

Parliamentary Assembly
Assemblée parlementaire

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REPORT

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Tuesday 24 January 2006 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 first sitting have not yet been distributed. They will be presented for approval at a later sitting.

2. Tribute

THE PRESIDENT. – I regret to inform the Assembly of the death of our colleague, Senator Rizzi of the Italian delegation, a member of the Assembly since 1994. On behalf of us all, I offer our sincere condolences to his family and to the Italian delegation.

I ask you to observe a moment of silence.

3. Voting cards and the register of attendance

THE PRESIDENT. – I remind all members – including any non-voting Substitutes and Observers – to sign the attendance lists outside the doors of the Chamber at the beginning of every sitting.

I also remind all Representatives and duly designated Substitutes to ensure that they have placed their voting cards in the slot so as to ensure that the electronic system will work properly.

I emphasise to everyone present the importance of switching off mobile phones during sittings of the Assembly and during committee meetings.

4. Written declaration

THE PRESIDENT. – In accordance with Rule 53 of the Rules of Procedure, a written declaration, No. 372, on missing persons of Cyprus, Document 10798, which has been signed by 20 members, has been printed.

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

5. Organisation of debates

THE PRESIDENT. – This morning we have the current affairs debate on alleged secret detentions in Council of Europe member states, for which there are 31 speakers on the list, followed by a debate on Europe's contribution to improving water management, for which there are 18 speakers on the list and one amendment to consider.

Under the Rules of Procedure relating to current affairs debates, we will interrupt the list of speakers in the debate on alleged secret detentions in Council of Europe member states at 11.30 a.m.

Due to the large number of speakers, I propose that speeches in both debates this morning be limited to four minutes.

Are these arrangements agreed to?

They are agreed.

6. Current affairs debate: alleged secret detentions in Council of Europe member states

THE PRESIDENT. – The first item of business this morning is the current affairs debate on alleged secret detentions in Council of Europe member states.

Speeches in the debate will be limited to four minutes, apart from the first speaker, who has 10 minutes.

In the debate I call first Mr Marty. He has 10 minutes.

Mr MARTY (*Switzerland*) said that the publication in the United States of news concerning secret detention centres triggered surprise and emotion last November. It was easy to forget that the Council of Europe had already looked at this subject. He referred to Mr McNamara's report. Last year a Council of Europe resolution warned member states against the use of their territories for what has come to be known as "extraordinary rendition". In November, the main countries being referred to were in eastern Europe: Poland and Romania. The Council of Europe reacted quickly, calling for an inquiry. He had been appointed rapporteur.

As rapporteur, he was often asked whether there was any hard evidence of illegal detentions. He was not acting as a judicial authority. He was not a legal investigator and had limited judicial support. He thanked the secretariat of the Committee on Legal Affairs and Human Rights for its assistance. The subject of his inquiry was a difficult one. Because the inquiry was into secret detention centres, created and managed by secret intelligence services, it was difficult to uncover the truth. However, he strongly believed that the truth would be revealed. The Assembly did not yet have judicial evidence or proof that local authorities were aware of this activity, but there was a large body of indicators to justify the continuation of the inquiry. His sources were reliable, multiple, diverse and well-informed. For obvious reasons he could not say any more about that.

Ongoing research on this subject should not just concentrate on Poland and Romania. It was too simplistic simply to blame a couple of countries. In fact, the entire continent of Europe was in the dock. It was now possible to demonstrate beyond reasonable doubt that terrorist suspects had been illegally abducted, transported and detained, and deprived of their human rights. Suspects had been rendered to countries with no respect for elementary human rights. Could it be possible that no one in Europe knew or wanted to know about this? In recent months there had been substantial press interest from serious newspapers, a number of books and judicial inquiries. How could 25 secret intelligence service agents abduct someone, transport them thousands of kilometres, take them to another European country and then to Egypt and probably torture them there without anyone else knowing? Furthermore, this case involved an individual who had obtained asylum in Europe. Answers were needed.

This inquiry was not dealing with conventional prisons, or camps like Guantánamo. Secret detention centres were small infrastructures, easily hidden on a military base. An additional problem was that of Kosovo. It was finally possible to visit the so-called "black boxes" in Kosovo because of the international pressure that had been brought to bear.

Was it ever justifiable to combat terrorism by rejecting fundamental human rights and justice? How could Europe destroy all the civil guarantees established over the last decades? How could Europe ease its conscience by delocating torture? Exporting a suspect to another country, possibly for torture, was dehumanising. Those matters went to the heart of the Council of Europe's values.

