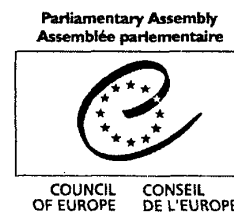


**Parliamentary Assembly**  
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(Fourth part)

**REPORT**

Thirtieth sitting

Thursday 6 October 2005 at 10 a.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

*Mr van der Linden, President of the Assembly, took the Chair at 10.05 a.m.*

THE PRESIDENT. – The sitting is open.

### **1. Minutes of proceedings**

THE PRESIDENT. – The minutes of proceedings of the 27th and 28th sittings have been distributed. The minutes of proceedings of the 29th sitting have not yet been distributed. They will be adopted at a later sitting.

Are the distributed minutes agreed to?

*The minutes are agreed to.*

### **2. Written declarations**

THE PRESIDENT. – In accordance with Rule 53 of the Rules of Procedure, a written declaration No. 370 on New Orleans, Document 10711, which has been signed by 22 members, has been printed.

A written declaration No. 371 on a case of violation of human rights and religious freedom in “the former Yugoslav Republic of Macedonia”, Document 10712, which has been signed by 27 members, has also been printed.

Any Representative or Substitute may add his signature to these written declarations in the Table Office, Room 1083. If any names are added, the declarations will be distributed again two weeks after the end of the part-session, with all the accumulated signatures.

### **3. Organisation of debates**

THE PRESIDENT. – This morning the business is very full, with a statement from Mr Lytvyn, Speaker of the Parliament of Ukraine, and questions, followed by the debate on the European neighbourhood policy for which 24 speakers are listed. We then have the communication from the Committee of Ministers to the Parliamentary Assembly.

We will have to interrupt questions to Mr Lytvyn at about 10.30 a.m., when the debate on the European neighbourhood policy will commence. We will interrupt the list of speakers in the debate at 12 noon, when we will hear the communication from the Committee of Ministers. Following the decision of the Assembly yesterday afternoon, the debate on the European neighbourhood policy will resume this afternoon as the first order of the day, followed by the votes.

Are these arrangements agreed?

*They are agreed.*

### **4. Statement by Mr Volodymyr Lytvyn, Speaker of the Parliament of Ukraine**

THE PRESIDENT. – We will now hear a statement by Mr Volodymyr Lytvyn, Speaker of the Parliament of Ukraine. After his statement, Mr Lytvyn has agreed to take questions from the floor.

This is a very special year in the relationship between Ukraine and the Council of Europe. Earlier this year, we were honoured to receive in the Assembly Chamber the newly elected President of Ukraine, Viktor Yushchenko, whose victory in the electoral process was made possible only through massive popular support. That display of political and democratic maturity of the people of Ukraine was a fitting development, marking Ukraine's 10th anniversary of full membership of the Council of Europe, a community of democratic values.

Today we welcome to the Assembly Chamber the Speaker of the Verkhovna Rada of Ukraine. We very much appreciate the fact that Mr Lytvyn has found time to address the Assembly just as Ukraine is emerging from a major constitutional crisis. Moreover, we are pleased that Ukraine has managed to overcome these difficulties through a democratic procedure that bodes well for the country's further advancement on the road of human rights, democracy and the rule of law.

Yesterday we had an intensive and thought-inspiring debate on the honouring of obligations and commitments by Ukraine. Mr Lytvyn's statement in the Assembly today is more than opportune when seen against the backdrop of that debate. I am sure that Mr Lytvyn knows that yesterday's comments on

Ukraine were made in an effort to assist Ukraine in its democratisation efforts. He knows that I had a fruitful visit to Ukraine with the presidential committee in July, and I thank that organisation for that.

Mr Lytvyn, you have the floor. I am glad that you have agreed to answer questions.

Mr LYTVYN (*Speaker of the Parliament of Ukraine*) said that it was a great honour to speak for Ukraine in Strasbourg, the heart of European democracy. Ukraine was striving to instil European values in its own Parliament. It had been assisted by well-balanced guidance provided by the Council of Europe and by visits from Mr Davis, Secretary General of the Council of Europe, and Mr van der Linden.

He was delighted that the Council of Europe continued to follow events in Ukraine. Progress was slow but reforms were being made. He acknowledged that some reforms had lacked clarity. Efforts to reach a politically acceptable compromise had enabled the state to avoid a civil conflict but had inevitably led to decisions which were a disappointment to some. It was important to maintain peace within Ukraine. Although reform had been slow, Ukrainians believed that steps towards democracy had been taken. The necessity of the monitoring process was widely understood. Ukraine's Parliament had coped well with the difficulties following the resignation of the previous government. Future parliamentary elections would be held on a fully proportional basis, which would be a major departure from past arrangements.

He suggested that there might be scope for collaboration with the Council of Europe, for example in relation to research initiatives. In conclusion, when Ukraine joined the Council of Europe in 1995, the Organisation's main function had been to foster a consensus between member states in relation to democratic norms and human rights. That had now been achieved in respect of Ukraine and it was time to move towards a new stage in the country's relationship with the Organisation.

THE PRESIDENT. – Thank you very much, Mr Lytvyn, for your interesting statement.

A list of members who have expressed a wish to put questions to you has been circulated. I remind them that questions must be limited to 30 seconds, and that they should ask questions and not make speeches.

The first question is from Mr Gross, on behalf of the Socialist Group.

Mr GROSS (*Switzerland*). – How was it possible for you to accept a constitutional change in the constitutional change package of last December in an unconstitutional way, although the Venice Commission had suggested that that constitutional change did not meet the standards of the Council of Europe?

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN said that the decision had been guided by the compromise in Ukrainian society. The procedure was not perfect, but only the Constitutional Court could take a final decision. Every possible effort would be made to take into account the constitutional reforms. An opinion had been received from the Constitutional Court but the constitution forbade more than one amendment to each article of the constitution per year and it was important to adhere to the procedures which had been adopted.

THE PRESIDENT. – Thank you. The next question is from Mr Høie, on behalf of the Group of the European People's Party.

Mr HØIE (*Norway*). – When President Yushchenko addressed the Assembly in January, he said that the Gongadze murder case would be completed. We know that there have been some arrests, but that those responsible have still not been found and brought to trial; yet we have heard that the Interior Ministry has declared the case closed. Only a few days ago, the commission of investigation issued a disturbing report on it. If the information that we have is correct and if the international and Ukrainian media are right, responsibility lies at a high political level. What are your comments on that turn of events, and what will happen about the commission's report?

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN assured the Assembly that the President had the political will to act. The true facts would come out.

THE PRESIDENT. – Thank you. The next question is from Mr Eörsi on behalf of the Alliance of Liberals and Democrats for Europe.

Mr EÖRSI (*Hungary*). – We were very pleased to hear President Yushchenko say that the Gongadze case would be investigated, but we also heard that you personally were one of those who were heard on the Melnichenko recording discussing how to get rid of the critical journalist, Gongadze, with former president Kuchma. I should very much like to hear your comments.

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN said the situation was not as clear as had been suggested. Certain phrases had been added to the report, there was no conclusion, and he rejected any suggestion of politicisation.

THE PRESIDENT. – Thank you. The next question comes from Mr Bindig.

Mr BINDIG (*Germany*). – Why did the Ukrainian Parliament disband the commission dealing with the Gongadze case on formal grounds? The commission did not even adopt its five-year activity report which had to be presented to the plenary body. We know that no such report exists.

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN said that the head of the commission confirmed this was its report. The majority of members agreed that the work of the commission should end. Other members had had the opportunity to object, but had only done so after the decision of the parliament.

THE PRESIDENT. – Thank you. The next question comes from Mrs Severinsen.

Mrs SEVERINSEN (*Denmark*). – There are several vacancies for judges in the Constitutional Court of Ukraine which have not been filled by the parliament for long periods. One has not been filled since May 2002, and another has not been filled since May 2004. That has undermined the effectiveness of the judiciary in Ukraine, and blocked the proper functioning of the Constitutional Court. It is the duty of the Speaker to ensure that a rotation of judges takes place in a timely and appropriate way. Why have you not done that?

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN said he had tried several times to submit a proposal. Some 150 members had supported proposals along the lines suggested, but the Verkhovna Rada had not reached a decision. The court risked paralysis from October because there were only five judges. The Verkhovna Rada must elect four judges and the President would appoint the rest. Discussions would continue and he hoped for an early resolution of the problem.

THE PRESIDENT. – Thank you. The next question comes from Mrs Hoffmann.

Mrs HOFFMANN (*Germany*) asked whether Ukrainian and Russian should both be official state languages of Ukraine.

THE PRESIDENT. – Thank you. Mr Lytvyn, you have the floor.

Mr LYTVYN noted that the parliament had ratified the relevant charter. The constitution defined the role of the languages and it was important not to politicise the issue. He hoped that a joint commission with the Russian Duma would identify the problems and find solutions. The difference between an official language and a state language needed to be recognised and it was also important for citizens of Ukraine to identify with their nation and then with Europe.

THE PRESIDENT. – Thank you. The next question is from Mr Steenblock.

Mr STEENBLOCK (*Germany*). – Thank you. My question has already been answered.

THE PRESIDENT. – Thank you, so the next question is from Mr Mota Amaral.

Mr MOTA AMARAL (*Portugal*). – Mr Speaker, what is your opinion of the need to investigate and to bring to justice those responsible for the crimes committed under the previous regime and of the need for national reconciliation? How do you balance those different needs?

THE PRESIDENT. – Thank you. I call Mr Speaker.

Mr LYTVYN said that this was a complex issue. The type of regime must be identified and Ukrainians must be offered an opportunity to live on the basis of democratic standards. The presidential

elections had been difficult and he had participated in the resolution of the resulting difficulties. He was convinced that the Ukrainian people wanted peace.

THE PRESIDENT. – Thank you. The next question is from Mr Iwiński.

