

21 Ocak 2008

### ***Progress Report***

Mr ÇAVUŞOĞLU (*Turkey*). – I would like to extend my special thanks to both Mr Luc Van den Brande and Mr Mátyás Eörsi for their objective and well-balanced reports on the observation of the parliamentary elections in the Russian Federation and the presidential election in Georgia.

Both reports reveal to what extent democratic standards have been met in the execution of the elections in the Russian Federation and Georgia as well as the shortcomings and deficiencies observed during the election processes in these countries. I am confident that both countries will sincerely make every effort to address the criticisms voiced in these reports with a view to preventing their recurrence in future elections.

I regret the fact that it is not uncommon for election observer missions to be exposed to unfair reactions from certain political circles in the countries where they are invited to observe the elections. No one should assume that election observers are there simply to automatically endorse the fairness of elections. They are there to observe and note any shortcomings or signs of fraud which could undermine the legitimacy of the election results. Therefore, what falls upon those complaining about the critical language of election observation reports is to accept the conclusions and recommendations in the reports as constructive criticism.

The member states of the Council of Europe have a fundamental mission, which is to foster democracy in Europe with all of its institutions. We can achieve this goal only by collaborating, not by confronting one another on accusations of bias.

I would like to avail myself of this opportunity to congratulate our new President, Mr de Puig. I would also like to thank our outgoing President, Mr van der Linden for all his efforts to promote human rights and to consolidate democracy in Europe. His dedication to the core values of the Council of Europe will never be forgotten. His able chairmanship has made a major contribution to the enhancement of the scope and visibility of the work of the Parliamentary Assembly. I have no doubt that his accomplishments during his term of office as the President of the Parliamentary Assembly will be an invaluable source of inspiration for his successor.

Thank you.

### ***Address by Mr Timmermans, Minister for European Affairs of the Netherlands***

Mrs MEMECAN (*Turkey*). – Minister, you said that Europe is becoming more intercultural, and we acknowledge that. Many policies are being introduced to integrate new Europeans in order to achieve continued harmony in Europe.

However, I strongly believe that integration should be mutual. What programmes or incentives are being developed for indigenous Europeans so as to better integrate with the new Europeans?

**22 Ocak 2008**

***Developments as regards the future status of Kosovo (resumed debate)***

Mr TEKELIOGLU (*Turkey*). – I would like to congratulate Lord Russell-Johnston on his realistic and frank report.

It is a pity that the possibility of a negotiated settlement has almost disappeared, yet the stalemate cannot linger on forever. The uncertainty casts a shadow over the long-term political stability of Europe.

Turkey supported the efforts of the international community, including the Ahtisaari report, and the comprehensive proposal to create a fully democratic, multi-ethnic, stable and prosperous Kosovo.

It is unfortunate that the UN Security Council failed to reach a consensus on any of the joint draft resolutions. Moreover, the additional rounds of talks between the parties, through the US-EU-Russia Troika within the framework of the Contact Group, could not provide a way out either.

The future of Kosovo should be shaped according to the will of people of Kosovo. However, on all occasions, the leaders of Kosovo should act with restraint and avoid provocation.

I believe that Belgrade will act with a sense of political vision and realism. It is not difficult to understand the uneasiness felt by Serbia. Prospects for integration of Serbia with the Euro-Atlantic institutions can improve this country's domestic concerns.

The future of the Balkans lies in EU integration. It is therefore crucial that the EU acts in "one voice" on the status of Kosovo.

Even though the international community is willing for a solution to be reached within the UN Security Council, developments show that the process has been evolving towards a declaration of independence.

In any case, the multi-ethnic structure, cultural and religious heritage of Kosovo should be protected. This aspect was referred in Ahtisaari's comprehensive proposal as well.

In this regard, the rights of Turkish community in Kosovo, including the status of Turkish language, should be reflected as appropriate in the new constitution of Kosovo.

23 Ocak 2008

***United Nations Security Council and European Union blacklists***

Mr ÇAVUŞOĞLU (*Turkey*). – The fight against terrorism has been a long-standing concern for the international community. Indeed, efforts aimed at setting up an international legal framework to combat terrorism date back to the early 1960s. Today, there are 12 major multilateral conventions on the fight against terrorism.

Universal counter-terrorism conventions are fully compatible with international human rights law. They do not contain provisions whose implementation would lead to limitations on human rights. Respect for human rights remains an integral part of any counter-terrorism strategy.

