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**REPORT**

Fifteenth sitting

Thursday 13 April 2006 at 2 p.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 Gardetto, Vice-President of the Assembly, took the Chair at 2 p.m.*

THE PRESIDENT (Translation). – The sitting is open.

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

THE PRESIDENT (Translation). – The minutes of proceedings of the 13th sitting have been distributed.

Are these minutes agreed to?

*The minutes are agreed to.*

### **2. Refugees and displaced persons in Armenia, Azerbaijan and Georgia**

THE PRESIDENT (Translation). – The final business today is the debate on “Refugees and displaced persons in Armenia, Azerbaijan and Georgia”, presented by Mr Cilevičs on behalf of the Committee on Migration, Refugees and Population, Document 10835.

The list of speakers closed at 12 noon today. There are 20 names on the list and 35 amendments have been tabled.

I remind members that the Assembly agreed this morning that speaking time in this debate is limited to three minutes. Speeches on amendments are limited to 30 seconds.

To finish by 3.30 p.m., we must interrupt the list of speakers at about 2.35 p.m. to allow time for the replies and the votes.

Are these arrangements agreed to?

*They are agreed to.*

I call Mr Cilevičs, rapporteur. You have eight minutes.

Mr CILEVIČS (*Latvia*). – The aim of the report and draft resolution before you today is to follow up on Recommendation 1570, of 2002, on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia.

Four years have elapsed since that report was adopted, and in preparing my report I have attempted to provide a picture of the current situation concerning this vulnerable group of persons, many of whom have been living in a desperate situation for over a decade.

Every day we face new challenges and sometimes we forget about the burning problems that exist in our own European house. That is why it is so important to follow up on our previous decision and to continue our work.

I am grateful to the parliaments and governments of the countries visited for facilitating my visits and contacts. I recognise the valuable input provided by governmental and non-governmental actors whom I met. I also express my sincere thanks to all the refugees and displaced persons I met in the three countries visited for their openness and willingness to talk to me.

The scars of the conflicts in the region run deep, and even statistics are highly controversial and often disputed. This is a very sensitive issue, which is why I have chosen as a starting point and why I cite the statistics provided in the report produced by Mrs Vermot-Mangold. That report is the basis for Recommendation 1570. I have also provided alongside those statistics some data lately provided by the Office of the United Nations High Commissioner for Refugees.

There is no doubt that the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia continues to be preoccupying not only for the individuals concerned, but for the societies in which they live and relations between the countries concerned. While progress has been made in certain areas since the adoption of Recommendation 1570, major problems remain to be tackled.

There is a significant need for humanitarian assistance. We often talk of donor fatigue and funds for humanitarian assistance drying up, but providing such humanitarian assistance and meeting the urgent need of those who sometimes live in appalling conditions remain critical. Certain national resources are now cutting in – for example, the oil fund in Azerbaijan – but international humanitarian assistance is still urgently required. More work needs to be done, however, to provide medium and long-term solutions to improve living conditions and to ensure self-reliance and the integration of refugees and displaced persons.

In the region, we face a difficult dilemma – what I would call integration and return. It is not a case of whether people should return. International refugee law refers to local integration and return as alternative durable solutions, but the specificity of the region makes that legalistic picture somewhat different.

It is understandable that it is difficult to recognise integration of any kind because it might be perceived as a refusal of the right to return and recognition of a sort of expulsion and the results of ethnic cleansing. Nevertheless, I insist in my report that the governments concerned must do their best to provide adequate, decent conditions for those people until the conditions have been created for voluntary return.

The returns, of course, must be voluntary. That is why I am against all amendments that refer to the return of all refugees. In my view, forced returns are not much better than the initial expulsion. So, all options must be open for the people.

Return remains a dream, however, for the majority of displaced persons and refugees. Without a peaceful solution of the conflicts in the region it will continue to be an illusion. With great disappointment, your rapporteur notes the failure of the recent talks on the Nagorno-Karabakh conflict and the stalemate, which has become further entrenched.

Let me be completely clear and blunt: international assistance is needed from the Council of Europe and other international organisations, and European governments must do their best to assist the resolution of the conflict, but we should realise that the states themselves play the primary role in any such attempts.

No one can resolve conflict for Armenia, Azerbaijan and Georgia without their active participation. That is why I strongly urge direct dialogue between the governments concerned. They must consult, first, on humanitarian issues. We have some positive experience in the Balkan region of direct co-operation between governments on humanitarian issues producing good results. Co-operation on humanitarian issues can also serve as an effective confidence-building measure, which is necessary to negotiate mutually acceptable political solutions.

The issue of missing persons is particularly traumatic for the family members involved and further steps are needed to solve the issue. The Committee on Migration, Refugees and Population is preparing a report on the issue and I hope that our rapporteur, Mr Platvoet, will present it soon.

The draft resolution also calls on the countries of the region to take certain steps. We call upon Armenia, Azerbaijan and Georgia to continue their efforts to achieve a peaceful and permanent settlement of the dispute and to step up the inter-regional dialogue to solve the problems of refugees and displaced persons. We invite the countries of the region to pursue their policy of local integration of refugees and displaced persons without prejudice to their voluntary return in the future as soon as conditions permit.