Mr IWĨNSKI (*Poland*). – Compared with the situation in some neighbouring states such as Belarus, where steps have recently been taken against the Polish community, the position of national minorities in Ukraine, such as the Crimean Tatars, has been quite good. However, do you fear that the sharpening of the political climate in your country could have a negative impact in this regard?

THE PRESIDENT. – Thank you. I call Mr Speaker.

Mr LYTVYN said he believed Belarus must be brought closer to the European family. Isolationism did not produce results. It had been possible to resolve differences in discussions between the two sides, and this was the way forward, as he had explained to the President of the Assembly.

THE PRESIDENT. – Thank you. The next question is from Mr Wielowieyski.

Mr WIELOWIEYSKI (*Poland*) asked whether it would be possible to increase lawyers' pay, and what would be done about the situation of the administrative courts.

THE PRESIDENT. – Thank you. I call Mr Speaker to reply.

Mr LYTVYN said it was important to guarantee the independence of the judiciary. The cabinet had decided to increase the pay of lawyers threefold. This was a significant increase, which would bring Ukraine into line with other European countries.

THE PRESIDENT. – Thank you. That brings us to the end of questions to Mr Lytvyn. Once again, I underline the unique opportunity that we have in this Chamber for members from all the countries of the Council of Europe to ask questions. I hope that everyone realises that we have an opportunity that no one else has.

I thank Mr Lytvyn most warmly on behalf of the Parliamentary Assembly of the Council of Europe for his statement and for his replies to the questions. Thank you very much.

#### **5. The Council of Europe and the European neighbourhood policy of the European Union**

THE PRESIDENT. – The next item of business this morning is the debate on the report on the Council of Europe and the European neighbourhood policy of the EU presented by Mr Van den Brande on behalf of the Political Affairs Committee, Document 10696, with opinions presented by Mrs Pirozhnikova on behalf of the Committee on Economic Affairs and Development, Document 10706, and Mr Zingeris on behalf of the Monitoring Committee, Document 10708.

Mr Elmar Brok, Chairperson of the Committee on Foreign Affairs of the European Parliament, was listed as appearing in the order of business for today. Unfortunately, he must be in Berlin for the negotiations between the Socialist Party and the Christian Democratic Union Party. We know that such discussions will prevail over the parliamentary work of the Council of Europe. Mr Brok promised that next time he will be present to have discussions with the Political Affairs Committee.

The list of speakers closed at 6 p.m. yesterday; 24 names are on the list and 10 amendments have been tabled.

I remind members that we have already agreed that we shall interrupt the list of speakers at 12 noon to hear the communication from the Committee of Ministers. The debate will resume this afternoon when the speakers' list will continue and the votes will be held.

I call Mr Van den Brande, the rapporteur. You have eight minutes.

Mr VAN DEN BRANDE (*Belgium*). – As we know, the initial European Union was a strong partnership between six countries. There was enlargement step by step. In the last phase of enlargement, we have to speak about reunification. The clear approach of an economic community is that of political union.

There are 25 member states in a political union, and there is the risk of making new dividing lines. We must avoid that. When we try to make a warm house together – in this case, with 25 member states – it is important to take into account relationships with our neighbours. Only with good relationships can

there be a warm and well-functioning house. That is the aim of the European neighbourhood policy. We must examine the ways in which co-operation can be established between the Union and its neighbours.

The first important point is to be aware of the variety of neighbours. There are the neighbours to the east of the Union. In that context, we are talking about Ukraine and Belarus. We must speak also about the Caucasus. There are also neighbours around the Mediterranean, including the North African countries. In addition, there is the Palestinian Authority along with Israel, Jordan and Lebanon. In different ways, these are neighbours of the EU.

In the context of the ENP, it is important to note that no state that wanted to be in the accession or pre-accession phase of the Union is involved in the ENP. There is that differentiation. In addition, there is a clear view on neighbourhood and co-operation. There is the special situation of the Russian Federation. It is bound to the Union by a special strategic partnership. In terms of the budgetary lines of the ENP, Russia is involved. The question is how we deal with the positive action plan, and we are supporting that approach. We have to have in mind how we build up such a partnership.

At the 3rd Summit in Warsaw, the 46 member states of the Council of Europe committed themselves to go for the core and important role of the Council of Europe and, of course, the Parliamentary Assembly, which is a partner in dialogue as well as a controlling partner of the Committee of Ministers. In a recommendation of the part-session in June, we said that we must avoid duplication and triplication. There is the bad signal of the Human Rights Agency, with its new president. We are not in favour of having such an agency acting on behalf of the Union. Clearly it should work in a positive way. The decision was made to nominate Mr Juncker to present a report to see how we can go forward in partnership.

What is the content of the ENP? Clearly it must be strengthened. It is important to all member countries and neighbouring countries to strengthen democracy and the economic situation. We must strengthen independent judiciaries, together with good governance, human rights protection and the rule of law.

At the heart of these matters is our role and our responsibilities. There are the three pillars of the Council in the Assembly. That is why, in the draft recommendation and in some of the amendments, we say that we want to be committed and involved in the ENP. Five member states of the Council that are not members of the Union are partners in the ENP. There is the Russian Federation and the special situation of Russia.

It is important not to say to the Union, "Please take into account what we are doing." We are going for equal partnership in a rational way and an evident way. We urge in the draft recommendation that several institutions of the Union should go with us and ensure that the Council of Europe has an added value to the Union itself. For that reason, we urge the institutions and relevant authorities of the Union to engage in concrete projects. We appeal to the Committee of Ministers to work in that area. That is the first evident element.

It is unthinkable that the Union would monitor countries outside the Union, however, monitoring is taking place and we have much expertise. There must not be quarrelling between different institutions. There must be a positive approach, and that will be to the benefit of the Union.

Secondly, we must work to develop relations with non-member states that are concerned with the ENP. We have strong ties with these states. There are observers in the Council and we are building partnerships and special programmes with these countries. There must be co-operation and new and equal partnerships.

Thirdly, there is an important role to play with the European Parliament. We must ensure that there is constitutional co-operation between the Council of Europe and the Assembly, and the European Parliament. We can include also the Congress for Local and Regional Authorities of the Council of Europe, for those authorities are the first organisations to be confronted with challenges and problems. We appeal to our new Commissioner on Human Rights to be at the heart of these operations. The same can be said for the European Centre for Global Interdependence and Solidarity – let us call it the North South Centre.

The draft recommendation is not theoretical. It is not a question of knowing who has which place. It is a matter of responsibility, good management and progress for 800 million people. That applies to those who are involved in the ENP and the Union's action plan.

THE PRESIDENT. – Thank you. I call Mrs Pirozhnikova to present the opinion of the Committee on Economic Affairs and Development.

Mrs PIROZHNIKOVA (*Russian Federation*) said that her committee had examined the specific economic effects of the European neighbourhood policy. The effects of the policy, which had been launched in 2004, would differ from region to region. What the European Union described as a good neighbourhood policy, was, for the Council of Europe, a matter of internal affairs. Therefore, the attitudes of the two organisations towards the countries involved could not be identical. The European neighbourhood policy would eventually seek to establish a pan-European marketplace. One of its key goals was to eliminate dividing lines within Europe. This was to be welcomed, but she hoped that it would not become a “regulatory valve” for the inflow of members to the EU. Eastern European countries were not floundering in the economic wilderness. It would be a good idea for the EU to regard these countries as potential partners in the implementation of the key objectives of the European neighbourhood policy.

THE PRESIDENT. – Thank you. I call Mr Zingeris to present the opinion of the Monitoring Committee. You have three minutes.

Mr ZINGERIS (*Lithuania*). – Thank you, Mr President. I congratulate our colleague Luc Van den Brande on his excellent, timely and much-needed initiative in presenting a report on the European neighbourhood policy. Incidentally, in my own parliament, I am chairman of the sub-committee on the European neighbourhood policy.

It is pleasant to see other well-respected international organisations trying to do what the Council of Europe has been doing competently and successfully for more than 50 years, but it is not so pleasant, and could even be counterproductive, if others do the same as the Council of Europe without referring to it, or try to create their own sets of standards. There is only one set of values and principles that apply to whole of Europe, which are legally binding for all European countries: the values and principles of the Council of Europe. There is only one network.

Our monitoring has covered all the possible aspects of political life of countries that have become members of the Council of Europe over the past 15 to 17 years. Nobody knows those countries better than we do; nobody has greater expertise than us. Besides our knowledge of specific countries, we have worked out a sophisticated mechanism that allows us to assess the level of democracy in any country. We have set our member countries specific requirements and have worked hard to achieve progress.

Do the action plans of the European neighbourhood policy set the same requirements? Sometimes they do, but this is only because secretariats work together. There is no political agreement between the two institutions.

There is a great danger here. If we say that we share the same values, but promote different standards and set different requirements, we are not helping anybody – neither the countries that badly need more democracy nor ourselves. We are satisfying our own political ego, but may be compromising on ideas on which there should be no compromise. I therefore think that we should set up an ad hoc committee for negotiations with the European Union.

The Monitoring Committee strongly supports the work of the Political Affairs Committee. The amendments that we propose aim to make the text even stronger. We want to stress the fact that we cannot afford to leave co-ordination simply to the good will of our secretariats. The leaders of our two organisations should reach a political agreement that will place our values and standards, and our requirements under the monitoring procedure, at the heart of any European policy.

In a way, the founding father of the Council of Europe was Winston Churchill, and the founding father of the European Union was Robert Schuman. If they were alive today, dear friends, I am sure that they would sit down together and find a way of achieving fruitful co-operation.

THE PRESIDENT. – Thank you, Mr Zingeris. The first speaker in the debate is Mr Açıkgöz, who will speak on behalf of the European Democratic Group.

Mr AÇIKGÖZ (*Turkey*). – Mr President, dear colleagues, I thank Mr Van den Brande for his important study. The European Union, with its current and future members, is a global player and contributes to sustainability and security not only in Europe but throughout the world. On the other hand, no one can deny or neglect the role of the Council of Europe as a pan-European organisation in strengthening democracy, cohesion and stability in the continent. Ensuring close co-ordination and co-operation between the two is essential. At the 3rd Summit of the Council of Europe in Warsaw, European leaders reiterated the importance of the issue.

