Violence against women is the most common and most damaging form of violence. It exists in every society in different shapes and forms. Beating, rape and genital mutilation are examples of physical violence, whereas harassment, forced marriages, oppression and humiliation are examples of psychological violence. The objects, women, are mothers, wives, daughters and girlfriends – the nurturing, caring members of society. Oppressing women by means of any kind of violence has only adverse effects on the family and society. Families and societies of strong women become stronger. Violence, the major obstacle in the way of women, has to be combated to empower women to produce healthy and powerful societies.

The Council of Europe's initiative to combat this social disease should be applauded. The issue has been tackled in a systematic way. The problem has been identified through hearings and meetings held in many countries, including Sweden, Bulgaria, Turkey, Finland and Austria. Fruitful awareness campaigns have been launched by the Council of Europe in co-operation with other international organisations such as the United Nations, the European Parliament, the Inter-Parliamentary Union and non-governmental organisations. Laws have been introduced to prepare the legal framework for prevention and penalising of the crime in many parliaments – a product of the contact parliamentarian network. Means of protecting victims have been defined and implemented and have gone into providing services for many women. Educational programmes involving men in the battle have been among the most impressive activities of these initiatives. Learning about respect, equality, and basic human rights has made them better people. Even many “non-violent” men who went through these educational programmes improved their relationships with their partners. The result was happier couples.

Many women in many countries have benefited from all these activities and continue to benefit. However, all this is just the beginning. The battle should continue until no one woman is the subject of violence. No woman deserves such humiliation and no man should resort to violence because of his shortcomings. The issue needs continued attention, and we need to remain mobilised. We strongly urge the assembly to invite the Council of Europe to draft a framework convention to encourage national parliaments to participate and to follow up on its implementation.

Mrs KELEŞ (*Turkey*). – The report is the second stage of the reports and campaign on combating violence against women, including domestic violence. I congratulate Mr José Mendes Bota and the Secretariat of the committee on giving much time and effort to finding a solution to one of the most important problems for women. Violence against women is the most widespread human rights problem – millions of women suffer from it.

To end the campaign by preparing a convention is very rational, because if we do not take the necessary steps, the resolutions and recommendations that were

prepared with the utmost care may not be reflected in the implementation. Resolution 1582 of 2007 has seven minimum standards, but the application of those necessitates co-ordination among national parliaments, governments, ministries, local administrations and non-governmental organisations of each country. A Council of Europe convention will enlighten them about the rules and regulations and the procedure they should follow to combat violence against women.

The most dramatic violence is that of so-called honour crimes. The first thing we should do is to find another name instead of “honour” for this crime and use that name from then on. The existing name is like an excuse to do something terrible. Unfortunately, in most cases there is also great pressure on the family to carry out such crimes. Pressure from other people is also used as an excuse. We should therefore think of some special measure for this crime, both with regard to the family and to the community. It is a direct attack on the right to live. The family is involved in it, and the worst part is that the woman who will be killed knows it, or at least she can easily guess because of previous events. It is like a death penalty. Europeans, who have removed the death penalty, must also be successful in removing so-called honour crimes.

I hope that the Council of Europe convention will lead to legal instruments that ensure the protection of the victims and punishment of the perpetrators and prevent violence against women and girls.

I would like to say one more thing. A war is violence against a whole nation, but it is even more so for women who are treated badly and confronted with sexual assault and rape by foreign soldiers. Perhaps, therefore, violence against women during wartime by foreign soldiers should also be considered as being among war crimes.

Joint debate - indicators for media in a democracy/for the promotion of a culture of democracy and human rights through teacher education

Mrs MEMECAN (*Turkey*). – I shall comment on the report on the media. I thank the rapporteur, Mr Wodarg, for a very comprehensive report that covers many aspects of the issue of the media in a democratic environment. The report reflects on journalists’ freedom of expression, and on the freedom of individuals to be exposed to correct information and a variety of opinions. In an ideal democratic setting, freedom of the media and journalists’ freedom are as essential as an individual’s right to receive correct information freely. Many journalistic organisations provide good employment guidelines and ethical guidelines that enable journalists to perform at their best.

The report also notes measures for media pluralism. A variety of opinions, provided by various media centres, provide the public with different points of view.

Pluralism is an essential feature of democracy, and the media play a great role in its establishment. Reflecting different political and cultural views is the only way to ensure that people understand each other, understand their world and can come up with their own views, allowing them to improve their lives.

Free and independent media are vital in a democratic society. Newsrooms should have editorial independence, but that is easier said than ensured. The media may aim to be independent and free, but they are only as independent as their private or public owners, their business deals or their advertisers. The critical and objective views of journalists can hardly cross those lines, no matter how professionally protected they are. As media organs are potential power centres, they sometimes attract owners who wish to deviate from plain journalism and abuse their power by pressuring political bodies or competitors. They may do so by holding back news or misrepresenting the facts. Sometimes individuals are defamed or praised in the media to bring about personal gain for the private owners of “free and independent” media.

The holders of such power may enjoy manipulating the public and may even run the country without holding office. That power is often used to form public opinion in a way that benefits the owner or his allies. Privately owned media groups will often compete with each other in self-benefiting media wars, at the expense of a misinformed, confused and depressed public. The worst part of it is that there is often no proof of wrongdoing, or no penalty attached to it. That is disrespectful to the public and to journalists, either out in the field or in the newsrooms, who are trying to do their jobs professionally. The misuse of the media prevents the introduction of democratic rights and values. Issues arising from media ownership require more in-depth scrutiny.

The periodic reports on the media environment and on the shortcomings of media owners are a great means of recommending the correction of the misuse of media and of promoting freedom of expression and freedom to receive correct information in democratic societies.

Mr TEKELİOĞLU (*Turkey*). – Freedom of expression and information through the media is not only one of the fundamental pillars of democracy; it is guaranteed among the core international human rights, and in human rights instruments and the constitutions of modern societies. The principle of openness of government, parliament and the courts, as well as of transparency in relations between the state and the media, should serve as the basis of the true functioning of the media in a democratic society.

The right of freedom of expression and information through the media should be exercised in a manner that respects cultural and religious values, as well as social order. In this regard, I stress the importance of paragraphs 8.25 and 8.26 of the draft resolution. The establishment of self-regulatory bodies and the

formulation of professional codes of conduct for the media are significant for the exercise of the freedom of expression and information through the media in the interests of democracy and social order.

In other words, the media should set their own limits on the right of freedom of expression. Media professionals should refrain from producing any kind of antisocial publication, broadcast or leaflet and, further, should contribute towards the creation of an atmosphere of tolerance.

As everybody knows, democracy and human rights need to be learned. Teachers play a fundamental role in this. Mr Glăvan's report draws our attention to this important point.

The committee thanks both rapporteurs for their excellent reports.

Mr KUMCUOĞLU (*Turkey*). – Media organs have the ability to reach millions of people very easily and simultaneously through different means and various channels. If we are to consider the economic side of the story, we can say that the media industry has grown enormously in recent years. This leads us to the conclusion that the media have turned into an enormous machine with considerable economic and political influence over societies. Therefore, I congratulate Mr. Wodarg on his valuable work on the subject.

However, given the complexity of the subject, the report stresses only the internal aspects of the subject when it is becoming more and more a trans-border or rather international issue. What would our reaction be if a ruler of an extremely rich oil producing country – with no experience of democracy and known for a fundamental view with respect to religion – owned a big share in a leading media company that openly supported the party in power in a large member country? Should we regard this as a natural practice of the market economy and freedom of the press and therefore take it for granted, or as a serious risk for democratic development in that country?