Under a number of resolutions adopted by the United Nations General Assembly, Security Council and Commission on Human Rights: “states are obliged to ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law”. UN guidelines developed to help states in their fight against terrorism strike a balance between human rights and combating terrorism.

Therefore, as a first step towards meeting the challenges posed by terrorism to our collective peace and security, it is important to ensure that member states become party to, and implement, all major international instruments in this domain.

As is explained in the report, targeted sanctions against individuals and organisations were developed in response to concerns about certain negative consequences of comprehensive sanctions imposed on states. While a system of targeted sanctions is an improvement, concerns persist about their impact on individual rights and freedoms, particularly in respect of procedural guarantees. The report points out such concerns and proposes to establish clear standards and criteria that would ensure the credibility and effectiveness of the system.

In our view, the lack of effective information-sharing at all levels, including for the listing procedures, delisting and possible remedies, is one of the main impediments in this system. We therefore encourage the member states first to improve all their information-sharing capacities – something that is also required by joint counter-terrorism strategies. To our dismay, the report and the draft resolution fail to recognise the importance of a unified international stand in the fight against terrorism. On the contrary, the report somewhat challenges the binding nature of

the relevant UN Security Council resolutions. However, these resolutions constitute its solid and comprehensive basis for combating terrorism on a universal scale and provide a clear road map for the steps that need to be taken.

The global nature of terrorism requires a uniform approach by the entire international community to fight this evil scourge. However, in the absence of a common universal definition of terrorism, identifying terrorists is based on subjective criteria, and one man's terrorist might become another man's freedom fighter. As a consequence, in the drawing up of the blacklists, different standards of investigation are sometimes applied. Owing to the contentious nature of terrorism and anti-terrorist activities, the geopolitical dimension becomes a determining factor in the approach that is adopted. Relying on national interpretations leads to inequalities and a lack of uniform standards.

We should not overlook the fact that terrorism is a violation of human rights, and that it needs to be condemned and combated in all its forms and manifestations wherever it occurs.

Mr AYVA (*Turkey*). – This is my first speech in the Assembly and I am one of its newest members, so I am excited. I wish to emphasise how people suffer if their names are on the blacklist. We have to protect the rights of those people, because it would be dangerous to do otherwise. We describe terrorist action as rebellion or guerrilla war, but in some languages such words encourage or motivate the terrorists. For example, in Turkey, seven young citizens were killed by the Kurdistan People's Party, whose members are terrorists. So I ask the media and my colleagues to be careful about what they call such people.

### ***External relations of the Parliamentary Assembly***

Mr MERCAN (*Turkey*). – First, I wish to congratulate you, Mr President, on your election. I am sure that you will be an excellent president.

Most of us sitting around this hemicycle have democracies in our countries that date back at least 100 years, but some of us have new democracies. Some countries have yet to implement the democratic standards of the Council of Europe member states. The central Asian countries are, as we all know, former Soviet Republic countries and they lack democracy, human rights and the rule of law. Nor do they have separation of powers in many instances. Their treatment of the media suggests that their understanding of pluralism is quite different from our own. The repression suffered by many political figures in those countries is clearly apparent and covered in many newspaper articles and news programmes.

The central Asian countries, with the exception of Kazakhstan, are my concern. They have differing democratic standards and levels of democracy, but they have a couple of things in common. None of them is a Council of Europe member state.

All of them are strategically important, because of their natural resources and because they are transit routes for narcotic drugs. Those countries are emerging from the post-Soviet era and there is no single recipe that will suit all of them. The recipe that we usually use in Council of Europe member states is to measure their democratic standards against strict rules.

I remember that five years ago there was a debate about Turkey. From my own experience, I can tell you that any progress towards democracy and respect for human rights has to come from within the country concerned. Council of Europe member states and the Parliamentary Assembly should try to help those countries to make progress towards democratisation, rather than distance themselves from the people.

The countries that I am talking about have many problems. Corruption is widespread and good governance is lacking. Those are the facts, with which I am sure that many colleagues will agree, but we may not agree on how to help those countries. I think that we need to be very constructive. We need to maintain good relationships with those countries and establish a dialogue with their parliamentarians, their administrations and their political elites. Only through such contact and exchange of information, without us trying to teach them anything, will they make progress. It will be a long process, but we should all be hopeful about the outcome. I have taken that approach in my report.