By launching the European neighbourhood policy, the European Union aimed to improve relations with its neighbouring countries on the basis of shared principles. The policy, which is in the interests of both sides, would result in a ring of friends surrounding the Union with stability and prosperity.

As stated in the report, democracy, the rule of law and the protection of human rights are *sine qua non* conditions for stability. The European neighbourhood policy, while supporting neighbouring countries with special assistance programmes, economic privileges and so on, should also use the experience and the tools of the Council of Europe.

In view of the importance of good relationships for the future of our continent, let me highlight some strategic and sensitive issues in the framework. Based on current principles and goals, the Council of Europe and the European Union should work in enhanced complementarity and co-ordination. In that context, it was decided at the 3rd Summit of the European leaders to draft a memorandum of understanding between the two organisations through which a new and stronger framework of co-operation and political dialogue will be formed. It will also pave the way for us to use scarce resources more effectively, by preventing duplications. The contribution of the Council of Europe to the ENP will also be structured in that way.

Another important aspect is that the neighbouring countries of the EU have different conditions and characteristics. Although it is certain that the EU will approach them on the same principles, the practical needs and strategies will be different. A balanced approach of the EU is vital for the Council of Europe because the main aim is to prevent the formation of new dividing lines.

Finally, I want to focus on the possible role of the Council of Europe in the ENP, as recommended in the report. I sincerely support the ideas in the recommendations. However, I draw the Assembly's attention to the proposed role of the Council of Europe when it comes to non-member countries, through bodies such as the Venice Commission and the Congress. Although the increased role of the Council of Europe is important and useful, at least for the sake of being able to solve many important common problems, such as immigration, terrorism and smuggling, its budgetary restraints should be taken into account.

It is evident that there is a need to institute a new and comprehensive approach to co-operation and complementarity between the Council of Europe and the EU. That will strengthen and promote our common values and goals while positively reflecting the peace and stability in our continent.

THE PRESIDENT. – Thank you, Mr Açıkgöz. I call Mr Kox, who speaks on behalf of Group of the Unified European Left.

Mr KOX (*Netherlands*). – My group welcomes the report. It is good to realise that the European Union's neighbourhood policy could interfere with our activities and lead to duplications, which would only cost money and create problems. It is also good to realise that the EU's neighbours are often our members, and we have the responsibility to take care of all our members. We are not a European Union-plus organisation and should not behave as such.

Let us be realistic. The ENP is first and foremost directed by the EU's own interests. There is nothing wrong with that. It needs secure borders, and stable and democratic neighbours are the best guarantees of that. The EU also needs guarantees that oil, gas and other important goods can reach its territory via its neighbours and that it can easily sell its goods to or via its neighbours. Therefore, the EU promotes a market economy in its neighbour states.

To achieve secure borders and transportation routes, the EU is prepared to invest in its neighbours. That can be of great benefit to those neighbours and the EU. However, it also threatens the independent position of their citizens. The Council of Europe should ensure that that does not happen. In the Council of Europe, every country is equally important and should have the right to be treated as such. The EU should not be treated more favourably.

We need to be alert that the EU's interest in its neighbours is not too selfish and that its neighbours' interests are taken care of. That will not be easy because the EU has become a dominant force on the continent. That force was once inspired by peace and prosperity for all, but it has developed over the past 50 years into a megalomaniac neo-liberal economic project. There are great risks in that both for its own citizens and for the citizens of its neighbours. The success of the "No" campaign in France and the Netherlands showed that people are becoming aware of that threat. If the EU spreads its wings and flies to its neighbours, it is not necessarily an angel's flight.



The EU and the Council of Europe also have common neighbours who do not belong to either organisation. Mr Van den Brande proposes that the Council of Europe and its Assembly operate as a forum in which those countries can meet the Council of Europe and the EU. We support that. We should be prepared to assist the EU and its neighbours in their attempts to strengthen their relations. However, we should ensure that we do not become a servant of the EU, although far too often we are already seen as that. We should support relations between the EU and its neighbours when and if that is of a mutual interest and in accordance with our standards, which should be the standards for all European countries.

I have made some critical remarks, but we support the recommendations and thank Mr Van den Brande for his good work.

THE PRESIDENT. – Thank you, Mr Kox. I call Lord Tomlinson on behalf of the Socialist Group.

Lord TOMLINSON (*United Kingdom*). – I add my congratulations to Mr Van den Brande, who has produced a good report. It deserves general support for its broad thrust. It rightly supports the ENP and tries to identify ways in which the Council of Europe can add value in areas of special expertise. It also identifies areas where special efforts must be made to avoid duplication of work and effort.

On the imperative of avoiding duplication, I emphasise that rather than railing against the European Agency for Fundamental Rights, we should say clearly what it should and should not do. It cannot, it should not, and it must not overlap with work such as that carried out by the Council of Europe. To that end, there are three imperatives. The proposed European Agency for Fundamental Rights should first focus on EU institutions when they develop policy. Secondly, it should focus on EU member states when they implement Community legislation. Thirdly, it should ensure that any third country remit should take fully into account the work that is already done on the basis of expertise by the Council of Europe. There must be co-operation and complementarity, and full efforts must be made to avoid overlap and duplication.

I emphasise a slight point of difference between myself and Mr Van den Brande, which relates to paragraph 6. I have a different view of the remit given to Prime Minister Juncker in Warsaw. His report is not intended to be a basis for the memorandum of understanding, which should clearly be based on the guidelines attached to Appendix 1 of the Council of Europe 3rd Summit action plan. I want to make that distinction clear.

I do not want to say too much about my good friend Elmer Brok in his absence, but is any of us really surprised by his absence? This is the track record of the European Parliament's relationship with us. I remember the great excitement that we had when we tried to book hotel rooms a couple of years ago, when we tried the bold experiment of the Council of Europe Parliamentary Assembly and the European Parliament meeting in Strasbourg at the same time. It was all going to be worthwhile, because there was to be great collaboration. I have to say that some of our joint meetings were pretty lonely affairs.

When it comes to collaboration with the European Parliament, we have to ask the likes of Elmer Brok – in his absence – whether they are really serious about inter-institutional co-operation. The current evidence requires them to persuade us that they are. I do not believe that they are, and I never saw any evidence of such seriousness during my 15 years in the European Parliament. I tell this Assembly what I told the Political Affairs Committee: it takes two to tango, and we make ourselves look pretty silly if we try to tango by ourselves.

So I am sceptical about such inter-institutional relationships, but having said that, the report contains some very valuable points about the contacts between parliamentarians – the very things that Mr Van den Brande mentions in paragraph 14 of his extremely valuable report. I have only one other serious doubt. We have to be careful in talking about certain institutional changes. Paragraph 10 says that the Council of Europe "could become a useful forum for a dialogue", but what about the confusion that could arise if we were thought to be duplicating the EUROMED partnership. That said, the report is valuable, but before it makes much progress, we must ensure that the points being made to the European institutions are being made to people who want to hear what we are saying.

THE PRESIDENT. – Thank you. The handicap of being a chairman of this Assembly is that one cannot enter into discussion with a speaker if one has a different opinion, but the advantage is that one can defend someone who is not here. The person in question is not here for a very good reason. As a member of the Bureau of the Christian Democratic Union conference, he had to be in Berlin today. The negotiations between the Socialist Party and the CDUC are at a critical stage, so in that sense it is very important and valuable that he is not here.

We have very good and increasing co-operation with the European Parliament. Mr Dole was here to meet all the chairmen of the committees, and on 20 October there will be a meeting, for the first time in years, between the Political Affairs Committee of the Council of Europe, the President of the European Parliament and all the leaders of the various political groups. I want to defend the European Parliament and to point out the interest that it has shown in co-operating with us. That said, I thank you, John Tomlinson. We know each other very well thanks to our work on the Convention. I am very pleased to have such discussions with you, and I hope that we can continue them outside this building.

I call Mr Vareikis on behalf of the Group of the European People's Party.

Mr VAREIKIS (*Lithuania*). – On behalf of the EPP, I congratulate the rapporteur and encourage the Assembly to vote in favour of the report. It is the right document at the right time, and it gives the green light to what we call the European neighbourhood policy. It is a new instrument and we still do not know how it will work but, theoretically, and as the report states, it will be valuable and useful.

I support the idea of European neighbourhood policy, which outlines a kind of *modus vivendi* for European Union member countries and countries that are not members. Not only are such countries not members; they sometimes have different political ideas and political opinions about the EU. Indeed, they are sometimes part of different civilisations. The European neighbourhood policy seeks co-operation but not confrontation with neighbours. As Mr Van den Brande said, it is very important not to make new lines of division after EU enlargement. If we achieve our goal, we will have not a clash of civilisation but dialogue between, and even co-operation between, civilisations. Despite my great respect for Samuel Huntingdon, I should like to point out to him that he is not right. We want dialogue, not a clash, between civilisations. Among our list of 16 countries are included Middle Eastern and east European countries, so it is a basis for dialogue between civilisations.

Paragraphs 14 and 15 of the draft recommendation refer to specific and concrete instruments that can be applied by the European neighbourhood policy. However, I encourage members to vote for some amendments. Mr Zingeris wants to insert the following text: "The Council of Europe has been monitoring the specific obligations and commitments of all Council of Europe member countries covered by the ENP since their accession. The compliance of these countries with their obligations and commitments towards the Council of Europe should be a *sine qua non* precondition for any further European integration within the ENP." That is a very important point. We are not a "European Union-plus"; we are an instrument that can consider countries that might be willing to participate in greater integration.

This is a good report, but there are a lot of problems. Almost all the countries listed in the neighbourhood policy have serious problems. It is difficult to imagine how we can co-operate with countries such as Libya or Belarus: indeed, there will be a report on Libya during this session. How can we create different instruments for such a variety of countries? Nevertheless, I wish good luck not only to the report but to the European neighbourhood policy.