On the assistance provided to refugees and displaced persons, the countries involved should be encouraged to improve the co-ordination of projects with inter-governmental organisations and non-governmental organisations and to make full use of the funding available from the EU.

Armenia, Azerbaijan and Georgia are also called upon to adapt their legislation to ensure that refugees and displaced persons have the same political, civil, economic and social rights as the local population. It is also necessary to ensure a durable status for recognised refugees and guarantee subsidiary protection for all those in need of protection.

Despite their internal problems, Armenia, Azerbaijan and Georgia have, as members of the Council of Europe, certain obligations under international law. I look forward to an interesting debate.

THE PRESIDENT (Translation). – Thank you. The debate is now open. I call Mr Gross on behalf of the Socialist Group.

Mr GROSS (*Switzerland*) thanked the rapporteur on behalf of the Socialist Group. He said that the situation in the region was terrible for hundreds of refugees. Those people were a sign of the violence that had taken place. It was dreadful for them and they were guiltless in respect of the situation. When reading this fine report carefully it became apparent that it was pointing towards progress that had been made. For instance, the three countries had stopped using refugees as political instruments. However, when one looked at the situation from the point of view of the refugees it was clear that there was still much to be done. When looking at the 35 amendments that had been tabled it was clear that there was an attempt to delete all the points in the draft resolution calling for dialogue and for ways to overcome the differences. He called on the representatives of Azerbaijan and Armenia to look at their own position. Without dialogue one could neither find the causes of the problems nor overcome them.

THE PRESIDENT (Translation). – Thank you. I call Mrs Zapfl-Helbling, on behalf of the Group of the European People's Party.

Mrs ZAPFL-HELBLING (*Switzerland*) said that once the misery of the refugees had been witnessed, thanks to the rapporteur were due both for the report and for rejecting all the amendments that were trying to distort it. She had visited the refugee camps with the rapporteur. Mostly they contained women and children living in temporary accommodation that leaked when it rained, with no access to medical facilities or schooling. After 10 years there had been no attempt to integrate them. The situation concerning Nagorno-Karabakh must be resolved so that the people could return to their homes, for this was what they wanted. The Council of Europe could not sit idly by if the two relevant countries would not even talk to each other, for, after all, they were both members of the Council of Europe. It was also regrettable that neither country was doing anything about missing persons. The report called on them to solve the problem and to accept that it was both a political problem and a humanitarian one. She supported the report, but rejected those amendments that changed the draft resolution in such a way as to prevent dialogue.

THE PRESIDENT (Translation). – Thank you. I now call Mrs Bargholtz on behalf of the Alliance for Liberals and Democrats in Europe.

Mrs BARGHOLTZ (*Sweden*). – Yesterday, we discussed the expected trafficking of people to Germany during the FIFA World Cup. Today, we are discussing the situation of refugees and displaced persons in three poor countries in eastern Europe. The two issues are linked in the sense that if the problems and poverty cannot be solved in the home regions of those people, they will try to go – legally or illegally – to western Europe, and a number of them will be victims of trafficking.

I visited two of these countries – Georgia and Azerbaijan – to observe the elections there. One of the benefits, and there are many, of being an observer is that you get an opportunity to meet and talk to the local population. They are often eager to let you know about the hardship they have faced as displaced persons. Their stories are often unforgettable.

On behalf of my group, I want to thank the rapporteur for the report, but it is a little optimistic about the chances of integrating refugees and displaced persons into local society and allowing such people to regain their dignity. That sounds good and promising, but I am a little confused when the rapporteur states in the explanatory memorandum that “this report does not intend to focus on the political aspects of the problem but on its humanitarian and human aspects”. All those aspects belong together; they are not at all contradictory. Good politics is the basis of humanity; bad politics often results in disaster for humanity.

Page 10 of the report contains a number of paragraphs under the heading “Main political and legislative problems still outstanding”. That points out the link with politics. This chapter is interesting and full of information that taught me a lot about the situation in the region. For that reason, I praise the rapporteur. I read 14 of the amendments and find them reasonable and will probably support them.

THE PRESIDENT (Translation). – Thank you. I call Mr Walter on behalf of the European Democratic Group.

Mr WALTER (*United Kingdom*). – I first visited Georgia nine years ago when I became aware of the plight of the people from Abkhazia and South Ossetia. My knowledge of Azerbaijan is more recent and I, like a previous speaker, was selected to monitor elections last November in two constituencies that consisted entirely of internally displaced persons; some 500 000 from Nagorno-Karabakh.

I congratulate the rapporteur on this excellent report, which the EDG supports. It highlights the continuing desperate conditions in which refugees and displaced persons live in the South Caucasus. The report is also useful in suggesting remedies that might improve the situation.

It is regrettable that it has taken the South Caucasus so long to start to address many of the problems but it is welcome that there has been some progress since the Parliamentary Assembly last made recommendations in 2002. We support the call for all Council of Europe member states to use their good offices to help provide solutions to the conflict, as highlighted in paragraph 11.3. We attach a high priority to achieving peaceful and sustainable solutions. We would like to see this call mirrored in actions in the South Caucasus, as outlined in paragraph 12. The document points to what each state could do to improve the situation locally and that is to be supported and encouraged.

The ideas on regional co-operation from paragraphs 44 to 47 are useful for building confidence between the parties; currently there is none between Armenia and Azerbaijan.