I am sure that, if we share our experience at the Council of Europe with those countries, it will help them. I visited some of them, and in public people use a different language than the one they use in private. They are looking towards European countries, and are especially interested in the achievements and developments in Council of Europe member countries. For example, Kyrgyzstan is co-operating with the Venice Commission.

If we have good relations with those countries, I expect them to maintain institutional contact with Council of Europe institutions. I remember how keen Kyrgyzstan was to maintain good relations with the Council of Europe. Members from the Kyrgyzstan delegation eagerly followed our debates in the Chamber and asked for co-operation and improving dialogue. I am sure that, with a positive approach, Tajikistan, Turkmenistan and Uzbekistan will join this process, which will help to improve the strategic position and location of our countries as well. I have prepared my report with that understanding in mind.

I want parliamentary and institutional dialogue, and to maintain dialogue with those countries at governmental level. To start with, I want an exchange of information and experience. I hope that the Council of Europe will take up my report, and that my colleagues in the following debate will enlighten our experience of central Asian countries.

Mr TEKELİOĞLU (*Turkey*). – Thank you, Mr President. First and foremost I would like to express my appreciation to all three rapporteurs, who have prepared excellent reports. All three are important, and instrumental in bringing an added value to the issues at hand.

The Council of Europe and its Parliamentary Assembly should be active in promoting and protecting the core values of the Council of Europe, not only in the European continent but beyond. These three reports are significant testimonies to the work of the Parliamentary Assembly in promoting our core values beyond our continent.

As a region in the Council of Europe's neighbourhood, central Asia has strategic importance for the security of the Euro-Atlantic region. Those states in this area which abide by democratic and human rights enjoy the benefits of prosperity and stability. However, democratic transformation in the region has remained regrettably slow until now. As is reflected in the report, the central Asian republics should fulfil the commitments on democracy and human rights that they undertook when they became participating states of the OSCE.

One of our objectives should be to encourage these states to embrace democracy and human rights and to convince their leaders that these values are in their own interest. However, while talking about human rights and democratisation in these states, we should refrain from drawing a picture suggesting that talk of reform is only a device for overthrowing the existing regimes. Leaders who believe in the supremacy of democracy and human rights should be our main tool and strength in the transformation of this region. Therefore, while criticising these republics over their shortcomings over human rights and democracy we should sometimes see the full part of the glass rather than focusing on the empty part. Furthermore, it might sometimes be more constructive to highlight positive developments rather than using sharp and critical words in a negative fashion. A neutral wording should be preferred while criticising these republics over their shortcomings. This approach should be maintained not only for central Asian republics but for the Maghreb countries.

Although the situation in Maghreb countries differs from that in the Central Asian republics, there are some serious setbacks in human rights and democracy in these states too. However, following the same constructive approach, we should urge the governments of these states to open the way to more democracy and human rights. While doing that, we should bear in mind that a progressive approach for the gradual assimilation of democracy in these states is preferable to abrupt and hasty change. Hasty changes in the name of democracy and human rights might lead to more human rights abuses.

I want to say a few words about the observer states of the Council of Europe. An important problem in promoting human rights and democracy is the allegation of

double standards and hypocrisy. To avoid these allegations, we should act consistently and we should not turn a blind eye to human rights abuses in the developed parts of the world. Using observer status to monitor these states is a reasonable way to help the improvement of human rights there. With this approach, we will at least not be accused of concentrating on human rights abuses only in certain parts of the world. Therefore the proposal to include the observer states in reports on democracy and human rights is appropriate and as such it receives my full support.

24 Ocak 2008

### ***The need to preserve the European sport model***

Mr KUMCUOĞLU (*Turkey*). – First, I wish to express my thanks to Mr Platini for his comprehensive evaluation of the current position of sport in Europe. I am the vice-president of Besiktas, one of the leading football clubs in Turkey, so I am a member of the same family. I also congratulate the rapporteur on his comprehensive report on the European sport model.

Sport is a fundamental pillar of civil society and it is one of the few activities that can transmit and embody shared values and codes of conduct across frontiers. Today, sport is the largest voluntary, non-governmental activity throughout Europe, with more spectators and participants than any other activity. However, the report contains no reference to disabled people. The report and the draft resolution state that the main aim of the European sport model is “to ensure that sport remains open to everyone.” That main principle is also enshrined in the basic texts of the Council of Europe, first and foremost in the European Sports Charter. In Article 4 of the charter, it stipulates that “additional measures shall be taken to enable” disabled or handicapped individuals or groups to take part in sporting activities. We must emphasise the importance of the participation by disabled people in sport, as spectators and as participants.