THE PRESIDENT. – Thank you. I call Mr Mollazade and Ms Hajiyeva, who are not present, so I call Mrs de Zulueta.

Mrs DE ZULUETA (*Italy*) said that the EU saw Council of Europe membership as a precursor to membership of the EU. The EU's current difficulties afforded the Council of Europe an opportunity to demonstrate its usefulness. The EU had benefited from the work of the Council of Europe. In November 2003, the European Parliament had not only cited the Council of Europe as a model for relations with other countries, it had also called for closer co-operation between the two organisations. This had not been forthcoming.

The existence of the European neighbourhood policy should not tie the hands of the Council of Europe: but the Assembly had to leap on to a moving train. She was struck by the similarity of the plans for the European neighbourhood policy and the requirements for accession to the EU. However, not all countries would accede. The tools available to the Council of Europe could be used to create democratic structures based on the rule of law. Ideals had to be tempered by realism, but not abandoned. The empowering effect of the Council of Europe needed to be extended, beginning, in her view, with countries on the southern shores of the Mediterranean.

THE PRESIDENT. – Thank you. I call Mrs Hadžiahmetović.

Mrs HADŽIAHMETOVIĆ (*Bosnia and Herzegovina*). – Let me begin by expressing my satisfaction with the fact that the Council of Europe is becoming involved in the realisation of an initiative that is very important to Europe. The report and the draft recommendation prepared by Mr Van den Brande deserve

special attention and compliments, especially given the importance of the Council of Europe's role – particularly in the first stage of the initiative.

The involvement of the Council of Europe in the building of sustainable democratic systems, the rule of law, good governance, respect and the protection of human rights presents a basis for the European Union's economic and political co-operation with its neighbours, as well as co-operation by the individual European countries. It is unnecessary to refer to the European interest in closer co-operation and the need for good neighbourly relations, but I emphasise that, because it implicitly includes the common action of all relevant European institutions involved in the realisation of that interest.

The common engagement of the Council of Europe and the European Union implies a precise action plan with a precisely determined role for all the institutions, and the dynamics of their activities. Those dynamics should be defined, because they are particularly important to the Council of Europe's involvement, especially given the Council's framework and the need for its greater engagement in the first stage of the realisation of the initiative.

Elements of the EU's policies on regions including the countries covered by the neighbourhood policy could be used as a basis for the action plan. That would enable the EU's Mediterranean policy to give priority to the engagement of European institutions in the region. Council of Europe membership for the five countries to which the ENP refers and observer status for one country could help to define elements of policy and the action plan. Bilateral agreements between the European countries and their new neighbours might also be useful.

I stress the importance of regional co-operation between the countries involved in the ENP. Despite reference to co-operation with each individual country, defining joint regional interests could accelerate the process and reduce differences on the level of mobility required to implement the ENP.

As well as a precisely determined action plan and a precise role for all European institutions, the promotion of good neighbourly relations in the countries concerned is extremely important. Only through mutual interests is it possible to achieve good neighbourly relations, and a framework is needed for those interests.

The Council of Europe has an especially significant role to play. While I look forward to the support of the European Parliament in establishing that role, I suggest that the first steps in the Council's engagement should be taken immediately. They could form part of the new policy, without derogating from the values that all of us in the Council share.

THE PRESIDENT. – Thank you. I call Mr Mercan.

Mr MERCAN (*Turkey*). – I thank Mr Van den Brande for his comprehensive and detailed report. I also thank all my colleagues who have congratulated me and my country on the start of Turkey's negotiation talks a few days ago, and thank the President and Secretary General of the Council of Europe for their support for my country during the negotiations.

I would like to remind colleagues that if it were not for the Council of Europe, Turkey would never have taken part in the negotiation process. In our part-session in June last year, the Monitoring Committee prepared a report and, coincidentally, one of its rapporteurs was Luc Van den Brande, the rapporteur of this report. If that report had not recommended that the monitoring process for Turkey should be lifted and that Turkey should go into post-monitoring dialogue, we would not be talking about a membership process for Turkey. That shows the importance of the Council of Europe's role in improving democratic standards in member countries. We should all learn that lesson, and the process should continue.

This report is significant because some members of this Assembly are EU member states and some are countries that are subject to the EU neighbourhood policy. We must all draw conclusions from this report, and benefit from it, and from the ongoing debate.

Being a neighbour is an objective fact dictated by geography. The last enlargement of the EU resulted in the extension of its borders on the eastern and southern edges of Europe. Yet enlargement still continues. Romania and Bulgaria will join the EU in 2007 and accession negotiations started with Turkey a couple of days ago. It is a fact that enlargement has meant that the EU has come closer to troubled areas. Therefore, it is of the utmost importance that the EU has a specific policy that is directed at fostering the stability and prosperity of its neighbours.

There is no doubt that such a policy is in the interests of both sides. It would represent a deal that would prevent a new dividing line being drawn across Europe following enlargement. The EU will gain the

benefit of a stable neighbourhood, and neighbouring countries will benefit from the EU's technical and economic assistance in their economic and political reforms.

We must, however, pay attention to certain points in order to render the European neighbourhood policy into an effective policy tool. First and foremost, the policy should be based on joint ownership. Exchange of views and close contacts with the targeted countries would make the policy more inclusive. Secondly, because the partners in the European neighbourhood differ from each other in many respects – in size, level of economic development and political conditions – there should be a differentiation in the policies that are adapted by each member state. Thirdly, and most importantly, when shaping the main policy principles, there should be a balance between the EU's common interests and the interests of the member states. To have an all-embracing policy that will serve the EU, the interests of the member states should be overlooked for the sake of common European goals. Therefore, none of the member countries should hinder the process because of their own policy agendas.

I consider the inclusion of the countries of the Southern Caucasus in the neighbourhood policy as a forward-looking approach that emphasises the EU's political will and its moral responsibility to become involved in solving the main sources of instability in the region. In an area crossed by many dividing lines, the EU should strictly adhere to the principle of equality and balance. That is to say that the EU should approach the countries in the region in a balanced manner to smooth the process involved in its role as a facilitator. Adherence to this principle will facilitate efforts to solve the complex problems that riddle the area. Any approach that excludes one country from the process will hinder the facilitating role of the EU in the region. It will also render the existing problems even more complex, damage the credibility of the EU as a major player in the region and have consequences that may negatively affect the whole continent.

THE PRESIDENT. – Thank you. I call Mr Severin.

Mr SEVERIN (*Romania*). – Last week, Romania and Bulgaria started their role as observers in the European Parliament. Consequently, some of the members of this Assembly – by accident, I am one of them – are now observers in the European Parliament. It may be unique for a member of the European Parliament of some status and a member of this Assembly to be found in the same person. The Assembly should use that fact to bring the two institutions closer together. That might not have to happen for too long, but it would be an asset.

Today's report is extremely important in redefining a unique European space of common values, development, security and stability. When we debate the European neighbourhood policy and the role of the Council of Europe, we should have in mind those countries that are members of this Organisation that are neighbours of the EU. By doing that, we can add value to the efforts of the EU while trying to prepare those countries for their future membership of the EU. That will also enhance communication between the countries that are not supposed to become members of the EU and the EU itself.

The purpose of the report is to ask how we can offer the EU a training programme for members of our Organisation so that they can become members of the EU. How can we create for the EU a friendly environment or neighbourhood made up of our members?

Mr Luc Van den Brande's report goes beyond that. It also speaks about the common neighbours of the EU and of the Council of Europe. That is to be welcomed. The main problem is that it takes two to tango. I do not think that the EU is convinced that our support is valuable or, even more, indispensable to it. We should therefore start to look at our role and try to redefine ourselves. We should define our specialisms and make clear the limitations of the competencies and the scope of the work of the Council of Europe and the EU. That is a major point in the report. If we do not want new demarcation lines in Europe – we do not and we must overcome that danger – we must limit the scope of our work and our competencies. The overlapping of such competencies will always lead to a lack of understanding, a lack of appropriate communication and a lack of co-operation between the two organisations.

Although I fully support Mr Luc Van den Brande's excellent report, my message is that we need to be less narcissistic. We must begin to stop admiring our abilities and start being more pragmatic in putting together an attractive package of proposals to the EU. Then we will have two for a great European tango.

I salute the efforts of Mr Luc Van den Brande. I thank him for his excellent report. I will take its conclusions and recommendations as a basis for the report that I will draw up as a rapporteur on the external relations of the Council of Europe.

THE PRESIDENT. – Thank you. I call Mr Reymann.

Mr REYMANN (*France*) noted that the EU's action plans, under the neighbourhood policy, related to 16 countries, many of which were members of the Council of Europe. It was important for the Assembly to co-operate with the EU on the implementation of these plans, in order to avoid duplication. The Council of Europe was a school for sharing best practice in democracy and human rights, with longstanding expertise in these areas. The EU's prosperity tended to attract neighbouring countries, which were tempted to join by the prospect of sharing in that wealth. Membership of the Council of Europe was often the first step on the road towards membership of the EU, as the recent expansion of the EU and plans for further enlargement demonstrated. He hoped that both the EU and the Assembly would take these points into account and he thanked the rapporteur for his report.

(*Mr van der Linden, President of the Assembly, took the Chair in place of Mr Bindig.*)

THE PRESIDENT (Translation). – Thank you. I call Mr Steenblock.

Mr STEENBLOCK (*Germany*) thanked the rapporteur for his excellent report. This was an important opportunity for the Assembly to specify how it could best co-operate with the European Union on the European neighbourhood policy. The policy was concerned, to a large extent, with trade-related issues; the Council of Europe had to ensure that it retained the lead role in relation to matters of democracy and human rights. He urged the Assembly to state more clearly the remit and responsibilities of the Council of Europe, and hoped that the EU would revise its action plans accordingly and not try to compete in these areas.

