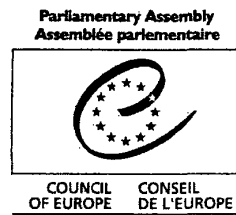


Parliamentary **Assembly**
Assemblée parlementaire



REVISÉD VERSION

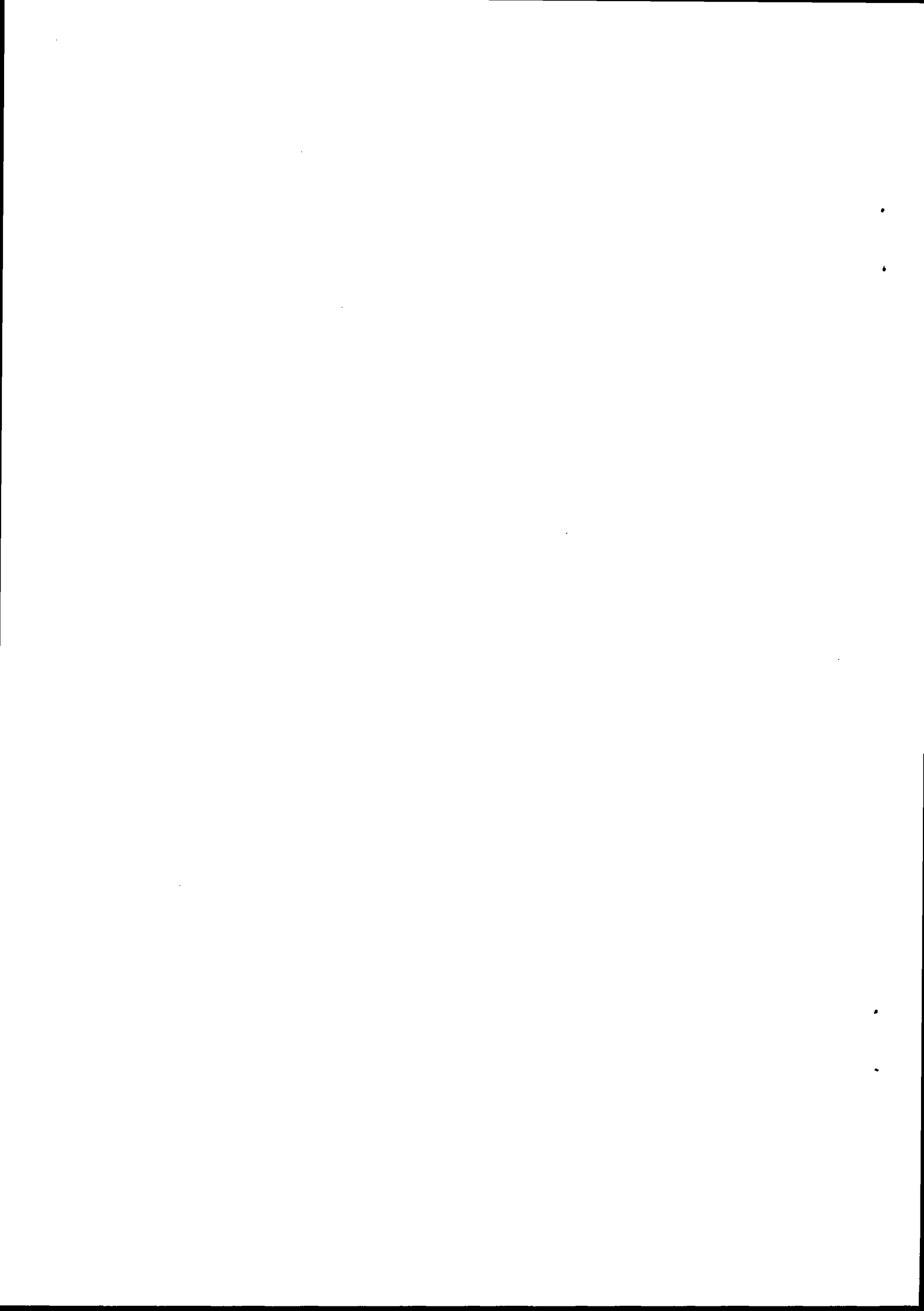
STANDING COMMITTEE

Bucharest, 25 November 2005

TEXTS ADOPTED

BY

THE ASSEMBLY



**List of texts adopted
by the Assembly
(25 November 2005)**

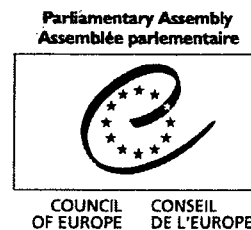
TEXTS ADOPTED IN CHRONOLOGICAL ORDER BY CATEGORY

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Parliamentary Assembly Assemblée parlementaire



REVISED VERSION

Provisional edition

Budgetary powers of the Parliamentary Assembly of the Council of Europe

Recommendation 1728 (2005)¹

1. The Parliamentary Assembly recalls its Recommendations 1155 (1991) and 1344 (1997) on the powers of the Assembly in budgetary matters and its Opinions No. 256 (2005) and 257 (2005) concerning the budgets of the Council of Europe and the expenditure of the Assembly for the financial year 2006.
2. The Assembly considers that the budgetary powers of the Parliamentary Assembly are one dimension of the overall institutional balance at the Council of Europe and points out that a comprehensive report on this question is under preparation.
3. As regards the Council of Europe's overall budget, the Assembly regrets that the machinery in place gives it no influence over the size of the Organisation's budget or the implementation of its activities. In order to be able to assess the pertinence of the Organisation's various activities and, if necessary, make recommendations to improve, correct, redirect or abandon certain activities, the Assembly should formally receive the same information as the Committee of Ministers, in conformity with the principle of transparency that should apply in such matters. The new results-based budgeting approach should facilitate this assessment.
4. The Assembly believes that in matters of budgetary powers, as in all other fields, the Committee of Ministers and the Assembly should be considered as partners and not as adversaries. The Assembly should define its role more in terms of policy and performance of the Organisation and not in terms of mere scrutiny and restriction.
5. Concerning its part of the budget, the Assembly considers its present situation of being supervised incompatible with the principles of true parliamentary democracy. It feels that the time has come for it to be given budgetary powers in line with its status as a parliamentary and political organ of the Council of Europe and with the normal prerogatives of a parliamentary assembly. It considers that its right to