Another question brought up by the inquiry was the relationship between governments and parliaments. Many governments refused to disclose information on the grounds of security or state secrecy. Those governments were putting more energy into bringing to justice the civil servants who leaked secrets than into combating terrorism itself. The issue of government or parliamentary control of secret services needed to be investigated.

Although he had published an information memorandum, he reminded the Assembly that it was still very partial and incomplete. Work was continuing and just yesterday he had received further documentation from the European Satellite Centre.

The European Parliament had set up a special ad hoc committee of 46 members who would carry out an inquiry on this issue. He thought that that could well be a consequence of the work carried out by the Council of Europe. He was delighted to see that other organisations were taking up this matter and called for all organisations to unite their efforts.

The Venice Commission was due to look into the matter and would be responding within the next few weeks. Other initiatives were also under way and, under Article 52 of the Human Rights Convention, he expected responses from the governments involved by February.

He thanked non-governmental organisations and the press for their work. He was, however, concerned that the United States press were under very heavy pressure not to publish rendition information. *The Washington Post* had withheld the names of Romania and Poland due to direct pressure from the United States Government.

The work going on was that of not only Dick Marty but the whole Assembly. It was the duty of all parliamentarians to raise this issue in their national parliaments, as all were responsible. The objective was not only to make beautiful speeches but to find the truth which had, at present, been hidden. The truth had to be uncovered in order to uphold the values that this Chamber defended.

THE PRESIDENT (Translation). – Thank you, Mr Marty, for your address and contribution. I call Mr Eörsi, who will speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr EÖRSI (*Hungary*). – The No. 1 mission is, as the rapporteur said, the truth and revealing the truth, because only the truth will enable us to draw proper political and legal conclusions. I congratulate the rapporteur, who is a rising star in the European media. One concern is the lack of proper evidence. I have serious doubts whether secret jails could exist in over-crowded Europe without their being revealed to the public. Nevertheless, something is certainly wrong.

Anti-Americanism is a new fashion in Europe. No one should use this debate to be anti-American. We may have serious disagreements – even fights – with the American administration, but I hope that here at least we will not disagree with America itself.

Europe has learned many lessons since the Second World War about the protection of human rights. We have all read the story, "The Count of Monte Cristo", which is a fine book about a man who was kept in a jail, although no one knew why. It is important to declare that we no longer live in the time of "The Count of Monte Cristo".

In the 1960s, the Baader-Meinhof group launched many terrorist attacks in Germany, because it wanted the German state to react illegally. At that time, the German state resisted that provocation and the fight against terrorism took place under the rule of law, which was a necessary condition for the defeat of terrorism. Everyone knows the Italian word "vendetta". If we want to avoid a vendetta in the global political sphere, we must stick to the rule of law and respect human rights. We cannot defeat terrorism unless we adopt that approach.

If the president or prime minister of a European country were to discover that their country was about to be subject to a terrorist attack, what should they do? Should they go to court to obtain permission to tap telephone lines? In those circumstances, we would all say, "Let's prevent terrorism." In such cases, the threat should be imminent. We must adhere to our principles in the fight against terrorism.

Today, our objective is to reveal the truth. We must protect human rights as far as we can.

THE PRESIDENT. – Thank you. I call Mr Malins, to speak on behalf of the European Democratic Group.

Mr MALINS (*United Kingdom*). – Mr President and dear colleagues, can there ever have been a more important Council of Europe debate than this? Whatever our political persuasion, the gravity of the debate compels us to focus on what we can do both collectively and individually to ensure that our countries stand up for human rights.

We are discussing what is commonly known as extraordinary rendition, namely the deliberate transport of terrorist suspects to foreign countries for interrogation, which, perhaps, may be accompanied by torture in order to obtain information to help in the so-called war on terror. The process is not governed by law, and it exists entirely outside formal extradition proceedings.

Although the practice has been most closely associated with the United States, the report suggests that many other western countries are either involved or turn a blind eye. Some point to the existence of secret CIA detention centres or black sites. The United States newspaper *The Washington Post* has alleged that some 30 detention sites exist. It has claimed that the locations of the facilities are known only to a handful of officials in the United States, and to the president and a few top intelligence officers in the host country.

The location of such centres has been the subject of speculation. There have been references to detention facilities in eastern Europe – we need to know more. After the analysis of flight records, the respected body Human Rights Watch has suggested that secret detention centres may exist at airports in both Poland and Romania, but that has been denied. Our duty is to discover which other countries are involved, either knowingly or unknowingly, and the extent of their involvement. Perhaps some permit United States rendition flights to land and refuel on their way to torture destinations, not knowing the purpose of such flights. Perhaps some guess, but turn a blind eye. More seriously, perhaps some know the truth and even provide detention facilities. However unpalatable the truth, we have a duty to investigate without fear. I therefore congratulate our Secretary General, the Council and Mr Marty on the investigation that is going on.