THE PRESIDENT (Translation). – Thank you. I call Mr Kocharyan.

Mr KOCHARYAN (*Armenia*). – With the collapse of the communist camp, the dividing line passing through Europe disappeared, and the process of the democratisation of post-Soviet countries began.

According to their level of democratisation, these countries are divided into three groups. All of them are member states of the Organisation for Security and Co-operation in Europe. These countries, with the exception of obviously non-democratic states of central Asia and Belarus, became members of the Council of Europe. The third group includes eight post-communist countries, which became members of the European Union on 1 May 2004.

Europe is enlarging and one of the principal aims of the European neighbourhood policy is to avoid the formation of new dividing lines and to guarantee stability in Europe and neighbouring countries. A necessary condition for achievements of the ENP goals is promoting the establishment of democracy, the rule of law and human rights in neighbouring countries.

Five of the 16 states involved in the neighbourhood policy are members of the Council of Europe: Moldova, Ukraine, Georgia, Armenia and Azerbaijan. The prospect of becoming EU members in the future is a strong impulse for democratisation in those countries. Their involvement in the ENP offers the prospect of closer co-operation in the form of accession to the EU, and also enables the level of their democratisation to be assessed. It seems offensive to me, as a representative of Armenia, that for the European Union Armenia is not a candidate or even a potential candidate, but only a neighbour – but it is a fair assessment.

The main characteristics of the obligations undertaken by countries on accession to the Council of Europe coincide with the priorities of the ENP. This alone requires the Council of Europe and the European Union to co-operate closely and to co-ordinate their actions in implementing the neighbourhood policy. Looking to the future, it is possible to assume that other countries' way to the European Union will pass through accession to the Council of Europe and the honouring of commitments undertaken on that accession. I am thinking in particular of Belarus – not today's Belarus but tomorrow's Belarus.

Some countries do not aim to become members of the European Union, and co-operation with those countries could be more effective if they wanted to enter the Council of Europe, or to become observers or associate members. One such example could be Israel. The extension of the wave of democratisation that started at the end of the 20th century in Europe should not be stopped at any border, and should not limit its potential field of co-operation to today's neighbours.

The idea of dialogue and co-operation, rather than the clash of civilisations, underlies the ENP. The Council of Europe already has the experience and capacity further to improve the instruments necessary for such a dialogue.

Dear colleagues, many of you represent the 25 states of the European Union, and one could say that the European Union is the core of Europe and the Council of Europe is both the core and the shell.

The effective co-operation of the core with the surrounding world is impossible without the active participation of the shell.

THE PRESIDENT. – Thank you, Mr Kocharyan. I call Mrs Durrieu.

Mrs DURRIEU (*France*) thanked the rapporteur for his important report. She took note of the many points which had already been made, but wished to approach the issue from a different angle. The European neighbourhood policy had originally concentrated on eastern Europe; it had then been extended to the countries of central Asia and subsequently to the Mediterranean area. A number of these countries were Arabic and this had led to talk of a clash of civilisations. Problems of poverty and terrorism could easily spread to Europe, so Europeans needed to act. The United States was also trying to promote peace and stability in the Middle East. Things were changing in the Arab world, although not quickly enough. All European institutions, including the Council of Europe, had to be at the heart of this process of dynamic change.

THE PRESIDENT. – Thank you. I must now suspend the list of speakers. The debate will resume this afternoon, when the speakers list will continue and the votes will be held.

#### **6. Communication from the Committee of Ministers to the Parliamentary Assembly**

THE PRESIDENT. – I now welcome Mr Fernando d'Oliveira Neves, State Secretary for European Affairs of Portugal, representing the Chairmanship of the Committee of Ministers, who will present the Communication from the Committee of Ministers.

This will be followed by parliamentary questions for oral answer. The list of written questions has been circulated in Document 10700.

Mr Minister, it is a pleasure to welcome you, following the attendance of your colleague Mr Freitas do Amaral in June. Since then, implementation of the decisions taken at the 3rd Summit has continued, with the establishment of a group of wise persons to ensure the effectiveness of the European Court of Human Rights, as well as the decision that the forum on the future of democracy will hold its first meeting in Warsaw on 3 and 4 November.

I would also like to mention the issue of intercultural and inter-religious dialogue. The Assembly, as a pan-European representative body, is particularly well placed to address that matter. On Tuesday, we had two important debates and also heard an address by Mr Ihsanoglu, the first elected Secretary General of the Organisation of the Islamic Conference. We will soon begin work on a cross-party motion for a recommendation on European Muslim communities confronted with extremism. I know that the Committee of Ministers has also been active in that regard, and I hope that the two organs will enjoy a close and fruitful co-operation. It is essential that the Council of Europe takes effective and coherent action, both for its own part as well as in support of the United Nations initiative for an alliance of civilisations.

This morning, we debated the European Union's neighbourhood policy. Although the EU must establish a clear basis for relations with its new neighbours as it expands, it must never be forgotten that it is not acting in a vacuum. The Council of Europe already extends from Iceland to Vladivostok, and its many crucial activities must not be compromised. In this connection, I would also recall the Commission's plans for establishing the Agency for Fundamental Rights, and would urge our Committee of Ministers to adopt a reply to the Assembly's January recommendation before any final decisions are taken by the EU Council of Ministers.

Mr d'Oliveira Neves, your Committee and this Assembly share the same goals and are motivated by the same values. I close these remarks, therefore, by repeating our commitment continually to improve co-operation, so that our Organisation as a whole will be as effective as possible in accomplishing those goals.

Mr d'Oliveira Neves, you have the floor.

MR D'OLIVEIRA NEVES (*State Secretary for European Affairs of Portugal, representing the Chairmanship of the Committee of Ministers*) (Translation). – At your Assembly's last session in June, the Portuguese Minister for Foreign Affairs Mr Diogo Freitas Do Amaral outlined the action to be taken during Portugal's term in the Chair of the Committee of Ministers. He said then that our highest priority would be the implementation of the texts adopted at the 3rd Summit of the Council of Europe, particularly the action plan. I am pleased to tell you today that, in the space of a few months, we have made significant progress in this respect, thanks to the follow-up committee on the summit, which reports to the Committee of Ministers.

Before I review these first results, allow me to restate the particular importance that we attach to your Assembly's involvement in an area so vital to the future of the Council of Europe. The first achievement to which I should like to draw your attention is the setting-up of the group of wise persons which, under the summit action plan, is to consider the issue of the long-term effectiveness of the European Convention on Human Rights control mechanism, and to submit proposals as soon as possible with a view to safeguarding its future. The group is to hold its first meeting on 18 October and will present an interim report on its activities to the session of the Committee of Ministers in May 2006. In view of the great competence of the 11 eminent members of the group, I am confident that it will achieve the best possible results.

A second summit-related issue to which your Assembly has from the outset given particular attention is the Forum for the Future of Democracy. The inaugural meeting of the forum is to be held in Warsaw on 3 and 4 November 2005. The theme of the meeting will be civic participation, quite clearly a subject of direct interest to you. The fact that your President has been invited to address the opening session of the forum reflects the desire to give this Assembly its rightful place at this event.

Lastly, I shall refer to a number of other aspects of the summit action plan which are currently the subject of particular attention from the Committee of Ministers. These include the creation of a centre of expertise on local government reform, the setting-up of a task force to plan the 2006 Council of Europe campaign to combat violence against women, the introduction of a programme of action for children, the appointment of a co-ordinator for intercultural dialogue and, lastly, the setting-up of a task force to consider the Council of Europe's strategy to promote social cohesion, which is, moreover, one of the themes of the Portuguese priorities during our chairmanship.

This being so, and as Minister Freitas Do Amaral said at this Assembly's previous session, all our energies will have to be channelled towards giving practical and speedy effect to these decisions. A message was therefore sent out by the Committee of Ministers, on 28 September, to the committees involved in the Council of Europe's intergovernmental co-operation. This message emphasises that implementation of summit decisions is the first political priority of the Committee of Ministers, and therefore calls on the committees concerned to play an active part in this.

The Parliamentary Assembly also has a role to play in this collective effort. I should like to reiterate here that one of the keys to the successful implementation of the summit decisions is to make active efforts to raise awareness in our capital cities of the importance of these decisions and of the value of Council of Europe activities for our states. The contribution of each one of us to raise this awareness will be extremely useful. The action of the Council of Europe everywhere, including at national level, must be given visibility.

Another way in which the members of the Assembly can help is to do what they can to ensure that Protocol No. 14 to the European Convention on Human Rights is ratified as soon as possible. I again urge you to approach your respective governments and parliaments if your country has not yet ratified the protocol.

The effectiveness and credibility of the Council of Europe's action will be fostered if the Organisation succeeds in affirming its role as a mainstay of democracy, human rights and the rule of law in the process of European construction. In this respect, one of the Committee of Ministers' priorities in the months ahead will be to finalise the memorandum of understanding with the European Union which the heads of state and government asked it to draw up in order "to create a new framework of enhanced co-operation and political dialogue". I welcome your Assembly's decision to play its part in this enhanced dialogue, especially by forging closer links with the European Parliament, but also, as it did at this session, by making its contribution to the discussion on interaction between initiatives such as the EU's European neighbourhood policy and the activities of the Council of Europe. The Committee of Ministers will not fail to draw on the ideas contributed.

While our attention must focus primarily on co-ordination with the European Union, I am nevertheless not overlooking the interaction to be developed with other international organisations. In this context, the first results of enhanced co-operation with the Organisation for Security and Co-operation in Europe have become visible in recent months, with impetus being given by the correspondents acting between the two organisations.

A meeting of the co-ordination group between the Council of Europe and the OSCE held in Strasbourg last Friday showed that it is now time to start a second phase, going beyond the exchanges of information of recent months, by developing joint activities in which the Council of Europe and the OSCE can pool their expertise and resources. One of the fields in which such joint activity has already been taking place for several years is the monitoring of states' compliance with democratic standards and the

assistance given to them to meet these standards. Some important dates fall in the months ahead, firstly in Armenia, where a referendum on constitutional reform is to be held, and secondly in Azerbaijan, where parliamentary elections are due on 6 November. These will afford another opportunity for putting into practice the collaboration with the OSCE.