fix the annual amount of its operating expenditure, under a procedure to be agreed with the Committee of Ministers, should be acknowledged. That should include determination of the daily allowance paid to its members, which is currently decided unilaterally by the Committee of Ministers, contrary to the spirit of the decision taken in 1975 to apply the budgetary package technique to the part of the Assembly's budget comprising all its operating appropriations.
6. A better involvement of the Assembly in the decisions concerning priorities and budget will contribute to its institutional discipline and accountability. The Assembly should thus pursue the reforms already introduced for improving its own functioning and budgetary procedures.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10720, report of the Committee on Economic Affairs and Development, rapporteur: Mr Rigoni).

7. To supervise the implementation of its budget, it will set up a specialist parliamentary body in the form of a board of auditors. The Assembly will also set up its own system for assessing its activities.

8. The Assembly will also ask its members to follow more closely the Council of Europe budget and intervene as appropriate in their respective countries.

9. Finally, the Assembly recalls the simplified procedure for amending the Council of Europe Statute, Article 41.d of which stipulates that "amendments to Articles 23 to 35 [concerning the Assembly], 38 and 39 [concerning finance] which have been approved by the Committee and by the Assembly shall come into force on the date of the certificate of the Secretary General, transmitted to the governments of members, certifying that they have been so approved. This paragraph shall not operate until the conclusion of the second ordinary session of the Assembly." In concrete terms, if the Committee of Ministers and the Parliamentary Assembly agree to modify the article in question, this can be done by using the simplified procedure which can be found in the Council of Europe Statute, rather than the usual procedure of signature and ratification by contracting parties. The Secretary General then has to inform the governments.

10. Accordingly, the Assembly recommends that the Committee of Ministers, based on Article 41.d of the Council of Europe Statute, amend Article 38 of the Statute and add, after paragraph c, two new paragraphs as follows:

10.1. "The Assembly shall fix the amount of its expenditure, the annual increment being determined by agreement between the Committee of Ministers and the Assembly.