Well over a dozen European countries, including the United Kingdom, have been the subject of reports that torture flights have landed there. Questions have been asked in our own parliament in London. Our government says that it is not aware of the use of United Kingdom territory or airspace for the purposes of extraordinary rendition and that it has not granted any permissions for the use of our territory or airspace for such purposes, but the issue is creating growing concern.

We all regard the practice of torture as abhorrent. It is a violation of human rights. No democratic country can ever condone torture, and we should all reinforce the principle that evidence obtained by torture should never be admissible in a court of law. Indeed, we should not receive intelligence that we know to have been obtained under torture.

So what should each of us do? I believe that we should return to our parliaments, where we should question our governments tirelessly and without fear about their knowledge or co-operation, if it exists, with the United States in this very troubling area. Torture flights must be exposed, condemned and stopped. Our duty to those whom we have the honour to represent demands nothing less.

THE PRESIDENT. – Thank you. I call Mr Lund, who will speak on behalf of the Group of the Unified European Left.

Mr LUND (*Denmark*). – In December 2003, Khaled al Masri, a German citizen, went to Macedonia on holiday. But he never had his holiday. At least, he had a very different holiday, because he went to Afghanistan instead of Macedonia. He was kidnapped in Macedonia, beaten and injected with drugs, and transported to Afghanistan, where he was jailed and held incommunicado for five months. Nobody knew where he was, except the CIA and himself.

In December 2001, Ahmed Agiza and Mohamed al-Zari had a similar experience, this time in Sweden. Suddenly masked men showed up, and they were injected with drugs and transported to Egypt, where they were both jailed and tortured.

Torture, interrogations, death, breaking of international law, violation of human rights, and fighting possible terror with terror – that is what this is all about.

To do the dirty job of so-called extraordinary rendition, the CIA has several undercover airplane companies. They are camouflaged as civilian airplanes, and their owners are companies called, for example, Premier Executive Transport Service, Steven Express Leasing and Path Co-operation. They seem to be ordinary civilian aircraft, but they are contracted by the CIA to do their secret mission of breaking human rights and international law.

In our group, the Group of the Unified European Left, there is no doubt that secret detention and rendition flights are a reality. It is obvious that many governments, especially the United States, are very reluctant to give full information on this matter.

We know that there is something going on. We know that the CIA is sending people to countries where secret detention, inhumane treatment, torture and killings take place. However, we still need to know several things. How big a scandal is it? How many governments are involved? How extensive is the extraordinary rendition programme? Those questions still have to be answered. I would therefore like to ask Mr Dick Marty, our rapporteur, this question: what do you think should be the consequences if a Council of Europe member state is involved in the extraordinary rendition programme, secret detention and violation of international law? I think that the answer is straightforward: we must, as a minimum, withdraw voting rights from that country, because taking part in these illegal activities is a direct violation of the fundamental principles of this institution.

This is a very serious matter. We still need to put further pressure on many governments, including the government in Denmark, where I come from. My party has asked several questions and we have called for a national investigation. However, in a debate that we had in November with our Foreign Minister, he said to me: "Mr Rune Lund, we have already had an investigation. You are asking me so many questions all the time." I doubt that many persons in this plenary find that approach by the Danish Foreign Minister appropriate. We do not need that lazy attitude, which in reality means that the very important work of the Council of Europe is being obstructed. We need to continue to work further on this. I have brought some information to this meeting that I would like to share with other people who want to question their governments.

THE PRESIDENT. – Thank you. I call Mr Schieder, who will speak on behalf of the Socialist Group.

Mr SCHIEDER (*Austria*) said that socialists had always tried to ensure that the continent was based on the principles of law, freedom and human rights. Secret prisons and torture camps went against that and were completely unacceptable.

More information would be available when the Secretary General received answers in February, and in April the most important part of all would be when Mr Marty submitted his report.

The responsibilities of Council of Europe countries were very clear, although he questioned whether similar obligations should be bestowed on Observer nations.

The European Convention on Human Rights would be undermined if member states were denying citizens their constitutional rights. The non-publication of reports was not acceptable. If items had come to the knowledge of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, they should be published. He raised the possibility that the secret service organisations of member countries were covering up their countries' involvement. A realistic and proportional approach to the problem was needed. Standing up to defend human rights was a principle which should be defended by the Council of Europe.