Paragraph 44 in particular suggests a general mechanism to exchange information on the fate of missing persons and is a win-win project for the States Parties, IDPs and refugees from all sides.

I hope that the Parliamentary Assembly will continue to keep the plight of the refugees under review and that the South Caucasus states will put more energy into promoting the integration of refugees and IDPs into their communities.

THE PRESIDENT (Translation). – Thank you. I now call Mr Platvoet on behalf of the Group of the Unified European Left.

Mr PLATVOET (*Netherlands*). – I congratulate the rapporteur on an excellent report, which moves us forward from the difficult political situation to the humanitarian aspect of this tragedy, in which many people in the south Caucasus are living as refugees or displaced persons. The rapporteur wanted to avoid a discussion of the figures and he is entirely right because behind the figures are people who are in despair. They want to go home and live a normal life for themselves and their children. They are victims not of a hurricane but of the decisions of politicians.

The report contains many proposals for improving the situation from now on. Although the rapporteur emphasises the humanitarian aspects, he also underlines what is needed to improve conditions under which a political agreement can be reached. This report is a strong appeal to the countries concerned to take further steps and to continue their efforts to achieve a peaceful and permanent settlement of the dispute.

In Nagorno-Karabakh there is clearly some willingness by those involved to talk to each other, but the delegations of Azerbaijan and Armenia in this Assembly can contribute to a peaceful and sustainable solution by trying to improve the relationship between the countries at all levels. That is the first condition to solving the immense problems of the hundreds of thousands of refugees and displaced persons who are in great despair. I welcome this report.

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

Mr SEYIDOV (*Azerbaijan*). – I am from Azerbaijan and it is important that I am here to discuss the issue today. However, it is a pity that so few members of other parliaments are taking part in this very important debate. This is the last item that we are discussing, not the first, but it should be the first. Hundreds of thousands of people are waiting for the result of this debate.

I want to congratulate Mr Cilevičs on this important introduction to the problem, but I also want to express my gratitude to Mrs Vermot-Mangold, who four years ago did a very good job for the people living in Azerbaijan and Armenia.

We are talking about humanitarian issues but I agree with those colleagues who said that it is important to separate the humanitarian issues from the political issues. If we want to find a solution to this problem, we have to find the cause of the problem. The occupation of Azerbaijan's territory is going on, as is the violation of the human rights of hundreds of thousands of Azeris. The policy by international organisations of closing their eyes to the problem of the refugees in Azerbaijan, who are living in terrible conditions, is continuing yet this subject is being discussed at the very end of the Parliamentary Assembly's part-session.

If we go on like this, we will still be discussing this problem in the Hemicycle in 10 years' time. However, we want to bring an end to the problem not for members here but for those people who live in terrible conditions. That is why we should do our best for them.

We hear talk of co-operation but we have co-operated in an attempt to find a peaceful solution. We have been waiting for the constructive involvement of international organisations and we have been waiting for our Armenian colleagues to try to find a solution. That is why we must continue to talk about the refugee problem and the situation that exists in the region.

Lastly, you should take into account that, with the problem of refugees from Armenia and the internationally displaced persons living in Azerbaijan, together with the economic growth in Azerbaijan, a new situation has been created. Refugees from different parts of the world are coming to Azerbaijan and we should take these problems into account.

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

Mr TOROSYAN (*Armenia*) said that this was a difficult and delicate discussion concerning the fate of hundreds of thousands of people. The excellent report was very important because it gave an objective view of what refugees were suffering. It also included authoritative data. It had been supposed that there were up to one million refugees; in fact there were only around 8 600 refugees in Azerbaijan. It was true that those people were the victims of a humanitarian disaster. In Armenia they had found there were over 200 000 refugees. Those refugees were looking hopefully towards Strasbourg. He asked what the Council of Europe could do for them. Firstly, it was necessary to tell the truth about the situation. Secondly, they had to try to resolve the conflict. Thirdly, they had to focus all their efforts on ensuring that those people did not suffer any further and to help them become fully fledged members of the international community. He hoped that this report would be useful.

THE PRESIDENT (Translation). – Thank you. I call Mrs Tevdoradze.

Mrs TEVDORADZE (*Georgia*) wished to thank the rapporteur for the report and for drawing attention to the great problems that existed in her part of the world. People had lost family members and many were unable to return home. They faced all sorts of problems, including even kidnappings. However, the countries of the region were trying to tackle these problems. She was concerned by support still being given to separatist movements who thought that they could take other people's property away from them. In the previous few days, the President of Georgia had issued a decree setting out a strategy on the private property of refugees. The decree stated a firm obligation to protect refugees and their property. It had been an important step to get that down on paper. The countries of the region had to act in accordance with the principles of international law. Georgia had begun to tackle the issue. She thanked the Council of Europe for all its efforts, especially the humanitarian assistance which it had provided.

THE PRESIDENT (Translation). – Thank you.

I must now interrupt the list of speakers. The speeches of members on the speakers' list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report.

I call Mr Cilevičs, the rapporteur, to reply. You have four minutes.