10.2. The Assembly shall be consulted by the Committee of Ministers before the latter fixes the amount of the overall budget of the Council of Europe for the coming year. This consultation shall take place at the earliest possible stage in order to allow the Assembly to take it into account in its opinion on the budget."

11. The Assembly asks the Committee of Ministers to consult the Assembly by an ad hoc urgent procedure if and when a member state has not made its due contribution to the budget for a period in excess of six months.



Provisional edition

Activities of the United Nations High Commissioner for Refugees (UNHCR)

Recommendation 1729 (2005)¹

1. The Parliamentary Assembly refers to its Resolution 1474 (2005) on the activities of the United Nations High Commissioner for Refugees (UNHCR).

2. The Assembly considers that the Council of Europe could provide further support and impetus to intergovernmental discussions on the pressing issues pertaining to refugees' protection within and outside of Europe.

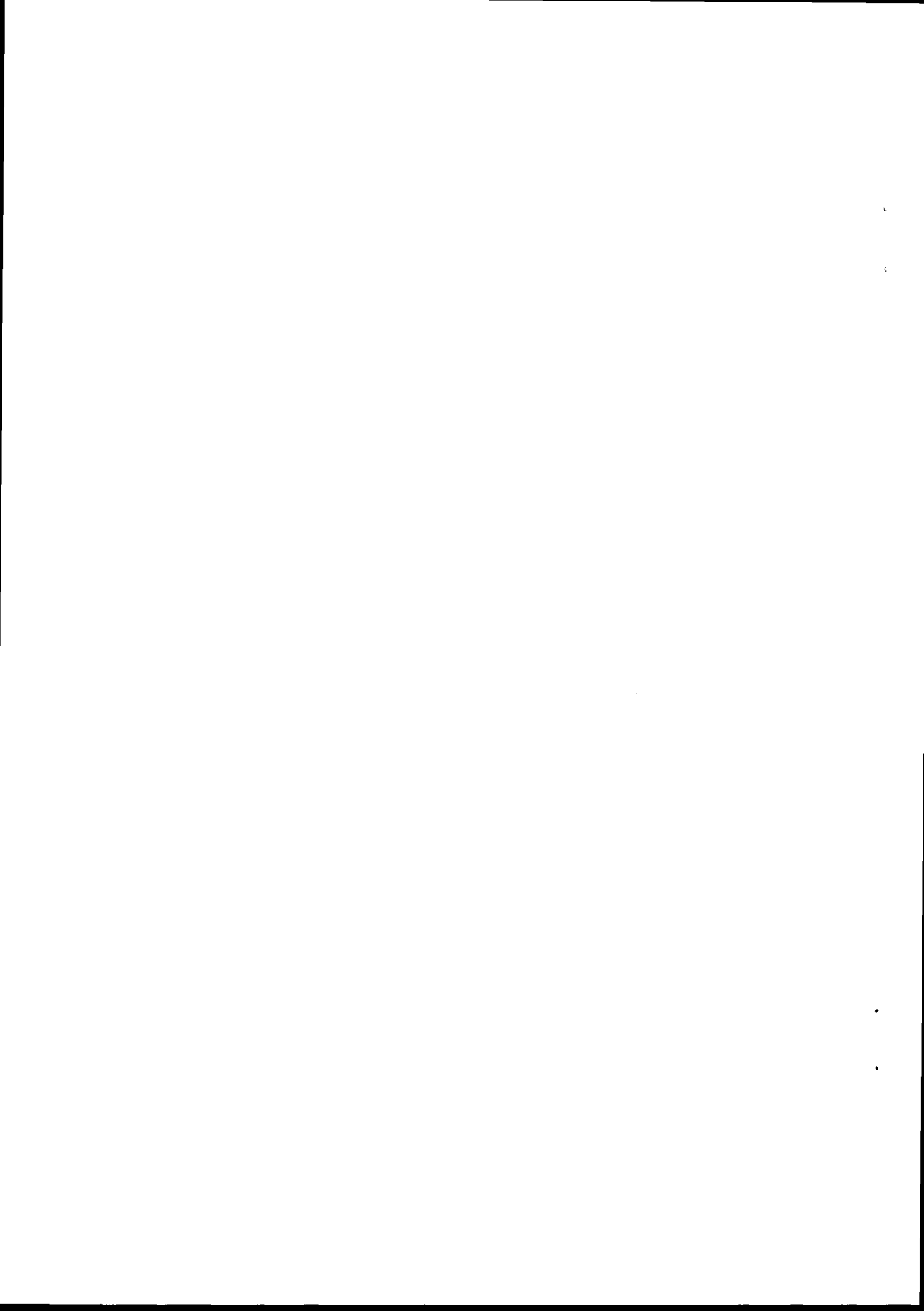
3. Therefore, the Assembly recommends that the Committee of Ministers:

3.1. encourage Council of Europe member states to support the "Convention Plus" process aimed at enhancing the refugee protection regime and providing durable solutions for refugees and asylum-seekers, acknowledging the need for a framework of special agreements in addition to the 1951 Convention and its 1967 Protocol to meet today's' challenges in refugee movements and internal displacement;

3.2. further develop co-operation with the UNHCR on the legal interpretation of the status of refugees and asylum-seekers;

3.3 encourage further collaboration, based on a Memorandum of Understanding signed on 14 March 2005 between the Council of Europe Development Bank and the UNHCR, in order to continue to contribute to finding just and durable solutions to the problems of refugees in the Balkans.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10560, report of the Committee on Migration, Refugees and Population, rapporteur: Mr Hancock).





Provisional edition

The private management of cultural property

Recommendation 1730 (2005)¹

1. The Council of Europe has pioneered conservation of the European cultural heritage. Along with UNESCO it has drawn up a system of instruments setting out internationally recognised norms for protecting the heritage. These include the notion of common responsibility, whether of Europe or of mankind, as well as the responsibility of the State.
2. The Council of Europe has also sought to develop partnerships between the private and public sectors in the conservation and sustainable use of this heritage, for example by alerting the tourist industry, conservation firms and private owners.
3. While much cultural property (movable and immovable) is owned by the State, a considerable amount is owned by other bodies such as private individuals, trusts, associations and foundations, churches and other non-governmental organizations or commercial companies.
4. There have been recent moves towards the privatisation of the cultural heritage in order to lighten the burden of State responsibility. This has been a major feature of the change of regime in central and eastern Europe. It was highlighted by the move of the Italian Government in 2002 to pass legislation enabling the sale of State-owned cultural property.
5. Of possibly greater interest as a means of spreading the burden of conservation from the State, has been the introduction of private management of cultural heritage. Examples should be assessed and guidelines introduced.
6. While recognising the potential benefits of privatisation and private management, the Parliamentary Assembly is anxious to ensure that such moves do not in any way diminish protection of the heritage, reduce access to it or absolve the State from its responsibility to ensure such protection.
7. In particular, the Assembly would point out the dangers inherent in ceding land with unknown archaeological content, in releasing incompletely researched objects on the open market without ensuring traceability or in failing to secure liability insurance for protection and maintenance.
8. Privatisation carries the further risk of weakening planning resistance to commercial interests, of ignoring cultural value (for example archaeological context) or of failing to identify appropriate conservation techniques.
9. Specific problems arise in cases of inadequate endowment for heritage conservation as in the privatisation of country houses without the landed estates to guarantee their economic viability or in the return of religious property to churches that lack a sufficient congregation interested in ensuring their conservation.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10731, report of the Committee on Culture, Science and Education, rapporteur: Baroness Hooper).

10. In terms of general policy, the Assembly believes that a properly balanced partnership between public and private interest would seem preferable to exclusive control by either sector.

11. The Assembly therefore asks the Committee of Ministers to:

11.1 conduct a comparative study of the responsibility involved in ownership (public and private) of cultural heritage (movable and immovable);

11.2 review established and emerging models of private management of cultural heritage and draw up guidelines on best practice for public-private partnerships;

11.3 encourage member states to ensure that private owners and managers of cultural property are effectively responsible (directly or through insurance arrangements) for the property in their care.