THE PRESIDENT. – Thank you, Mr Schieder. I call Mr Van den Brande, to speak on behalf of the Group of the European People's Party.

Mr VAN DEN BRANDE (*Belgium*). – The rapporteur was right to mention what we can do about this "investigation". It is not a historical task, a matter of giving opinions or a question of criminalising some countries. The point is to know. Building a Europe of values was always the aim of the European People's Party and the Christian Democrats. That can happen only when we respect fundamental human rights.

The essential task today is to know the truth about the past and the current situation and to aim for the reconstruction of fundamental human rights. It is obvious today that, despite what the rapporteur said, there are no firm proofs. There are no more than indications that there are events in member states of the Council of Europe that are not compatible with the common values that we hold.

I do not think that it is possible to accept any use of alibis by our governments about the secret services and the intelligence services. We are obliged not only to question but to establish the truth about what has happened and what continues to happen. It is important not to have an abstract debate about the search for truth in the Council of Europe. We must link it with our countries. We must know more about the flights, the individuals and the special cases. What we heard from the American Foreign Minister in the meeting with the European Union's foreign ministers is not acceptable. Although the minister respected American law it was not evident that the same respect was felt for the law in Council of Europe member states. We must be careful of that.

When we speak of the truth about the past, the current situation and the reconstruction of fundamental rights for the future, our governments must be accountable even if they displayed tacit complicity in the past. It is clear that we must go for zero tolerance of torture. In several reports on various countries, we have made it clear that we display such zero tolerance. It is against human dignity to accept any form of torture.

The question is not whether we are against fighting terrorism. We must do that with all possible means. However, we cannot support the abolition of fundamental human rights. We favour a well-balanced approach of preventing terrorism and reconstructing the fundamental human rights for every person in every country.

THE PRESIDENT. – Thank you, Mr Van den Brande. I now call Mr Severin.

Mr SEVERIN (*Romania*). – If the allegations that we are discussing are true, it means that liberty, dignity and the physical integrity of some of our fellow human beings have been violated. Even if those human beings were terrorists, they are entitled to respect for their human rights. If the allegations are true, it means that some political decision makers and public institutions in some of our member states have breached some of our most important rules and cherished values by their actions or lack of action. Those who did that should be held individually responsible.

Since we are dealing with such sensitive and dramatic issues, we must at all costs avoid creating an atmosphere of frivolous show or mystery around our debate and the admirable actions of our rapporteur. That would undermine our efforts.

The Council of Europe is not a court and nobody could therefore expect us to establish, as the courts say, truth beyond any doubt. Since we cannot establish the truth in the same way as the courts, we cannot make a legal condemnation. However, the Council of Europe can and should establish the dangers and the threat, assuming that the allegations are true. We must identify the weaknesses in our standards and legal instruments and establish new standards or develop the old ones in such a way as to avoid a repetition of the events that we are considering.

Assuming that the allegations are proved, we must establish whether there are the means in our countries to punish the perpetrators. Our main capabilities and specialities are to reform standards, propose legal instruments and assist in their enhancement. Any ambition beyond that might undermine the credibility of our conclusions. We must remain vigilant and realistic in our approach and avoid going further than we can. We must revisit all our standards to ascertain whether civilian control of the secret services is possible. We must also find the correct balance between transparency and confidentiality, and security and human rights. If we do that, I believe that we can make a positive difference.

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

Mr PREDÁ (*Romania*) said that he was happy that the Organisation was investigating the allegations that had been made in the press. It was important that the Council took a clear line on the contraventions by the United States of the European Convention on Human Rights, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Council of Europe promoted the safeguarding of the principles of human rights and could not allow any breach of the conventions. The President, Prime Minister and Minister for Foreign Affairs of Romania had acted immediately to investigate the rumours in the media, but the Romanian authorities had no further information to give the Council of Europe and had nothing to hide. Romania respected its commitment as a member of the Council of Europe to establish the truth in that matter. There was nothing specific or substantial in the recent rumours to justify the current media storm. The Assembly needed to avoid manipulation by the media. He urged the Assembly on the need for prudence, responsibility and respect for the judicial principle that one was innocent until proven guilty.

THE PRESIDENT (Translation). – Thank you, Mr Preda. I call Mr Lloyd on behalf of the Socialist Group.

Mr LLOYD (*United Kingdom*). – I begin by joining all my colleagues in welcoming the fact that we are holding this debate and that the Council of Europe has stated in clear terms the principles that the Council and the Parliamentary Assembly insist should guide the actions of our governments throughout the whole Council of Europe territory.