Regarding Armenia, it is vital for all forces to pull together, over and above political divides, so that a reform takes place which will at last enable the Armenian Constitution to be brought into line with European standards. As concerns Azerbaijan, the 6 November ballot will provide a test of the country's ability to hold truly democratic elections four years after it joined the Council of Europe.

I will conclude by briefly touching upon another two priorities of the Portuguese Chairmanship. The first relates to intercultural dialogue, which will be the major theme of the conference which will close the celebrations of the 50th anniversary of the European Cultural Convention in Faro on 27 and 28 October.

Given the particular need for such dialogue to be promoted between the countries on the northern and southern shores of the Mediterranean, the Maghreb countries have been invited to the conference, as have senior representatives of the main international or regional organisations concerned. The Portuguese Chairmanship hopes that this will be a first initiative to include our partners in the Maghreb and across the Mediterranean. We should like to see them more frequently involved in our work.

In our view, the Faro conference will be a milestone in the Organisation's work in the field of the protection of cultural heritage. The Portuguese Chairmanship will do its utmost to ensure that the Framework Convention on cultural heritage is opened for signature by member states during the conference, as was recommended by the Assembly in June.

Your Assembly's decision to make intercultural and interfaith dialogue one of the main themes of the present session is therefore welcome. I can assure you that your ideas will be fully taken into account, not only in the context of the preparation of the Faro conference, but also in the follow-up to it.

Combating terrorism and trafficking in human beings remains another of our priorities. Progress in this area has unfortunately been slower than was hoped since the three new Council of Europe conventions were adopted and opened for signature. The success demonstrated by the substantial number of signatures of these conventions on the occasion of the Warsaw Summit has not been confirmed since then. The Portuguese Chair therefore intends to take the opportunity of the next session of the Committee of Ministers, in November, to remind member states' governments that these are important instruments to which it is desirable that they accede.

I would like, in addition, to draw your attention to the conference that has just taken place in Lisbon with the participation of members of this Assembly. The conference identified new areas of action to combat economic crime – an essential task in the context of the new challenges of globalisation.

As in the implementation of the texts adopted at the summit, this Assembly can play a significant role here by helping to raise awareness in your capital cities. I would like to put forward here the idea of launching a joint parliamentary initiative to promote greater realisation of the value of these three new conventions, through the holding of debates in all our member states' parliaments at the initiative of the delegations here today.

Chairman, ladies and gentlemen, you have heard the information I wished to convey to you here today, as well as my thoughts on the progress made in recent months during our Chairmanship of the Committee of Ministers. I would like to express my gratitude to the Secretariat for their support the last months. Subsequent Chairs will have the responsibility of carrying on the work to ensure that the successes of the Warsaw Summit are consolidated, confirming the Council of Europe's unique role in the creation of a Europe of peace and stability. I offer these future Chairs, especially our Romanian friends, my best wishes for the difficult task which lies ahead. They can rely on Portugal's support.

Thank you for your attention. I am now ready to answer any questions that you may have.

THE PRESIDENT (Translation). – Thank you, Mr d'Oliveira Neves. We now come to parliamentary questions for oral answer. I remind the Assembly that Mr d'Oliveira Neves will answer questions only from those members who are present. Twelve questions have been tabled. They are contained in Document 10700 and will be taken in order in which they have been published. Since these questions have been published, I will not call the member concerned to ask them from the floor. Instead, I will ask the State Secretary to reply to each written question. Then I will allow one supplementary question from the member who tabled the question. Members have no more than 30 seconds to ask supplementary



questions. The first question is that tabled by Mr Jaskiernia relating to the promotion of the Council of Europe Human Rights Prize.

I see that Mr Jaskiernia is not in the Chamber. Mr Bindig has tabled the second question, on Chechnya.

The first question is No. 2, from Mr Bindig.

*"Question No. 2:*

Mr Bindig,

In view of the persisting climate of impunity in Chechnya and in adjacent territories, with numerous reported cases of enforced disappearances, the persecution of human rights activists and lawyers, the intimidation, and in some cases even killing, of applicants to the European Court of Human Rights or their family members, which are allegedly committed by federal or Chechen Government forces,

To ask the Chairperson of the Committee of Ministers,

What is being done, if anything, to reinforce the Committee of Ministers' response to these most serious human rights violations, and when will the Assembly be provided with an opportunity to consult the report on the implementation of the programme of co-operation in the Chechen Republic that was mentioned in the replies during the April and June part-sessions?"

Mr D'OLIVEIRA NEVES. – Since January 2004, the Council of Europe and the Russian Federation have set up programmes of practical co-operation activities in the Chechen Republic. Their long-term objectives, spanning the programmes over a period of several years, are to support and strengthen the rule of law, human rights and democracy in this part of the Russian Federation.

About 30 activities have been planned for 2005. The Secretary General's report about activities implemented and planned as of 3 October 2005 is at the Assembly's disposal.

As indicated in the report, the programme covers the problems mentioned by the honourable parliamentarian. It includes, in particular, activities concerning investigations into abducted and missing persons and the fight against impunity, as well as training activities for law enforcement officers on methods to work against impunity for human rights violations.

Moreover, next week the Committee of Ministers will begin supervising the execution of three judgments of the European Court of Human Rights in cases brought by relatives of casualties of the Chechen conflict.

THE PRESIDENT. – Thank you. I call Mr Bindig. You have 30 seconds for a supplementary question.

Mr BINDIG (*Germany*) acknowledged the importance of programmes of practical co-operation activities with the Chechen Republic. However, there continued to be a number of cases of enforced disappearances in the area. Would the Committee of Ministers focus on these cases alongside the discussion of the programmes?

Mr D'OLIVEIRA NEVES. – I agree entirely with the honourable parliamentarian that we must do more, and we are trying to do more. I remind you that the Commissioner for Human Rights has visited Russia. We had a meeting with President Putin, so we are making efforts at the highest level. We are encouraged by the fact that the President of the Russian Federation intends to take into account the conclusion of the CHR's report.

THE PRESIDENT. – I remind members that all the questions are contained in Document 10700. To save time, we do not repeat them at this stage.

I see Mr Ivanovski is not here to ask Question No. 3.

The next question mostly concerns the position of the European Court of Human Rights, which faces several obstacles.

*"Question No. 4:*

Mrs de Melo,

Considering that the application of the decisions of the European Court for Human Rights faces several obstacles, namely the large number of demands and the subsequent slow implementation of its rulings at national level;

Having in mind that the European Convention on Human Rights stands as a unique example of a regional-scale instrument for the promotion and protection of human rights;

Welcoming the Committee of Ministers' decision to establish a group of wise persons that is expected to consider the issue of the long-term effectiveness of the European Convention and, furthermore, congratulating its recently nominated members;

To ask the Chairperson of the Committee of Ministers,

In what way will the Parliamentary Assembly and the ad hoc committee (CM-SUIVI3) responsible for the implementation of the 3rd Summit's decisions co-operate with the group of wise persons towards ensuring the long-term effectiveness of the Council of Europe's human rights systems?"

Mr D'OLIVEIRA NEVES. – I thank Mrs de Melo for her question. The group of wise persons is fully independent, and that is how it will work within the framework of the Council of Europe. When the heads of state set up this group in Warsaw, they stressed that the wise persons should be independent and work independently. Needless to say, the Committee of Ministers will follow this approach. I am sure the Parliamentary Assembly will also follow this line. The wise persons are independent from governments, but they are also independent from institutional bodies within the Council of Europe.

The Committee of Ministers will ensure that the group of wise persons has all the means available to carry out its mission in the best possible way, but we will be very careful not to interfere in its work. The first results of that work will be transmitted to the Ministers in May next year in the form of an interim report.

THE PRESIDENT. – Mrs de Melo, do you wish to ask a supplementary question?

Mrs DE MELO (*Portugal*) said she did not wish to ask a supplementary question.

THE PRESIDENT. – The next question is No. 5, on the housing rights of Roma in Greece.

"Question No. 5:

Mr Cilevičs,

Considering that in June 2005 the Committee of Ministers adopted Resolution ResChS (2005) 11 on the landmark decision by the European Committee of Social Rights, which found that the insufficiency of permanent dwellings, lack of temporary camping sites and forced evictions of Roma in Greece constituted a violation of Article 16 of the European Social Charter;

Considering that in June and July 2005 Amnesty International (AI), the Centre on Housing Rights and Evictions (COHRE), the Co-ordinated Organisations and Communities for Roma Human Rights in Greece (SOKADRE), European Roma Information Centre (ERIO), European Roma Rights Centre (ERRC), Greek Helsinki Monitor (GHM), International Helsinki Federation for Human Rights (IHF), Minority Rights Group International (MRGI) and World Organisation against Torture (OMCT) sent two joint letters to the Prime Minister of Greece and to the Mayor of Athens, urging senior Greek officials to implement the Social Charter ruling by securing housing rights and sanctioning those responsible for illegal, actual or threatened unlawful evictions of Roma;

Considering that the NGOs also recalled that the contract signed by the Mayor of Marousi with the Greek Roma families providing them with alternative adequate housing after their eviction in 2002 to make way for the 2004 Olympic Games venue has not been implemented;

Considering that in several other Greek cities, Roma relocation plans are being cancelled because of the racist reaction of local communities thus denying tens of thousands of Roma adequate housing;

Considering that Greece has not, to this day, submitted to the European Committee of Social Rights its report on the implementation of many articles of the Charter (including Article 16), due on 30 June 2005,

To ask the Chairperson of the Committee of Ministers,

In what ways does the Committee of Ministers intend to supervise effectively the implementation by Greece of the Social Charter ruling on the housing rights of Roma, and does it plan to take some urgent action vis-à-vis the continuing evictions of Roma in violation of Article 16?"