Mr CILEVIČS (*Latvia*). – Thank you, colleagues, for your speeches and good and critical comments about the report. I talked a lot about changes for the good and successes, and they have indeed happened. In particular, the policies towards refugees and internationally displaced persons in Azerbaijan have undergone crucial changes. I commend very strongly the clearly expressed commitment of the President of Azerbaijan to provide adequate protection and assistance for internationally displaced persons. It is not only words; during our visits, we saw how much has been done. I very much hope that even more will be done in the near future.

I also highly value the so-called new approach programme in Georgia. A lot has been done within the framework of that programme by international organisations. I am sure that the role of the Georgian Government in the implementation of the new approach will grow.

Armenia started integration policies in the early 1990s. In fact, the problem of refugees in Armenia can be resolved within months, not years, provided that the necessary international assistance is in place. So, there are some positive changes, but definitely not enough.

As for the difficulties of integration mentioned by Mrs Bargholtz, normally, under the Geneva Convention arrangements, an asylum seeker or refugee finds himself or herself in a completely alien country. In this case, we are dealing with people who speak the official language and know the culture, so the problem of integration is purely social. Integration crucially depends on the available assistance. This is something specific to the region and a peculiarity that we should keep in mind. That is why we should pay such great attention to the problem of integration – not as an alternative to return, but as a necessary preparatory stage to return.

I am not in a position to comment on the speeches of Mr Seyidov or Mr Torosyan, although I could not agree more with Mr Seyidov that it is a pity that this report is the last item on our agenda. Refugees are not a sexy issue, to put it bluntly; there are much more fashionable issues in global politics. That is a shame because people are suffering in our common European house. We should not forget that, and our Assembly should afford the issue a higher priority.

I want to point out that the statistics mentioned by Mr Torosyan are not those in my report.

I want to express my sincere gratitude to the secretariat of the Committee on Migration, Refugees and Population, who provided invaluable assistance in this difficult work, with statistics, in preparing for visits and during those visits.

THE PRESIDENT (Translation). – Thank you. I call Mrs Vermot-Mangold to reply on behalf of the committee.

Mrs VERMOT-MANGOLD (*Switzerland*) said that everyone had reasons for being concerned about the situation. She had visited several refugee camps. For many years nothing had changed. Houses had been destroyed and there were sick children. There had been some nice houses built in Azerbaijan and some people had returned there already. She urged the Azeris and the Armenians to stop arguing. She asked why so many negative amendments had been tabled. An analysis of what had already happened needed to be conducted in order to form strategies for peace. The political situation needed solving first.

THE PRESIDENT (Translation). – Thank you. The debate is closed. The committee has presented a draft resolution to which 35 amendments have been tabled. They will be taken in the order in which they appear in the notice paper. I remind you that, in view of the large number of amendments, it was decided this morning to limit the speaking time on amendments to 30 seconds. I will be very strict in enforcing this limit.

We come to Amendment No. 1, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Kimmo Sasi, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, at the end of paragraph 4, add the following sentence:

“Nevertheless, security concerns still prevail in both South Ossetia and Abkhazia and there is still much to be done to increase confidence and to create preconditions for large-scale voluntary returns.”

I call Mr Platvoet to support Amendment No. 1.

Mr PLATVOET (*Netherlands*). – Paragraph 4 is a little too optimistic. It is true that some things have improved in Georgia but preconditions have to be created for large-scale voluntary returns.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 1 is adopted.*

We come now to Amendment No. 17, tabled by Ms Gultakin Hajiyeva, Mr Ali Rıza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov and Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 5, after the words “displaced persons”, insert the following words:

"as well as to local people".

I call Ms Hajiyeva to support Amendment No. 17.

Ms HAJIYEVA (*Azerbaijan*). – This relates to an incident on the ceasefire line which was detrimental not only to refugees and internally displaced persons but to local people, particularly in my constituency.

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

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 17 is adopted.*

We come now to Amendment No. 18, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov, Mrs Elmira Akhundova, which is, in the draft resolution, replace paragraph 7 with the following paragraph:

"Enabling refugees and displaced persons to return to the regions from which they came remains one of the main objectives of conflict settlement."

I call Ms Hajiyeva to support Amendment No 18.

Ms HAJIYEVA (*Azerbaijan*). – Without a resolution of the conflict we cannot talk about returning refugees to their place of origin. There are twice as many in the areas surrounding Nagorno-Karabakh as in Nagorno-Karabakh itself. The amendment makes a politically weighty statement on these humanitarian issues. We should take into account the emergence of any solution to the problem of refugees and IDPs.

THE PRESIDENT. – If this amendment is agreed to, Amendments Nos. 2 and 3 fall. I understand that Mr Torosyan wishes to propose an oral sub-amendment: in Amendment No. 18, after the word "return", to insert the word "voluntarily".

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Torosyan to support the oral sub-amendment.

Mr TOROSYAN (*Armenia*) said that he wanted to bring the amendment in line with a recommendation made by the Committee of Ministers and adopted on 6 April. A right was a right, but it should be voluntary.

THE PRESIDENT. – What is the opinion of the mover of the amendment?

Ms HAJIYEVA (*Azerbaijan*). – In favour.

THE PRESIDENT. – The committee is in favour.

The vote is open.

*The oral sub-amendment is adopted.*

Does anyone wish to speak against Amendment No. 18, as amended?

I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – I object to the idea of deleting all of paragraph 7. The



second sentence in the paragraph is extremely important. Amendment No. 26 is in a similar vein. I believe that it would be better to keep paragraph 7 as it is.