We must be clear that in any circumstances the concept of extraordinary rendition and secret detention is illegal. There can be no qualification of that. Such actions would be illegal under the European Convention on Human Rights, and against the national laws of any country that subscribes to it. That is absolutely clear and without qualification.

I very much welcome the fact that Mr Marty's report has provoked much anxiety across Europe because of the fear that our governments in the Council of Europe may be in breach of that clear legal position. It is more than a clear legal position; it is a very clear moral position. It is a matter of practical fact, which most members of the Assembly would recognise, that the United Kingdom is one of the countries that is closest in its actions to the United States and that when allegations of behaviour that would imply co-operation with the United States are made, the British, among others, have to question closely their government about what actions have taken place.

This morning I received a response from Jack Straw, the British Foreign Secretary, which I shall pass on to Mr Marty. I have asked questions in my own parliament and I tell the Assembly frankly that I have been concerned lest it turn out to be the case that the British authorities behaved in a way that was inconsistent with our obligations under the European Convention and with our duties and moral obligations to our own citizens. It is important that we are clear about these matters so I shall quote from Jack Straw's letter. He says to me, and through me to Mr Marty, that the British Government would not facilitate the transfer of an individual from the United Kingdom to another state where there were grounds to believe that that person would suffer a real risk of torture. He also undertook to make an investigation of the United Kingdom record since the Labour Government came into power in May 1997. He states: "We have found no evidence of detainees being rendered through the UK or Overseas Territories since 11 September 2001. We have found no evidence of detainees being rendered through the UK or Overseas Territories since 1997 where there were substantial grounds to believe there was a real risk of torture. There were four cases in 1998 where the US requested permission to render one or more detainees through the UK or Overseas Territories. In two of these cases, records show the government granted the US request, and refused two others."

Two cases were refused. In the two cases that were granted, the people were sent to the United States to face trial under the American legal system, which is of course consistent with normal extradition processes. I am satisfied that I now have a definitive answer from the British Government on these matters. Of course, in the UK Parliament we shall continue to ask for absolute clarification of all the circumstances. The Assembly has the right, and indeed the duty, to demand absolute clarity from every member state in the Council of Europe, with no equivocation from their governments. I hope that all my colleagues will insist on that in their own national parliaments.

THE PRESIDENT. – Thank you, Mr Lloyd. I call Mr Hancock.

Mr HANCOCK (*United Kingdom*). – I stand here safe and secure in the knowledge that I can say in all honesty that I will do everything possible to protect human rights and the rule of law and that I am completely opposed to any form of torture carried out in my name. I can say that because I do not have responsibility for others but, as a simple human being, I have to say that if I were placed in a position where I had to make a decision that could probably save the lives of many hundreds of people, perhaps including members of my own family, my situation would be somewhat different. As a normal person, I would have to react to those circumstances. That is what we are talking about today.

Dick Marty poses the question: what are we prepared to do to protect the majority? What sacrifice is worth paying to achieve that? We have heard examples of that today. Undoubtedly, many people would, if they were honest, struggle with their conscience on this issue, but could I possibly say that I would allow people to die simply because I would not take that final step to obtain information from another human being that would protect many hundreds of lives? I do not think that I could do that. I would have to obtain information that would save the majority of lives. That is a truthful statement from one simple politician.

Members have talked about the search for truth. I am interested in who knows the truth, who needs it and who decides what is true. Are we really saying that *The Washington Post*, a newspaper with a worldwide reputation and one that brought down a president, actually knows specific locations and has declined to use that information? Are we really saying that the respected sources to which Mr Marty refers in his report know where the sites are, yet have not disclosed that information? The search for the sites is now of more interest to the media and the European populace than breaking the Da Vinci code, so are we seriously saying that these sites exist in our crowded continent and that nobody knows where they are? Are we seriously saying that journalists know but have not disclosed that information? If they had such information it would be in the public domain.

What we know to be true is that the Americans have confessed to extraordinary rendition. They have transported people across the globe on many occasions, possibly hundreds of occasions. We know that because they have told us, but what they have not told us is who was travelling, where they came from and where they went. The American Government has a responsibility to the rest of us to come clean about where those people went and who they were. That is what we should be trying to discover.