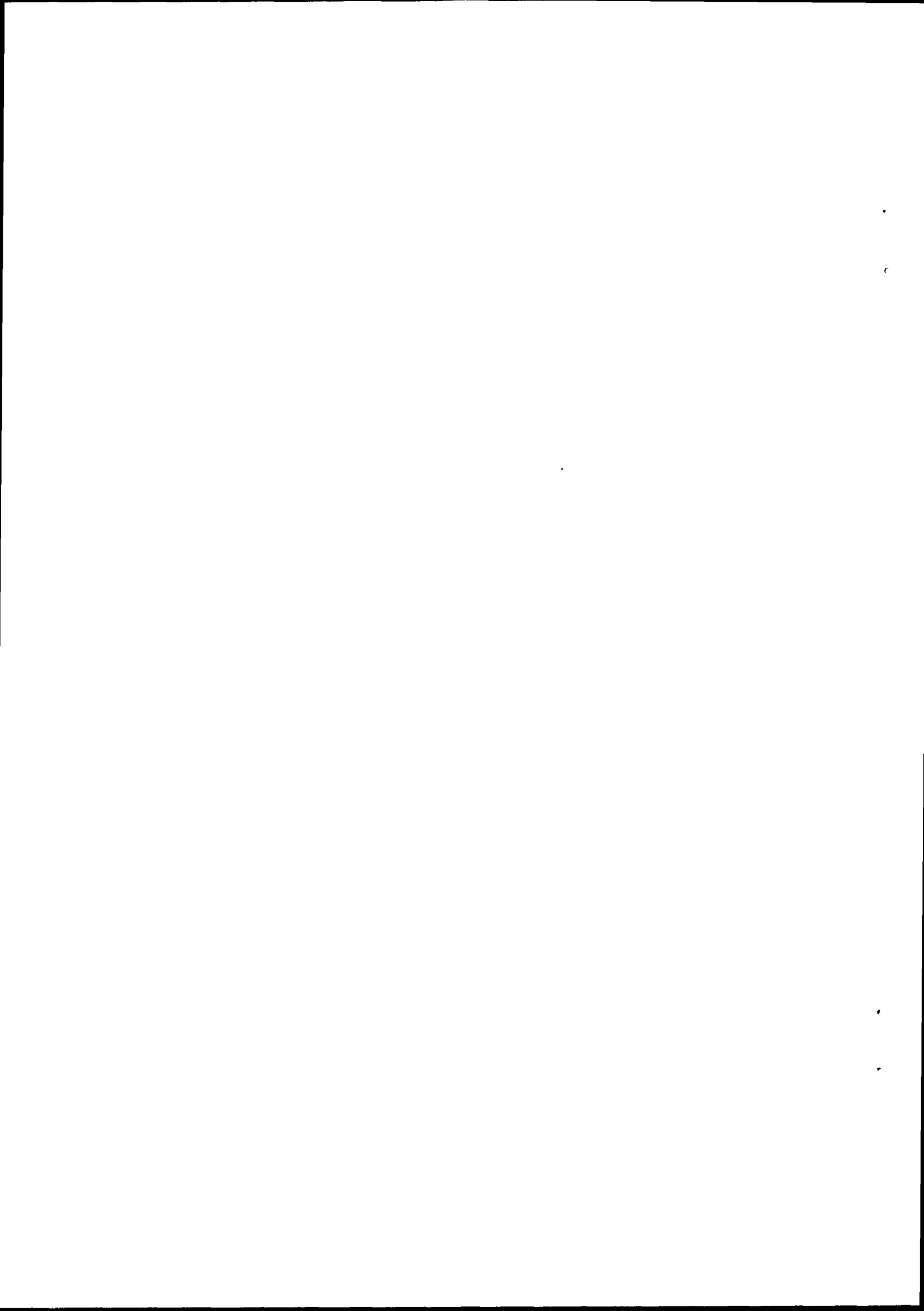
Provisional edition

Abolishing the last piece of Iron Curtain in Central Europe

Resolution 1472 (2005)¹

1. Sixty years after the Second World War, the people of the villages of Velké Slemence (Slovakia) and Mali Selmenci (Ukraine) still experience daily the consequences of the 1945 agreement between the Great Powers which cut their village in two.
2. For nearly sixty years, many families in Velké Slemence and Mali Selmenci have been split by the national border and are unable to meet relatives who live only a few dozen yards away.
3. Fifteen years after the fall of the Berlin Wall, an uncrossable boundary – armed sentries, double fencing, barbed wire and electric alarm systems – still traverses the main street of Velké Slemence and Mali Selmenci and people have to make a 50-mile journey to go from one part of the village to the other.
4. The Parliamentary Assembly believes that this situation is unacceptable at a time when peoples throughout Europe are increasingly united and have ever more freedom of movement. It is a situation that is clearly incompatible with the objective, to which the Council of Europe is committed, of a Europe without dividing lines.
5. The Assembly welcomes recent efforts by the Slovak authorities to solve the problem of Velké Slemence and Mali Selmenci and set up a new international border crossing, for admission of pedestrians and bicyclists between the two parts of the village.
6. It urges the competent Ukrainian authorities to respond favourably and urgently to the proposals from the Slovak authorities and to go ahead with installing a border crossing at Velké Slemence-Mali Selmenci without further delay.
7. The Assembly calls on the Ukrainian and Slovak Parliaments to assume the parliamentary control over the establishment of a border crossing at Velké Slemence-Mali Selmenci.
8. It appeals to the Slovak and Ukrainian authorities to come together and consider mutually acceptable and EU-compatible solutions for ensuring that the bilateral visa regulations and the cost of visas are not obstacles to contact between the people of Velké Slemence and Mali Selmenci and in general between residents of the areas adjacent to the border.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10642, report of the Political Affairs Committee, rapporteur: Mr Eörsi).



Provisional edition

European waterways: focus on the Danube-Oder-Elbe Canal project

Resolution 1473 (2005)¹