THE PRESIDENT. – What is the opinion of the committee?

Mrs VERMOT-MANGOLD (*Sweden*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

*Amendment No. 18, as amended, is adopted.*

We come to Amendment No. 34, tabled by Ms Gultakin Hajiyeva, Mr Aydin Abbasov, Mr Akram Abdullayev, Ms Aynur Guliyeva and Ms Ganira Pashayeva, which is, in the draft resolution, at the beginning of paragraph 8, insert the following sentence:

“The Assembly calls on the three countries to bring their legislation into compliance with the Geneva Convention relating to the Status of Refugees, the European Convention on Nationality and the UN Convention on the Reduction of Statelessness by fully implementing their provisions.”

I call Ms Hajiyeva to support the amendment.

Ms HAJIYEVA (*Azerbaijan*). – The amendment requires the three countries to make their legislation comply with the various conventions in relation to refugees and displaced persons.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

I understand that if the amendment is adopted, the rapporteur proposes that the text should be moved to the end of paragraph 12.13.

The committee is in favour of the amendment.

The vote is open.

*Amendment No. 34 is adopted.*

We come to Amendment No. 4, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, paragraph 8, replace the words “the three countries” with the following words: “Azerbaijan, Armenia and, to a lesser extent, Georgia.”

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – More precision is needed. It is important to distinguish between Azerbaijan and Armenia on the one hand and Georgia on the other.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 4 is adopted.*

Amendments Nos. 19 and 20 have been withdrawn.

We come to Amendment No. 5, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Kimmo Sasi, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, paragraph 9, after the word “infrastructure”, insert the following words: “, especially of collective centres or areas hosting larger numbers of displaced persons.”

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – We wanted to specify a concrete measure that would deal with some material difficulties.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour of the amendment.

The vote is open.

*Amendment No. 5 is adopted.*

We come to Amendment No. 6, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Kimmo Sasi, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, paragraph 10, replace the word “emergency” with the word “humanitarian”.

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – I think that the word “humanitarian” is better, because we are not talking about a hurricane.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 6 is adopted.*

We come to Amendment No. 21, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgoz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov and Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 11.1, after the word “refugees”, insert the following words: “, including those who have obtained citizenship,”.

I call Ms Hajiyeva to support the amendment.

Ms HAJIYEVA (*Azerbaijan*). – It was very hypocritical of my colleague from Armenia to say that there were only 8 000 refugees in Azerbaijan. There are only 8 000 Chechens, but what about the other refugees? Azerbaijani citizenship has been obtained by 250 000 people, but Armenia does not give citizenship to refugees from Azerbaijan. My amendment would include words which were unfortunately forgotten when the original text was written. I think that the rapporteur approves of that.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Torosyan.

Mr TOROSYAN (*Armenia*) said that all the figures that he gave were from Mr Cilevićs's memorandum and were consistent with the UN statistics. However, he would be voting in favour of the amendment

THE PRESIDENT. – What is the opinion of the committee?

Mrs VERMOT-MANGOLD (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

*Amendment No. 21 is adopted.*

We come to Amendment No. 7, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Kimmo Sasi, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, at the end of paragraph 11.1, add the following words: “, while ensuring that financial resources are allocated to support initiatives regarding the protection of human rights and reconciliation efforts in these three countries”.

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – I think it important for the line between the contribution of financial resources and the achievement of aims to be as short as possible.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 7 is adopted.*

We come to Amendment No. 8, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Kimmo Sasi, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, paragraph 11.2, delete the word “emergency”.

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – My argument is the same as the one that I used to support Amendment No. 6. The word “humanitarian” is better than the word “emergency”.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 8 is adopted.*

We come to Amendment No. 9, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, at the end of paragraph 11.2, add the following words: “, while working on more medium- and long-term solutions to improve the living conditions, self-reliance and integration of the displaced”.

I call Mr Platvoet to support the amendment.

Mr PLATVOET (*Netherlands*). – I think that it is important to emphasise the need for medium- and long-term solutions to the problems in the Southern Caucasus.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 9 is adopted.*

We come to Amendment No. 22, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov and Mrs Elmira Akhundova, which is, in the draft resolution, in paragraph 11.3, delete the words “maintain the entire region in a state of chronic under-development, apart from a few areas that are less directly affected” and insert the following words: “impede the development of the entire region”.

I call Ms Hajiyeva to support the amendment.

Ms HAJIYEVA (*Azerbaijan*). – I think that my wording explains the position better.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 22 is adopted.*

We come to Amendment No. 26, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Rafael Huseynov, Mr Aydin Abbasov and Mrs Elmira Akhundova, which is, in the draft resolution, before paragraph 12.1, add the following sub-paragraph: "to focus all their efforts on finding a peaceful settlement of the conflicts in the region with a view to the return of all displaced persons to their places of origin, safely and with dignity;"

I call Ms Hajiyeva to support the amendment.

Ms HAJIYEVA (*Azerbaijan*). – The amendment deals with one of the basic rights of refugees and the basic aims for solutions of the problems referred to in all international conventions on refugees and in the Geneva Convention.