If when the President of Romania visits us later this week he tells us that he knows for sure that such things did not take place in his country, is anyone here prepared to say, "You are lying, Mr President"? We have to accept his word. As Tony Lloyd has rightly said, we in the British Parliament have to accept the word of our Prime Minister and ministers that they are giving truthful responses. The challenge is not only to find the truth but to know that it is the truth when we find it. That is equally important, because some of the issues are clouded in myth and the desire to kick America. I am no friend

of America and I am hostile to much of what it has done, but this report and future reports need more substance and evidence of what is going on and less speculation if the truth is ever to come out.

(Mr Kosachev, Vice-President of the Assembly, took the Chair in place of Mr van der Linden.)

THE PRESIDENT. – Thank you, Mr Hancock. I call Mr Bougas.

Mr BOUGAS (*Greece*). – Dear colleagues, on the occasion of the current debate, the Parliamentary Assembly of the Council of Europe must illustrate in the most emphatic way its uncompromising and tenacious determination to ensure that all member states comply fully with their obligations under the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Any breach of these conventions or other basic human rights norms cannot be permitted, justified or tolerated in the name of any purpose in the territory of any member state of the Council of Europe. In this non-negotiable context, the fight against terrorism is also insufficient to legitimise illegal and inhuman practices that defy the core provisions of the international human rights protection legal framework, such as the promises and guarantees regarding the arrest, transportation and detention of persons irrespective of the crime that they may be suspected of.

The human rights protection framework draws the line beyond which no act can be justified – even by the need to combat terrorism – or deemed to be a proportional and necessary restriction of one's fundamental human rights. Otherwise, the struggle against terrorism would be permitted to affect, even to threaten, our free way of life, to subject our citizens to constant insecurity and to undermine the constituent values of our open, tolerant societies – thus achieving, paradoxical though this may seem, the same purposes as the terrorists themselves have set.

Combating terrorism should therefore always be in accordance with the fundamental principles of the rule of law and the observance of human rights. As a result, we should all call on all member and Observer states of the Council, as well as all European institutions that are capable of offering adequate assistance, to join forces with the Council of Europe in the investigation of the alleged existence of secret detention centres in Europe and also into the possibility of flights transferring individuals arrested and detained without any judicial involvement. Thank you.

THE PRESIDENT. – Thank you very much, Mr Bougas. I call Mr Sharandin.

Mr SHARANDIN (*Russian Federation*) thanked Mr Marty for the caution and prudence he had shown in the preparation of his report. It was very important to be balanced and precise when making such information public. Some conclusions could already be drawn. The process had been going on for some time, at least five years. It was now possible to say for certain that the territory of Europe was being used. Exactly how that was occurring was still to be determined, and the Assembly did not yet know whether suspects were being transported by plane, train or automobile. Clearly, however, Europe was being used.

Questions remained regarding the actions taken with respect to detained persons in Europe. If those questions were answered honestly, the Assembly would probably discover violations of extra-territoriality, customs and international boundaries. They constituted violations of international law, therefore any evidence gathered by those means would be inadmissible in a court of law. The information gathered could be used only for operational purposes by secret intelligence services.

Did the United States not have aeroplanes that could travel long distances without landing? Why did they need to land in Europe? Was this an attempt to draw Europe in and to make it share responsibility for these actions? Once these questions were answered frankly, Europe would know better how to avoid becoming involved.

The Council of Europe had substantial experience in conducting inquiries. He suggested that an ad hoc committee should be set up to prepare an all-encompassing report on this subject.

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

Mr GILMORE (*Ireland*). – I welcome the report from Mr Marty. Indeed, I congratulate him and the Secretary General on their work. It is difficult, but essential, to establish the truth about the alleged torture, ill-treatment and illegal transportation of detainees in Council of Europe member states.

Shannon airport in Ireland has been listed as one of the airports that may have been frequently used for the illegal transportation of detainees. This issue has been the subject of questions in our parliament, where we have questioned whether Shannon airport was used to transfer detainees to Guantánamo or to any other centre for torture or ill-treatment.

The Irish Government has consistently responded by repeating the diplomatic assurances which have been received from the United States. On 14 December last year, the Irish Minister for Foreign Affairs stated in our parliament that "the United States has given Ireland repeated, clear and explicit assurances that no prisoners have been transferred through Irish airports. ... These assurances were confirmed by Secretary Rice, at a meeting on 1 December" and the government had accepted the assurances "in good faith".

I regret to say that the Irish authorities have not carried out any inspections of aircraft or flights using Shannon, despite being asked to do so by the Irish Human Rights Commission. It is not sufficient to accept diplomatic assurances about such possible abuses of human rights and major breaches of international conventions on human rights and torture.