1. The Parliamentary Assembly of the Council of Europe and the European Conference of Ministers of Transport (ECMT) have repeatedly stressed the importance of improving waterway connections among and within European countries. They have pointed to the value of inland waterways in providing a comparatively cheap, energy-efficient, clean, safe and reliable mode of transport for many goods, especially bulky cargo and raw and intermediate materials, as well as containers. Moreover, waterways play an important role in water management, such as water and electricity supply, the prevention of flooding, irrigation and multifarious passenger traffic and increasingly for tourism and recreation.

2. While transportation needs across Europe increase by about 2% per year – due to economic growth, intensifying trade and travel, as well as the integration of systems of production – this is met essentially through an expansion of road capacity and air traffic. However, the rising congestion of Europe's roads and, to a certain extent, also airspace, suggests that at least some of the burden should be taken over by railways and waterways which operate well below capacity and hence offer a strong potential for optimising overall traffic, notably through combined transport involving road, rail and waterways. In addition, waterways can sometimes play an important role in regulating the water system, for example through the creation of wetlands, to avoid the flooding of farmland and residential areas in certain regions.

3. The Assembly therefore believes that there is a strong case for enhancing interconnections and increasing the density of the European waterway network. This holds particularly for central Europe, where most of the inland waterway traffic is concentrated and where important links are missing. The Danube – Europe's second longest river and an artery connecting Germany, Austria, Slovakia, Hungary, Croatia, Serbia and Montenegro, Romania, Bulgaria, Moldova and Ukraine – is rightly recognised, along with the Rhine, as a crucial, though underutilised, part of the inland transport network.

4. Against the background of European Union enlargement and its Common Transport Policy, the Assembly draws particular attention to the Danube-Oder-Elbe Canal project, a corridor foreseen within the framework of the Trans-European Transport Network (TEN-T) and the European Agreement on Main Inland Waterways of International Importance. Although this canal project has not yet been included in a revised TEN-T priority list, it is mentioned in the European Union accession treaty and deserves greater attention as the European Union pursues integration of its new member states and seeks to maximise the benefits of trade and competition under the Internal Market.