As a new member of this esteemed body, I wonder whether it would be more proper in the future for research and reports on this issue to be carried out independently. It is up to you.

We are all aware that governments have a primary role and responsibility in supporting and funding sport. However, it is my firm belief that central and local governments should give priority to supporting amateur sports. The newly emerging professional sports clubs, which involve mainly football and basketball, are directly owned or heavily supported by state enterprises and local authorities, mainly municipalities, and that could be counterproductive. As the report indicated, sports bodies should remain independent from political influence and not be representative of any special interest group. Such practice seems contrary to that principle, as chief executive officers of government enterprises are usually political appointments and mayors are active in politics.

With due regard to the political considerations of members of this esteemed body and to the political positions of the countries that they represent, I shall deal with a delicate issue.

***Address by Mr Mikheil Saakashvili, President of Georgia.***

Mr ÇAVUŞOĞLU (*Turkey*). – I congratulate you, Mr President, on your re-election. The adoption of the law that will allow the return of the Meskhetian Turks to their homelands is another step in the right direction toward the fulfilment of Georgia's commitments to the Council of Europe. What urgent steps do you intend to take to implement this law, and do you need international support and co-operation?

***Honouring of obligations and commitments by Georgia***

Mrs MEMECAN (*Turkey*). – I thank the rapporteurs for their detailed research and objective report on the progress achieved by Georgia on its obligations and commitments resulting from its Council of Europe membership. Since April 1999, when Georgia joined the Council of Europe, we have seen remarkable progress in its political, economic and social reforms. We welcome the sincere efforts by the Georgian leadership and the Georgian people in their determination to democratise their country.

We all know that Georgia has been going through troubled times since last November. I sincerely hope that the recent early presidential elections will put Georgia back on track in its democratisation process. As recommended in the report on the presidential elections in Georgia, I expect that the Georgian authorities will make every effort to address the criticisms voiced in the report and prevent their recurrence in future elections. In that regard, I wish to emphasise the appeal in the report to all political forces in Georgia to accept the officially announced election results.

The role of the opposition in the democratisation of a country is vital. Constructive and objective criticisms help to perfect reforms and their applicability. The suggestion of alternative solutions by the opposition provides the people with choices, which is a fundamental requirement for democratic decision making.

I urge the Georgian people to become actively involved in the democratisation process by respecting reforms, demanding options and actively participating in the implementation of the reforms. The peacefulness of the democratisation process is in the hands of Georgians, for a safe and strong Georgia.

I was very impressed by the work done to put this report together, as well as by the comprehensiveness of the report. It is clear from the report that the Georgian leadership and people are well aware of the path to take towards improving democracy. They are actively putting all the necessary reforms on the agenda and

implementing them. I have had the chance to see their progress in many areas, from fighting corruption to the prevention of torture to the reform of the courts.

The only area that was not included in the report was the reform of education. I strongly believe in preparing the younger generation for life in a sustainable, permanent and improving democracy. The education systems of countries undertaking the democratisation process should be monitored in the same way as any another institution. When individuals learn about their individual rights and responsibilities, and how to respect the rights of others, from an early age and throughout their schooling, those values remain and become part of their personalities. The democratic point of view is built into the personality of the individual if learned in early childhood. Therefore, it is vital that we include young people in the democratisation process and monitor progress in that area.

I should have liked to find out about the progress of the education system in Georgia. I should have liked to see a comparison between the educational budgets before and after, as well as details of updates to the curriculum; of investment in education; of extra-curricular activities; of educational exchange programmes; and of teacher incentives.

Mr TÜRKEŞ (*Turkey*). – I extend special thanks to the rapporteurs for their objective and well-balanced report on the progress achieved by Georgia with respect to its obligations and commitments resulting from its Council of Europe membership. The report recognises the genuine efforts made by Georgia in a wide range of areas and draws our attention to the issues of concern that need to be addressed urgently.