Mr D'OLIVEIRA NEVES. – Last week, the Committee of Ministers adopted a reply to a written question on forced evictions of Roma in Greece tabled by the honourable parliamentarian. In that reply it stated that the Committee of Ministers found no reason to take any further action at this stage.

The Greek Government has given a detailed account in the Committee of Ministers of the action undertaken at national and local level to integrate the Roma population and provide housing. A new report under the Social Charter is due to be submitted. I understand that it will be available very soon. The information in that report will then be evaluated by the European Committee of Social Rights. Its conclusions will be published next year. It will be on the basis of the result of that evaluation that the Committee of Ministers will decide on the follow-up.

THE PRESIDENT. – Do you wish to ask a supplementary question, Mr Cilevičs?

Mr CILEVIČS (*Latvia*). – Yes. I thank you for your reply, Minister, but it does not strike me as satisfactory. The position is rather strange. The Committee of Ministers has adopted the resolution on the violation of the Social Charter, but your reply suggests that you will do nothing. Do you believe that the Committee of Ministers has no obligation to follow up the finding of violation?

Mr D'OLIVEIRA NEVES. – I can confirm that the Committee of Ministers will follow the matter up. Indeed, that is exactly what I said in my answer. As I said, a new report is due to be submitted and will be available very soon. It will then be evaluated by the European Committee of Social Rights. That is the action that we are taking in accordance with the instruments of the Council of Europe.

THE PRESIDENT. – The next question relates to the ruling of the European Court of Human Rights on the case of *Ilaşcu and others against Moldova and Russia*.

"Question No. 6:

Mr Ilaşcu,

Noting that the European Court of Human Rights, in its final decision of 7 July 2004, ruled for the immediate and unconditional release of the political prisoners Andrei Ivantoc and Tudor Petrov Popa, illegally detained in Transnistria, a territory belonging *de jure* to the Republic of Moldova and *de facto* under the responsibility of the Russian Federation,

To ask the Chairperson of the Committee of Ministers,

What measures does the Committee of Ministers intend to take in order to lead the Russian Federation to comply fully with the ECHR decision in the case of *Ilaşcu and others*?"

Mr D'OLIVEIRA NEVES. – Mr Holovaty asked a similar, written question regarding the Committee of Ministers' actions to secure execution of the Court's judgment in the *Ilaşcu and others* case. The Chair has replied to that question.

The most recent interim resolution was adopted on 13 July 2005. In it, the Committee of Ministers insisted that "the Russian authorities take all necessary steps to put an end to the arbitrary detention of the applicants and secure their immediate release". Last week the Committee invited the Chair to write to his Russian counterpart, Minister Lavrov, in order to highlight the urgent humanitarian dimension of the case – over and above the legal aspects – inasmuch as the health of the two applicants imprisoned has seriously deteriorated as a result of their continued detention.

I hope that all necessary steps will be taken to ensure full and speedy execution of the judgment in accordance with the obligations undertaken under the Convention.

THE PRESIDENT. – Do you wish to ask a supplementary question, Mr Ilaşcu?

Mr ILAŞCU (*Romania*) said he had no further questions.

THE PRESIDENT. – The next question relates to ethnic segregation in schools in parts of Bosnia and Herzegovina.

"Question No. 7:

Lord Russell-Johnston,

Noting that, according to recent reports, the education system in Bosnia and Herzegovina has degenerated to the extent that local authorities in certain municipalities are proceeding to separate schools along ethnic lines;

Aware that such a situation not only contravenes existing legislation already in place at higher levels but also violates the commitments made by Bosnia and Herzegovina when it joined the Council of Europe, namely to 'eliminate all aspects of segregation and discrimination based upon ethnic origins',

To ask the chairperson of the Committee of Ministers,

What has the Committee of Ministers already done in this respect and what is it going to do in the future?"

Mr D'OLIVEIRA NEVES. – The Committee of Ministers considers school education to be an essential instrument of multi-ethnic integration, especially in Bosnia and Herzegovina. It has therefore always paid particular attention to the matter, and to the assistance that the Council of Europe can provide.

The specific problem raised by the honourable parliamentarian was brought to the attention of the Committee of Ministers' Rapporteur Group for Democratic Stability in September. The group expressed serious concern at these developments and underlined the necessity for Bosnia and Herzegovina to comply fully with its commitments. It took note of the fact that the authorities of Bosnia and Herzegovina share this concern. It also noted their request for assistance to fulfil their commitments.

Last week, a Secretariat monitoring mission visited the country, and in particular Mostar, to take stock of the situation and look into the assistance that the Council of Europe might provide in solving the problem. A report on this mission will be submitted to the group shortly. In the light of the report, the group will explore the steps to be taken by the Council of Europe in an effort to remedy the situation.

THE PRESIDENT. – Do you wish to ask a supplementary question, Lord Russell-Johnston?

Lord RUSSELL-JOHNSTON (*United Kingdom*). – Yes. Does the Minister agree that the root problem is that, although the Dayton Agreements brought the war to an end, they are not a good basis for helping a country that seeks cohesion? When will the Committee of Ministers give direct attention to that problem?

Mr D'OLIVEIRA NEVES. – I might tend to agree, but I think that it would be difficult for the Council of Ministers to deal with that question. We must abide by the constitutional rules and the treaty established for Bosnia and Herzegovina. Although several issues, including the one that you have raised, give rise to deep concern, recent developments in Bosnia and Herzegovina provide some encouragement. I am thinking of the agreement of the Republika Srpska to join the national police force of Bosnia and Herzegovina. We must build on what we have, and support all the forces for peace and stability in Bosnia and Herzegovina in accordance with our means and capacities.

THE PRESIDENT. – Thank you. The next question is tabled by Mrs Papadimitriou and relates to measures taken by the Committee of Ministers to implement the action plan arising from the 3rd Warsaw Summit.

"Question No. 9:

Mrs Papadimitriou,

To ask the Chairman of the Committee of Ministers,

Noting the success of the Warsaw Summit of May 2005, which was a significant turning point in the evolution of our Organisation, and the fact that this needs to be proved to the peoples of Europe through the effective, ongoing implementation of the summit's action plan by all relevant actors of the Council of Europe;

Considering that the Assembly is impressing upon our national governments the need for them to assume their share of this important responsibility but that the greatest share of responsibility lies in the hands of the Committee of Ministers,

To ask the Chairman what measures he has undertaken over the last five crucial months, as the leading actor of the Council of Europe, to give a dynamic momentum to the implementation of the action plan and to ensure the increased visibility of this momentum?"

Mr D'OLIVIERA NEVES. – In reply to the honourable member, I should first like to emphasise that responsibility for effective follow-up to the Warsaw Summit decisions is first and foremost a collective responsibility, involving not just all the Council of Europe's bodies, but also all the member states.

That said, the Portuguese Chair is aware of the fact that the Committee of Ministers, as an emanation of the governments of member states and as the decision-making body of the Council of Europe, bears particular responsibility in this respect. It is also aware of the fact that Portugal's position at the head of the organisation during the months which have followed the summit gives it a particular "steering" role to play.

This is why, as I just said in my communication, Portugal made summit follow-up the first priority of its term of office. I set out in some detail a few moments ago the activities we have carried out to this end. Further relevant information is also included in the written report on the Chairmanship, distributed this morning. There would be no point in repeating all this, but I should nevertheless like to remind you of the two-pronged approach that we have adopted. On the one hand, it ensures that all the decisions taken at the summit are incorporated as speedily as possible into the Council of Europe's ordinary institutional system, and in particular find their way into the Organisation's programme of activities from 2006 onwards. This led to the adoption of a message from the Committee of Ministers calling on all Council of Europe steering committees and committees of experts involved in intergovernmental co-operation to make implementation of the summit action plan their main priority in their respective fields of competence, and to report on this to the Committee of Ministers.

On the other hand, it gives priority attention to a number of summit decisions for which specific action is necessary. These decisions, which are in actual fact the most visible measures in the action plan – and in respect of which the expectation of results is highest – are under the direct control of the follow-up committee on the 3rd Summit, and will be subjected to an initial review at the November ministerial session. These decisions relate, *inter alia*, to the setting up of the group of wise persons which is to give thought to the long-term future of the ECHR, to the launch of the Forum for the Future of Democracy, to the creation of a centre of expertise on local government reform, to the appointment of a high-level task force on social cohesion strategy, to the appointment of a co-ordinator for intercultural dialogue and to the preparation of both the campaign to combat violence against women and the programme of action for children.

I have no doubt that, at the ministerial session, we shall be able to note tangible and substantial results on all these matters. This will, I hope, provide a convincing response to the concern expressed by the honourable member about the maintenance of the political dynamic created by the summit and about the increased visibility of the Council of Europe in this context.

THE PRESIDENT. – Thank you. Does Mrs Papadimitriou wish to ask a supplementary question?

Mrs PAPANIMITRIOU (*Greece*). – Thank you. I accept that we have fully delivered the decisions and the action plan, but one of the greatest problems is the visibility of our actions and of the momentum that is taking place. Mr van der Linden and the Assembly impress our governments, but, Mr d'Oliviera Neves, you are better able than we are to persuade governments to help us to ensure that we have the visibility that I have described. That has not happened yet.

Mr D'OLIVIERA NEVES. – It is the responsibility of the Committee to implement the decisions taken at the summit and to ensure that the new dynamic that the summit has installed in the Council of Europe becomes reality. The visibility problem is a matter of collective responsibility and is another question. Visibility must result from our actions and the Parliamentary Assembly could play a bigger role than the Committee of Ministers in making our actions more visible across Europe.

THE PRESIDENT. – Thank you. The next question is from Mr Mota Amaral relating to the visibility of the Council of Europe to public opinion. You can see that it is a sensitive question.

"Question No. 10:

Mr Mota Amaral,

To ask the Chairman of the Committee of Ministers,

What has the Portuguese Chairmanship of the Committee of Ministers achieved in the specific field of the visibility of the Council of Europe in public opinion in the member states?"