5. Taking into account the general importance of promoting multimodal transport and the regional need to enhance waterway navigation in central Europe, the Assembly calls on the member states concerned to accelerate feasibility studies and political consultations on the Danube-Oder-Elbe Canal project, including a thorough cost-benefit analysis and a strategic environmental assessment in line with relevant EU norms and international treaties. The feasibility studies should be divided into stages and the conception of the route should be optimised, taking account of recent trends in inland navigation, flood prevention, water transfer projects and water management.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10730, report of the Committee on Economic Affairs and Development, rapporteur: Mr Braun, and Doc. 10738, opinion of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Kužvart).

6. The Assembly welcomes the consultation process launched by the European Commission with a view to presenting a Communication on the Promotion of Inland Waterway Transport by the end of 2005, including an action programme for 2006-2013 by the European Community and others. The Assembly asks Council of Europe member states concerned to take an active part in the work on this Communication, especially as regards recommendations for action.

7. More generally, in order to render waterway transport more accessible, efficient, competitive and environmentally sustainable, the Assembly invites the Council of Europe member states to:

7.1. work for the continued improvement of inland navigational infrastructure and technology;

7.2. study the possibilities of having waterway infrastructure make a greater contribution to the protection against flooding, to improved water resources management and to the sustainable development of adjacent regions;

7.3. provide incentives for the development of combined transport services that incorporate waterway segments;

7.4. ensure close co-ordination of measures destined to develop short-sea shipping and river-sea transport systems;

7.5. pursue pan-European harmonisation of technical norms and regulations for inland vessels, loading units and traffic, under the auspices of the United Nations Economic Commission for Europe and the European Union;

7.6. study the possible environmental impacts of the increase in traffic of passenger, commercial and tourism vessels on European waterways.

Provisional edition

Activities of the United Nations High Commissioner for Refugees (UNHCR)

Resolution 1474 (2005)¹

1. The United Nations High Commissioner for Refugees (UNHCR) is mandated by the United Nations to lead and co-ordinate international action for the world-wide protection of refugees and the resolution of refugee problems. The UNHCR activities are mandated by its Statute and guided by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. Therefore, the UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state and, once circumstances allow, to return home voluntarily and in safety and dignity.
2. The Parliamentary Assembly maintains close co-operation with the UNHCR through its Committee on Migration, Refugees and Population and gives its full support to the UNHCR's activities and in particular to its assistance in Europe.
3. The Assembly welcomes the UNHCR's work in war-torn areas such as the Balkans and the North and South Caucasus. It calls on all international partners to ensure that the UNHCR is not left alone to cope with refugee crises without a guarantee of security provided by the international community.
4. The efforts of the UNHCR in ensuring that the creation of a European Union common policy on asylum and migration is fully consistent with the 1951 United Nations Convention relating to the Status of Refugees and human rights standards merits the full support of the Assembly.
5. The Assembly considers that co-operation between the Council of Europe and the UNHCR in the drafting of legal standards related to asylum and to the treatment of refugees and asylum-seekers should be further developed.
6. The Assembly acknowledges the Agenda for Protection, endorsed by the UNHCR's Executive Committee and welcomed by the United Nations General Assembly in 2002, as a central policy framework providing guidance for concrete actions by the UNHCR, governments and NGOs.
7. The Assembly attaches great importance to the UNHCR's "Convention Plus" initiative aimed at improving refugees' protection through special multilateral agreements in a spirit of international co-operation and, in particular, to the issue of the strategic use of resettlement as an instrument of burden sharing in Europe. It encourages Council of Europe member states to take an active part in the elaboration of these agreements.
8. Therefore, the Assembly invites the governments of the member states of the Council of Europe to:
 - 8.1. ensure effective access to a fair asylum procedure in the application of border control measures and the management of illegal migrants in full accordance with the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol and other human rights standards;

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10560, report of the Committee on Migration, Refugees and Population, rapporteur: Mr Hancock).