It has been almost nine years since Georgia became a member state of the Council of Europe. We all know that the task of becoming a mature and stable democracy is not an easy one. With our Georgian friends, we have witnessed particular difficulties in their democratisation process. It is no secret that the January presidential elections were not held in the most suitable environment. The disturbing events preceding the elections gave rise to serious concern abroad, especially among the friends of Georgia. However, thanks to the wise decision by the Georgian leadership to hold early elections, the deterioration of the situation was prevented.

I congratulate the Georgian authorities on the successful completion of the election process, which was considered by the international community as consistent with most of the international standards. As the international election observer mission pointed out, the election process revealed significant challenges that need to be addressed urgently. That is also the general perception shared by most Parliamentary Assembly Members. In the efforts by the Georgian authorities to address the shortcomings that were observed during the presidential elections, they

should be guided by the findings of the international election observer mission and the recommendations in the draft resolution.

Free and fair elections are an indispensable prerequisite of democracy. The forthcoming parliamentary elections planned for spring 2008 will be the best opportunity for the Georgian authorities to demonstrate their political resolve to comply fully with international standards and commitments.

On the other hand, we should not let the recent political developments overshadow the significant progress made in the reform process in recent years. Since the adoption of Resolution 1477 in 2006, on the obligations and commitments of Georgia, many conventions have been ratified and important legislation, including in electoral law, has been adopted. Substantial reforms in the judiciary, the prosecutor's office, the police and tax administration are worth mentioning.

I wish to express my personal pleasure as a Turkish parliamentarian at the recent adoption by the Georgian Parliament of a law on the legal and administrative framework for the repatriation of Meskhetian Turks, the only remaining ethnic group deported from their homeland during the Stalin era that has so far not been able to return to its ancestral lands. I urge the Georgian authorities to implement fully and flexibly all the provisions of that law to create a favourable environment for the return of the Meskhetian Turks.

We should continue to extend our support and assistance to Georgia in its efforts to expedite the reform process and overcome difficulties on its way to becoming a stable European democracy.

Mr AÇIKGÖZ (*Turkey*). – I thank the rapporteurs for their well-balanced report. Since their accession, the Council of Europe has been supporting the countries of the Caucasus, including Georgia, in their efforts to move towards democracy, the rule of law and human rights. Pursuing political reforms has been essential in maintaining the stability and security of the region.

The debate takes place at a convenient time just after the presidential elections in Georgia. There are many lessons to be learned from the elections, and I am confident that, being a seasoned politician, Mr Saakashvili will take them into consideration. The focus must be on poverty and other social issues. On the other hand, good governance is a must if Georgia is to tackle the problems. I fully agree with the rapporteurs that Georgia needs a strong system of checks and balances that will allow Georgian democracy to grow stronger.

I am confident that Mr Saakashvili and the rest of the Georgian authorities are committed to the reform process. We have witnessed a substantial reform effort by the Georgian authorities and I am confident that this will continue under the present leadership.

Three of the four major “frozen conflicts” in the Euro-Atlantic area are in the South Caucasus. They pose a threat to peace and stability in the region. They are a major impediment to region-wide co-operation initiatives and the prosperity of future generations. Just and lasting solutions to those conflicts need to be found. However, any solution must be peaceful and should address the legitimate concerns of those countries regarding their territorial integrity and sovereignty.

I share the rapporteurs’ view that ensuring a united, safe and secure Georgia will enable that country to become more democratic, to respect principles of the rule of law and to protect and promote human rights.

I am pleased to see real progress with the repatriation of the Meskhetian Turks. It is important that the Parliamentary Assembly closely follows those developments. Most of them have been living under very difficult conditions for more than 60 years and are still waiting for the day when they can move back. I am pleased to observe that the Georgian Parliament has recently passed a law concerning the repatriation of those people to their homelands but the effective implementation of that law is of the utmost importance. The Georgian Government should adopt a flexible approach in order to create a favourable environment for the return of the Meskhetian Turks.

The shortcomings of the law need to be addressed by the relevant Georgian authorities. Although the application process has already started as of 1 January 2008, the groundwork is still not complete.

Given the recent political developments in the country, Georgian authorities need to be encouraged to make necessary legal and executive preparations for the effective implementation of the law. I am sure that the Council of Europe is ready to extend technical support and expertise to this end.

I concur with the opinion of the rapporteurs that Georgia has achieved much with regard to fulfilling its commitments and obligations and that much remains to be done. In this respect, we should continue to monitor Georgia and provide the much needed guidance.