THE PRESIDENT. – I understand that the rapporteur wishes to propose an oral sub-amendment: in Amendment No. 26, replace the words "the return of all" with the words "creating conditions for the voluntary return of refugees and". So the amendment would read "to focus all their efforts on finding a peaceful settlement of the conflicts in the region with a view to creating conditions for the voluntary return of refugees and displaced persons to their places of origin, safely and with dignity".

In my opinion the oral sub-amendment meets the criteria of Rule 34.6, and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment's being debated?

That is not the case.

I call Mr Cilevičs to support the oral sub-amendment.

Mr CILEVIČS (*Latvia*). – It is important to ensure that all returns are voluntary. The words "the return of all displaced persons" imply a return by force, and I feel that the sub-amendment introduces an essential qualification.

THE PRESIDENT. – What is the opinion of the mover of the amendment?

Ms HAJIYEVA (*Azerbaijan*). – I support it.

THE PRESIDENT. – The committee is in favour.

The vote is open.

*The oral sub-amendment is adopted.*

Does anyone want to speak against amendment No. 26, as amended? That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 26, as amended, is adopted.*

THE PRESIDENT. – Amendment No. 23 has been withdrawn.

We come to Amendment No. 24, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov and Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 12.1, after the words "but not in", insert the following words "the".

I call Ms Hajiyeva to support Amendment No. 24.

Ms HAJIYEVA (*Azerbaijan*). – This amendment is technical and essential because the text refers to occupied territories, but we should concretely refer to "the occupied territories". We know what is the occupied territory of Azerbaijan, so I offer the insertion of the word "the". Technically, it is right.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 24 is adopted.*

THE PRESIDENT. – We come to Amendment No. 25, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Aydin Abbasov, Mr Rafael Huseynov, Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 12.1, replace the word “territory” with the following word: “territories”.

I call Ms Hajiyeva to support Amendment No. 25.

Ms HAJIYEVA (*Azerbaijan*). – This amendment is along the same lines as the previous amendment. It deals with a technical matter and it is essential.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 25 is adopted.*

THE PRESIDENT. – We come to Amendment No. 10, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, at the end of paragraph 12.1, add the following words: “, which, for Georgia, includes strengthening and adopting clear policies and related measures for the local integration of refugees as well as IDPs”.

I call Mr Platvoet to support Amendment No. 10.

Mr PLATVOET (*Netherlands*). – This amendment is logical, following amendment No. 4, to make a difference between Georgia on the one hand and Azerbaijan and Armenia on the other.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 10 is adopted.*

THE PRESIDENT. – We come to Amendment No. 33, tabled by Mr Tigran Torosyan, Mrs Ewa Tomaszewska, Mr Tadeusz Wita, Mr Karol Karski, Mr Zbigniew Rau, Mr Krzysztof Bosak, Mr Emanuelis Zingeris, Baroness Gloria Hooper, Mr Toomas Alatalu, Mr Stepan Demirchyan and Mr Armen Rustamyan, which is, in the draft resolution, after paragraph 12.1, insert the following sub-paragraph: “to refrain from the use of refugees and displaced persons for political aims;”

I call Mr Torosyan to support Amendment No. 33.

Mr TOROSYAN (*Armenia*) said that his amendment reflected an appeal that could be found in a recommendation adopted in 2002 and in another instrument adopted by the Committee of Ministers. It was important to include that fact here.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Ms Hajiyeva.

Ms HAJIYEVA (*Azerbaijan*). – I would agree with the amendment if we added something to make it more balanced. The amendment refers to refraining from using refugees and displaced persons for political aims.

THE PRESIDENT. – Are you proposing an oral sub-amendment? What is it?

Ms HAJIYEVA (*Azerbaijan*). – After the words “displaced persons”, I would like to insert the words “as well as the fact of occupation of territory”.

THE PRESIDENT. – That is agreed according to Rule 34.6.

Does anyone wish to speak against the oral sub-amendment?

I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – The point is clear. I believe that the Parliamentary Assembly has expressed its attitude towards the occupation of the territories in another document, which was adopted in January. It is hardly appropriate to insert the words “occupation of territory”. It is not clear to me how the fact of occupation can be used or not used for political aims.

THE PRESIDENT. – Do 10 members object to the oral sub-amendment?

That is not the case.

What is the opinion of the mover of the amendment?

Mr TOROSYAN (*Armenia*). – opposed the amendment, for the reasons given by Mr Cilevičs.

THE PRESIDENT. – What is the opinion of the committee?

Mrs VERMOT-MANGOLD (*Switzerland*). – Against.

THE PRESIDENT. – The vote is open.

*The oral sub-amendment is rejected.*

Does anyone wish to speak against Amendment No. 33?

I call Ms Hajiyeva.

Ms HAJIYEVA (*Azerbaijan*). – Without the oral sub-amendment, which was rejected, this amendment is unbalanced and one-sided.

THE PRESIDENT. – The committee is in favour.

The vote is open.

*Amendment No. 33 is adopted.*

We come to Amendment No. 11, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox, Mr Rune Lund, which is, in the draft resolution, replace paragraph 12.3 with the following sub-paragraph:

“to co-ordinate better the efforts of the international and non-governmental organisations on the ground in alignment with governmental policies and development plans;”

I call Mr Platvoet to support Amendment No. 11.