The European Court of Human Rights has repeatedly ruled that diplomatic assurances do not provide sufficient protection against the risk of torture. The UN special rapporteur has stated that "diplomatic assurances are unreliable and ineffective in the protection against torture and ill-treatment." The Council of Europe High Commissioner for Human Rights states that "The weakness inherent in the practice of diplomatic assurances lies in the fact that where there is a need for such assurances, there is clearly an acknowledged risk of torture and ill-treatment".

Article 3 of the European Convention on Human Rights imposes a positive obligation on member states to protect persons against torture and ill-treatment. That cannot be satisfied by the acceptance of unverified diplomatic assurances.

Mr Marty, and indeed anyone else investigating these allegations, will have considerable difficulty getting to the truth, if member states do not carry out thorough, independent inspections and inquiries and rely only on the assurances of countries whose own secret service agencies may be involved in the activity. I draw attention to paragraph 98 of Mr Marty's report in which he draws attention to the imbalance of resources between parliamentary investigations and secret service agencies.

We have been asked what we can do. As parliamentarians, we can insist on accountability from our governments. If it turns out that the assurances that have been given to date are not accurate and that detainees have been tortured and ill-treated, the government ministers who accepted those diplomatic assurances without carrying out independent inspections should be obliged to resign from office.

Mr Hancock asked what we can do to deal with terrorism. In my country, we have thirty years' experience of dealing with terrorism, and we have learned two things. First, in dealing with terrorism, states must be firm and resolute. Secondly, if one stands down human rights and if the state engages in illegal activity, not only is that wrong in itself but it is counter-productive in the battle against terrorism. The standing-down of human rights and states carrying out illegal activities themselves provide the very oxygen in which terrorism thrives.

THE PRESIDENT. – Thank you, Mr Gilmore. I call Ms Hajiyeva. She is not here, so I call Mr Manzella.

Mr MANZELLA (*Italy*) said that Mr Marty's report was a sufficient basis on which to take action. No more investigations were required. The Assembly did not need to reveal more secrets; it already knew that information had been distorted by European governments and secret services. The Council of Europe needed to take action to shed light on that political responsibility. European parliamentarians had to point the finger at their own governments. The whole of Europe was involved, and it was not appropriate to put individual countries on trial. Instead, their governments and secret services should be on trial.

The Council of Europe was essentially concerned with the supra-nationality of fundamental rights as upheld in the Rome Convention. The relationship between the United States and Europe was a matter for the European Parliament, which had set up an ad hoc committee to deal with it. What was the fate of the Rome Convention when placed under stress and facing the challenge of terrorism? Torture, as Franz Kafka knew, was not included in such conventions. The Rome Convention instead dealt with less important matters such as freedom of the press. Perhaps the Venice Commission could help to consider these matters.

In Iran there had been bombings, with many innocent victims and unacceptable threats against Israel. It was easy to see this and similar events as the work of the devil. A realistic assessment was needed of the difficult challenges now facing Europe and of how Europe could preserve the permanent values of human rights when facing these challenges.

THE PRESIDENT. – Thank you, Mr Manzella. I call Mrs Leutheusser-Schnarrenberger.

Mrs LEUTHEUSSER-SCHNARRENBERGER (*Germany*) said that the Council of Europe was a pioneer. As parliamentarians, its members needed to lead the way in clarifying these issues. If the Council of Europe had not undertaken its inquiry last November, perhaps the European Union would not have established a committee of investigation. Without such an investigation, many more illegal activities could have taken place. The criticisms made in the report were the fundamental concerns of the Council of Europe. Without the report there would not have been such a clear debate.

In Germany, parliament could have done more to deal in substance with these issues. The authorities needed to move ahead and to avoid a repetition of these events. A debate was needed in national parliaments. The evidence also needed to be made much more publicly available. By nature, secret services could not be open to the public, but many facts had now emerged concerning the persecution of individuals and sometimes their release after six months of detention and possibly torture. No specific details were available and it was therefore hard to decide who was responsible for those acts. It was the responsibility of parliamentarians to uncover the truth.

She was strongly in favour of the report and recommended that members make use of it in their countries. A recent article in the German newspaper *Die Zeit* had described events taking place outside Europe and named specific detention centres. The Council of Europe had a remit to pursue these matters urgently in future discussions. Members of the Council of Europe had to safeguard human rights and not give up on that task when faced with the challenge of terrorism. The rule of law was the only legitimate framework because it operated by its own consistent rules.

THE PRESIDENT. – Thank you Mrs Leutheusser-Schnarrenberger. I call Mr Frunda.