- 8.2. commit themselves to burden-sharing strategies as promoted by the UNHCR by increasing capacities for the resettlement of refugees;
- 8.3. clarify the respective responsibilities of Council of Europe member states in the event of irregular secondary movements of refugees and asylum-seekers;
- 8.4. secure the funding of the UNHCR's budget and support the efforts of the organisation to attract additional resources, including complementary funding, also from the private sector;
- 8.5. organise ministerial and parliamentary debates on migration and asylum policies, with special emphasis on the situation of refugees, the role of the UNHCR and the creation of positive public opinion receptive to refugees' needs and supportive to their efforts to integrate;
- 8.6. provide adequate training, together with the assistance of the UNHCR where relevant, for officials dealing with the problems of refugees, asylum-seekers and displaced persons;
- 8.7. intensify the fight against human trafficking, while ensuring access to international protection for individual victims of trafficking, as guaranteed by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol;
- 8.8. encourage the strategic use of resettlement as advocated by the UNHCR as a tool of protection, a durable solution and a tangible form of burden sharing in protracted refugee situations;
- 8.9. promote the inclusion of refugees and internally displaced persons into wider regional and national development and recovery programmes in consultation with the UNHCR where appropriate;
- 8.10. stress the need for continued joint efforts at the national and regional level to avoid and reduce statelessness.

Provisional edition

50th anniversary of the Europe Prize – stocktaking and prospects

Resolution 1475 (2005)¹

1. In 2005, the Europe Prize celebrated its 50th anniversary. Several events, organised by the Committee on the Environment, Agriculture and Local and Regional Affairs and attended by representatives from the prize-winning towns, marked this occasion: a solemn sitting took place in Strasbourg in the Assembly Chamber on 22 June 2005 on the occasion of the Assembly's part-session, and a commemorative ceremony was held in Santiago de Compostela, winner of the Europe Prize in 1985, on 1-2 July 2005. In addition, an art book presenting all the prize winning towns since 1955 was published by the Parliamentary Assembly on that occasion.

2. The Europe Prize was established by Assembly Recommendation 53 (1953), ratified by the Committee of Ministers on 20 June 1955, and is awarded every year by the Committee on the Environment, Agriculture and Local and Regional Affairs to a European local authority which has made the most notable efforts to promote the ideal of European unity. In addition to the Europe Prize itself, three other distinctions are awarded each year: the European Diploma, the Flag of Honour and the Plaque of Honour. Of increasing importance, they precede the award of the Europe Prize.

3. The large number of awards made in the 50 years of the Europe Prize's existence (61 Europe Prizes, 175 Plaques of Honour, 1,033 Flags of Honour and 585 European Diplomas), bears witness to the success of this initiative and its interest for European local authorities.

4. Although a disparity still exists between the number of applications coming from the centre of Europe, where enthusiasm for twinning schemes is greater, and those coming from the periphery, each year the Committee is receiving more and more applications from the countries of central and eastern Europe.

5. The Assembly recognises the work done by its Committee on the Environment, Agriculture and Local and Regional Affairs, responsible for the selection and awarding of the Europe Prize and other distinctions, as well as the activities of the "Association of Towns Awarded the Europe Prize".

6. It also pays special tribute to the members and former members of the Sub-Committee on the Europe Prize, who have attended award ceremonies in so many European municipalities over the years.

7. In addition, in view of the representative nature, role and competences of the Congress of Local and Regional Authorities of the Council of Europe, the Assembly wishes to associate it more closely with the promotion of the Europe Prize and with the work of the Sub-Committee on the Europe Prize.

8. Consequently, the Assembly decides to:

8.1. make the Europe Prize better known by publishing the booklet on the Prize in a number of additional languages;

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 25 November 2005 (see Doc. 10739, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Lengagne).

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- 8.2. amend the Europe Prize rules in order to restrict the granting of the different awards to European municipalities;
- 8.3. consider, when examining its opinion on the expenditure of the Assembly for the 2007 financial year, increasing the amount of the scholarship, which is part of the Europe Prize and was set at 7,600 euros in 1997, to 10,000 euros;
- 8.4. invite the Congress of Local and Regional Authorities of the Council of Europe, and more particularly its Chamber of Local Authorities, to promote the Europe Prize among its members and among national associations of local authorities;
- 8.5. invite the President of the Chamber of Local Authorities of the Congress to take part in the meetings of the Sub-Committee on the Europe Prize and in the Europe Prize award ceremonies in the winning towns.