Mr PLATVOET (*Netherlands*). – Like most of my amendments, this amendment speaks for itself.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 11 is adopted.*

Amendment No. 37 has been withdrawn.

We come to Amendment No. 12, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox, Mr Rune Lund, which is, in the draft resolution, paragraph 12.6, after the word "refugee", insert the following words:

"and IDP".

I call Mr Platvoet to support Amendment No. 12.

Mr PLATVOET (*Netherlands*). – The amendment speaks for itself.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is in favour.

The vote is open.

*Amendment No. 12 is adopted.*

We come to Amendment No. 35, tabled by Ms Gultakin Hajiyeva, Mr Aydin Abbasov, Mr Akram Abdullayev, Ms Aynur Guliyeva, Ms Ganira Pashayeva, which is in the draft resolution, paragraph 12.6, delete the following words:

"and development policies".

I call Ms Hajiyeva to support Amendment No. 35.

Ms HAJIYEVA (*Azerbaijan*). – The amendment would delete the words "and development policies", although we are calling on governments to co-ordinate their refugee policies, aid policies and development policies. However, when one country occupies the territory of another, it is ridiculous to demand from them co-ordination of their development policies. I think that there should not be development in relation to the Armenian army or the Armenian security system. This is a strange proposal and I support the amendment.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – I cannot agree with the argument made by Ms Hajiyeva because, as I have said, development policies are a necessary component of the assistance provided to refugees. Not only humanitarian assistance, but development assistance, are needed. It is quite clear that this proposal is not about military co-operation. Many speakers in the debate stressed that dialogue is important. This is one form of dialogue and a confidence-building measure.

THE PRESIDENT. – What is the opinion of the committee?

Mrs VERMOT-MANGOLD (*Switzerland*). – Against.

THE PRESIDENT. – The vote is open.

*Amendment No. 35 is rejected.*

We come to Amendment No. 28, tabled by Ms Gultakin Hajiyeva, Mr Aydin Abbasov, Mr Akram Abdullayev, Ms Aynur Guliyeva, Ms Ganira Pashayeva, which is, in the draft resolution, replace paragraph 12.7 by the following sub-paragraph:

"to look for possibilities to step up inter-regional dialogue by introducing confidence building measures and arranging regular consultations about solutions to the specific problems of refugees and displaced persons;"

I call Ms Hajiyeva to support Amendment No. 28.

Ms HAJIYEVA (*Azerbaijan*). – I want to offer a new version of paragraph 12.7. From my point of view, it better explains the situation and is more help in looking for possibilities for dialogue.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – This amendment would mean deleting government departments from the dialogue process. In fact, this dialogue is going on already. There are direct consultations between government departments in relation to particular missing persons. Without that direct dialogue, as I have already stressed several times today, we can hardly hope for successful conflict resolution and an improvement in the situation of refugees.

THE PRESIDENT. – The committee is against.

The vote is open.

Amendment No. 28 is rejected.

I understand that Amendments Nos. 29 and 30 have been withdrawn.

We come now to Amendment No. 31, tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Rafael Huseynov, Mr Aydin Abbasov, Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 12.10, delete the words "and seeking to make an objective estimate of the actual number of people who could and would be willing to return initially".

I call Ms Hajiyeva to support Amendment No. 31.

Ms HAJIYEVA (*Azerbaijan*). – We are not against the words in the report as such, but it is too early to include such a detailed provision. For practical reasons, I wish to delete the words from the draft resolution.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Cilevičs to speak against Amendment No. 31.

Mr CILEVIČS (*Latvia*). – I agree with Ms Hajiyeva that this is a technical measure, but we know that the devil is in the detail. It is important not only to declare our intention, but to set out practical ways of achieving it. For example, when Georgia introduced its programme for the repatriation of deported populations, it started with such a provision. I hope we will soon reach a stage when such practical measures are possible for other deported people.

THE PRESIDENT. – Thank you. I understand that the committee is against the amendment.

The vote is open.

Amendment No. 31 is rejected.

We come now to Amendment No. 32 tabled by Ms Gultakin Hajiyeva, Mr Ali Riza Gülçiçek, Mr Ruhi Açıkgöz, Mr Murat Mercan, Mr Samad Seyidov, Mr Rafael Huseynov, Mr Aydin Abbasov, Mrs Elmira Akhundova, which is, in the draft resolution, paragraph 12.12, delete the following words:



"and to facilitate the return of identity documents and the restitution of property in particular, making use of the experience of handling similar problems in the Balkans".

I call Ms Hajiyeva to support Amendment No. 32.

Ms HAJIYEVA (*Azerbaijan*). – Paragraph 12.12 refers to applying the experience in the Balkans to the South Caucasus. However, the problems in the two regions are different in origin and character. We should not apply the same pattern to all cases.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment?

I call Mr Cilevičs to speak against the Amendment No. 31.

Mr CILEVIČS (*Latvia*). – No one is going to impose exactly the same models as we used in the Balkans. However, several years ago, the Assembly discussed similar problems in that region and we know that direct inter-governmental co-operation worked very well. To learn from and borrow good practice is always a positive step. I do not understand why our colleagues from the Caucasus wish to turn down such an opportunity in advance.

THE PRESIDENT. – Thank you. I understand that the committee is against the amendment.

The vote is open.