Mr D'OLIVIERA NEVES. – As I concluded my reply to the previous question, raised by Ms Papadimitriou, I emphasised that the Committee of Ministers' ability to obtain, before the ministerial session in November, specific and substantial results on summit follow-up was the best way of maintaining the political impetus given to the Council of Europe by the 3rd Summit, and thus of helping to increase its visibility.

This conclusion seems to me to provide a good reply to Mr Mota Amaral's question. The Portuguese Chair is certainly convinced that visibility cannot be an end in itself, but must stem from the relevance and effectiveness of the Council of Europe's action. This is what we have endeavoured to achieve during the first four months of our term in office, and it is what we shall continue to do until our term comes to an end on 17 November.

On this occasion, the Ministers of Council of Europe member states will take stock of the action taken to follow up the 3rd Summit. Their review will also, to a large extent, be one of the Portuguese Chairmanship. Everyone will have to assess whether the results achieved come up to expectations, and whether we have succeeded, over these six months, in helping to strengthen the human dimension of European construction, as our heads of state and government asked us to do in Warsaw.

During a period in which public opinion sometimes tends to turn away from, and even to distrust, European construction, this would be the best service we could render it. It is certainly a long-drawn-out task to reconcile Europe with Europeans: I hope to be able to say, by mid-November, that we have made a contribution to it.

This being said, I would like to stress the essential role that the Parliamentary Assembly and national parliaments, which represent the people of Europe, can and must play in bringing the decisions taken in Strasbourg closer to the citizens and thus reinforcing the Council of Europe's visibility in member states.

THE PRESIDENT. – Thank you. Mr Mota Amaral, do you wish to ask a supplementary?

Mr MOTA AMARAL (*Portugal*) congratulated the Portuguese Presidency. He urged continued efforts to disseminate information on this subject throughout the world.

THE PRESIDENT. – Thank you. Do you, Mr d'Oliviera Neves, wish to react to that question?

Mr D'OLIVEIRA NEVES said he was grateful for the support of the Secretariat in this task and would encourage it to continue its fine work.

THE PRESIDENT. – Thank you. The next question is tabled by Mr Van den Brande relating to the joint working group between the Assembly and the Committee of Ministers.

"Question No. 11:

Mr Van den Brande,

To ask the Chairman of the Committee of Ministers,

Noting that the 3rd Summit of the Council of Europe in May of this year called for the establishment of a joint working group between the Assembly and the Committee of Ministers,

In clear and concrete terms, what planning has so far been undertaken for, and when and in what format can we expect, this working group to start its important work?"

Mr D'OLIVIERA NEVES. – It was not actually the 3rd Summit that called for the establishment of a joint working group between the Assembly and the Committee of Ministers, but rather the Parliamentary Assembly in its Recommendation 1712 on the follow up to the Warsaw Summit.

You will remember that Minister Freitas Do Amaral informed you, during your June session, about the speedy response given by the Committee of Ministers to the instructions of the heads of state and government. An ad hoc committee on the follow-up to the 3rd Summit, CM-SUIVI3, open to all delegations, was set up on 15 June 2005. The Parliamentary Assembly was invited to send a representative to the meetings. Admittedly, this does not go quite as far as the Parliamentary Assembly

would have liked. However, through this working party the Parliamentary Assembly can make all the input that it wishes into the work of the Committee of Ministers.

I should like to draw your attention to the fact that since the decision to associate the Assembly was taken, the CM-SUIVI3 has met twice. At its meeting on 8 September the Parliamentary Assembly was represented. Alas, this was not the case for its meeting on 22 September. No doubt this was due to an unfortunate combination of circumstances. I hope that in future the Assembly will be represented.

THE PRESIDENT. – Do you want to ask a supplementary question, Mr Van den Brande?

Mr VAN DEN BRANDE (*Belgium*). – I thank the Minister for his answer and I am grateful to the Portuguese Presidency. I know that co-operative work is taking place. I do not think that we are in a system of what might be called *missi domeici* in that we can send someone to the Committee of Ministers to ask politely in which way we can take into account what we have to do together. We are in favour of setting up a joint working group – there is, for example, the European neighbourhood policy. A contribution can be made in partnership with the European Union. That contribution should not be only in writing.

Mr D'OLIVEIRA NEVES. – We take note of the comments of the Parliamentary Assembly and we shall do our utmost to accommodate the interests of all parties within the rules and the working of the Council of Europe.

THE PRESIDENT. – Thank you. The next question is from Mr Lloyd, and it relates to the European Court of Human Rights:

“Question No. 12:

Mr Lloyd,

To ask the Chairperson of the Committee of Ministers,

What steps are taken by the Committee of Ministers to assist the European Court of Human Rights to reduce the time for cases to be heard?”

Mr D'OLIVEIRA NEVES. – The matter that Mr Lloyd raises has been one of the Committee's overriding preoccupations for many years.

Indeed, the time taken to judge cases must be reduced. The European Court of Human Rights must render its judgments within the “reasonable time” set out in Article 6 of the Convention. We are all aware that its ability to fulfil that obligation is under constant challenge, particularly in view of the enormous increase in applications since Protocol No. 11 entered into force on 1 November 1998. Work on the response to this situation has been constant since then. The most visible results are of course Protocol No. 14 and the important recommendations adopted at the same time.

The Committee of Ministers has acknowledged the great efforts made by the Court in overhauling its working methods for optimum efficiency. It has endeavoured to provide the Court with the resources that it needs in order to deal with the case load as swiftly as possible. None the less, there are still many important questions to be answered. The group of wise persons will hold its first meeting on 18 October and the Portuguese Chair will give the highest priority to its work.

THE PRESIDENT. – Do you want to ask a supplementary question, Mr Lloyd?

Mr LLOYD (*United Kingdom*). – Thank you for that response, Mr d'Oliveira Neves, which is positive in part. I think that the Minister will recognise that there is enormous frustration within the Assembly and throughout the territory of the Council of Europe. There is the real issue that justice delayed is, in effect, justice denied. We must ensure that the Court's processes are as rapid as possible. That should be the Minister's concern during his time in office, and also the concern of his successors. We need to guarantee that the matter is taken up and that it appears in the report of the group of wise persons.

THE PRESIDENT. – Thank you. I call Mr d'Oliveira Neves.

Mr D'OLIVEIRA NEVES. – We share Mr Lloyd's concern. However, the problem perhaps reflects, and is a consequence of, the success of the Court. This is a matter of priority for the Portuguese Presidency as it is for the Council of Europe. I am certain that the next presidency and the presidencies after that will keep this matter as a top priority.

THE PRESIDENT. – Thank you. The last question is No. 8, from Mr Schmied. It relates to the provision of European schools and improved international schooling in Strasbourg. Please be so kind as to answer the question, Minister.

*“Question No. 8:*

Mr Schmied,

Recalling the previous questions on the need for a European school and improved international schooling in Strasbourg, most recently in January 2005;

Acknowledging efforts by the Secretary General in his discussions with the French Minister of Foreign Affairs, Mr Barnier, the City of Strasbourg and the European School Board of Governors and welcoming the decision by the City of Strasbourg to undertake a feasibility study on European schooling within the framework of the tri-annual contract 2003-2005 ‘Strasbourg – Ville européenne’;

Applauding efforts made by our counterparts in the European Parliament to have the European Baccalaureate made more widely available and efforts by the European Commission to improve the European Schools by launching a consultation process;

Taking into consideration that, until such a time as these discussions might come to fruition, an increasing number of members of the permanent representations and Council of Europe staff are already bussing their children daily to the nearest European school in Karlsruhe and also that there could be many improvements made to what is currently available in Strasbourg;

To ask the Chairperson of the Committee of Ministers,

Whether the Committee of Ministers can bring this matter urgently to the attention of their respective Ministries of Education and Foreign Affairs and the European Commission with a view to their supporting the importance of the European School in Karlsruhe for European civil servants based in Strasbourg until such a time as the question of European schooling in Strasbourg/Kehl has been resolved.”

Mr D'OLIVEIRA NEVES. – The Portuguese Chairmanship is aware of the interest shown in this matter by the Assembly, the staff of the Council of Europe and permanent representatives alike.

Portugal supports the existence and development of European schools, and we can see only benefits in having such a school here in the Strasbourg area.

We are aware also of the numerous efforts which have been made over recent years to improve the situation in Strasbourg, and we very much support the recent initiatives undertaken to bring this matter closer to a satisfactory conclusion.

Of particular interest for the honourable parliamentarian in this connection will be the recent contacts between the Secretary General and the European Commission. I am informed that the objective of those contacts was to make the Commission aware of the Council of Europe's interest in obtaining better access to the European school system. I further understand that the Secretary General is expecting a follow-up to those discussions next year.

I encourage the Secretary General in his endeavours and will continue to follow this question with great attention.

THE PRESIDENT. – Thank you, Minister. Do you want to ask a supplementary question, Mr Schmied?

Mr SCHMIED (*Switzerland*) hoped that they would succeed in dealing with the problem.

THE PRESIDENT (*Translation*). – That brings us to the end of questions to the Minister. I understand, Minister, that you want to say a few words.

Mr D'OLIVEIRA NEVES added that there was an exhibition on mankind's heritage in the foyer and encouraged all members to visit it.

THE PRESIDENT. – Thank you, Minister, for your answers to questions and for the Chairmanship of the Portuguese Government. I am sure that you will bring all these matters to the attention of your colleagues in government and especially to your ambassador in Strasbourg.



**7. Date, time and orders of the day of the next sitting**

THE PRESIDENT. – I propose that the Assembly hold its next public sitting this afternoon at 3 p.m., with the orders of the day which were approved on Monday 3 October.

Are there any objections. That is not the case.

*The orders of the day of the next sitting are therefore agreed.*

The sitting is closed.

*(The sitting was closed at 12.50 p.m.)*

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