*Amendment No. 32 is rejected.*

We come now to Amendment No. 13, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, delete paragraph 12.13.

I call Mr Platvoet to support Amendment No. 13.

Mr PLATVOET (*Netherlands*). – We are moving quickly and I could take 20 minutes on the amendment but I will not do so.

THE PRESIDENT. – You have 30 seconds.

Mr PLATVOET (*Netherlands*). – My points also apply to Amendments Nos. 14 and 15 and I want to replace one sentence in the draft resolution with references to the three different countries including Chechnya.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? That is not the case.

I understand that the committee is in favour of the amendment.

The vote is open.

*Amendment No. 13 is adopted.*

We come now to Amendment No. 14, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, after paragraph 12.13, add the following paragraph:

"The Assembly calls on Georgia to grant a more durable status to recognised refugees, including Chechen refugees, to provide them with greater certainty about their future and to facilitate their local integration."

I call Mr Platvoet to support Amendment No. 14.

Mr PLATVOET (*Netherlands*). – The amendment speaks for itself.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

I understand that the committee is in favour of the amendment.

The vote is open.

*Amendment No. 14 is adopted.*

We come now to Amendment No. 15, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, after paragraph 12.13, add the following paragraph:

"The Assembly calls on Azerbaijan to adopt legislation to provide subsidiary protection to displaced persons fleeing war situations or to refugees, who do not have access to the asylum procedure."

I call Mr Platvoet to support Amendment No. 15.

Mr PLATVOET (*Netherlands*). – The amendment speaks for itself.

THE PRESIDENT. – I understand that the rapporteur wishes to propose an oral sub-amendment: in Amendment No. 15 to replace the word "refugees" with the following words "persons in need of international protection".

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6 and can be considered unless 10 or more members of the Assembly object. Is there any objection to the oral sub-amendment being debated? That is not the case.

I call Mr Cilevičs to support the oral sub-amendment.

Mr CILEVIČS (*Latvia*). – There is a legal problem in that to obtain the legal status of refugee someone has to go through the asylum procedure. Legally we cannot describe a refugee as someone not having access to the asylum procedure. It is a technical proposal.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the oral sub-amendment? That is not the case.

I understand that the committee is in favour of the oral sub-amendment.

The vote is open.

*The oral sub-amendment is adopted.*

Does anyone wish to speak against Amendment No. 15, as amended? That is not the case.

I understand that the committee is in favour of the amendment, as amended.

The vote is open.

*Amendment No. 15, as amended, is adopted.*

We come now to Amendment No. 16, tabled by Mr Leo Platvoet, Mr Michael Hagberg, Mr Morten Østergaard, Mr Tiny Kox and Mr Rune Lund, which is, in the draft resolution, after paragraph 12.13, add the following paragraph:

"The Assembly welcomes the full implementation of the 1999 Refugee Law by Armenia, providing for a complementary form of protection, and encourages legislative plans to extend the definition of refugee in law to include all persons in need of international protection."

I call Mr Platvoet to support Amendment No. 16.

Mr PLATVOET (*Netherlands*). – The amendment speaks for itself.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

I understand that the committee is in favour of the amendment.

The vote is open.

*Amendment No. 16 is adopted.*

We will now proceed to vote on the draft resolution contained in Document 10835, as amended.

I call Mr Rochebloine on a point of order.

Mr ROCHEBLOINE (*France*) rose on a point of order. He said that he regretted that a debate of such importance had been held at the very end of the part-session and that there was so little time to discuss the matter.

THE PRESIDENT. – That was not a point of order but a personal remark. I can underline the point but please make it a point of order the next time.

The vote is open.

*The draft resolution in Document 10835, as amended, is adopted.*

I congratulate the rapporteurs and the committee on their work.

### **3. End of the part-session**

THE PRESIDENT. – We have now come to the end of our business.

I would like to thank all members of the Assembly, particularly rapporteurs of committees, for their hard work during this part-session. I would also like to thank the staff, both permanent and temporary, and all the interpreters who have worked hard to make the part-session a success. We have discussed many important issues and I wish everyone a happy Easter.

The third part of the 2006 session will be held from Monday 26 to Friday 30 June 2006.

I declare the second part of the 2006 Session of the Parliamentary Assembly of the Council of Europe closed.

The sitting is closed.

*(The sitting was closed at 3.20 p.m.)*

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2. Refugees and displaced persons in Armenia, Azerbaijan and Georgia

Presentation by Mr Cilevičs, on behalf of the Committee on Migration, Refugees and Population, of report (Doc. 10835)

*Speakers:*

Mr Gross (Switzerland)  
Mrs Zapfl-Helbling (Switzerland)  
Mrs Bargholtz (Sweden)  
Mr Walter (United Kingdom)  
Mr Platvoet (Netherlands)  
Mr Seyidov (Azerbaijan)  
Mr Torosyan (Armenia)  
Mrs Tevdoradze (Georgia)  
Mrs Vermot-Mangold (Switzerland)

*Amendments Nos. 1, 17, 18 (as amended), 34, 4, 5, 6, 21, 7, 8, 9, 22, 26 (as amended), 24, 25, 33, 11, 13, 14, 15 (as amended) and 16 adopted.*

*Draft recommendation contained in Doc. 10835, as amended, adopted*

3. End of the part-session