Mr FRUNDA (*Romania*). – Mr President and dear colleagues, international terrorism is one of the sicknesses of the end of the 20th century and the beginning of the 21st century. It can be defeated only through a joint effort by all democratic governments and institutions. Whether we are talking about parliaments or governments, intelligence agencies or the police, they must all fight effectively against terrorism which is taking place, unfortunately, in Council of Europe member states. The fight cannot be effective unless the principles of democracy, human rights and the rule of law are observed. No violation of those principles is acceptable, even if the alleged reason is the fight against terrorism. We cannot accept that people suspected or accused of committing acts of terrorism are being terrorised or tortured in order to obtain confessions.

The article published in *The Washington Post* in November 2005 raised some important questions. Were there any illegal detention centres in some member states of the Council of Europe? Did any flights land or take off from airports in member countries, and were prisoners transported with the knowledge of the respective governments?

As leader of the Romanian delegation to the Council of Europe, I can speak only for Romania, and the answer is definitely not. As soon as the news broke, I contacted the president, the prime minister, the minister for defence and the heads of the information agencies, who all rule out the existence of detention centres on Romanian territory. Moreover, official authorities not only asked for more detailed information or solid evidence from Human Rights Watch, which was the source for the allegation in *The Washington Post*, but invited international organisations and the media to visit the Mihail Kogalniceanu airport in eastern Romania and Timisoara airport in western Romania, the only two airports from which United States planes have landed and taken off. No evidence of such centres was found.

Following the suggestions of our rapporteur, Mr Marty, whom I congratulate on his work, I have demanded that the Senate of Romania set up an inquiry committee to investigate the allegations published in the international media. The committee started to function on 16 January, and a report on the results of the investigation is expected to be made public shortly. That is why I have the courage to declare – I take full responsibility for this declaration – that such detention centres did not exist on Romania's territory. I am convinced that no Romanian official would try to cheat the Council of Europe investigation, especially knowing the potential political and legal follow-ups – this year, Romania's main political target is to become a full member of the European Union on 1 January 2007.

All member states of the Council of Europe should respect human rights and the rule of law, whether or not they are fighting terrorism.

THE PRESIDENT. – Thank you. I call Mrs Däubler-Gmelin.

Mrs DÄUBLER-GMELIN (*Germany*) was grateful to Mr Marty for his report, and for the opportunity for a public debate to take place in the Assembly. There was clear evidence that abduction and torture involving degrading behaviour had occurred. It was necessary to find out the specific details which were not yet known.

She called on all Council of Europe members and governments to aid the ongoing investigations and support Mr Marty's report. The media had a responsibility to encourage citizens to come forward with any information they had, and for that information to be published.

Enough information was available to enable the Council of Europe to act. It was not possible to name all the political consequences of the investigations, but discussions with the governments of the United States and Council of Europe members had to continue. It was disturbing that many nations seemed to have accepted torture of their citizens.

It was not acceptable that information could be obtained through torture. This should be the case not only in courts of law, but in secret service organisations. It was a poison seeping into Europe's attempts to combat terrorism.

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

Mr GREBENNIKOV (*Russian Federation*) said that he wanted to speak about a point that had been somewhat overlooked in the discussions thus far, although Mr Marty was preparing to report on it. If the allegations of secret detention were confirmed, that posed a threat to the nations of Europe.

Any evidence of secret detention clearly violated the rule of international law. That did not, however, undermine the fact that the action was against the laws of each individual state. There needed to be a clear understanding on which Council of Europe countries were taking active measures to bring the perpetrators to justice. Although these acts were both unpleasant and deplorable, if justice was not seen to be done whatever was said in the Assembly would remain a "dead letter" and have no impact. If the acts had occurred, they were clearly criminal.

He wished the rapporteur and Parliamentary Assembly the best of luck in their ongoing investigations.

THE PRESIDENT. – 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.

Before we finish the discussion, I would like to give the floor to Ms Buitenweg, who is a member of the European Parliament and is in charge of the temporary committee of the European Parliament on the issue that we are discussing. Ms Buitenweg has come here specially for this occasion to participate in the debate. You have four minutes, Ms Buitenweg.

Ms BUITENWEG (*European Parliament*). – Thank you, Mr President. I am very pleased to be here. I am not in charge of the investigation, but I am part of the new committee, which will start its work on Thursday and which consists of 46 people.

I thank Dick Marty for his work. He has been very focused and has done an excellent job. I also thank the Council of Europe for taking the lead in investigating such a crucial human rights issue. You have done a very important job.

The past few months have been quite bewildering. We have heard all kinds of discussions on the definition of torture. For example, the United States said that it does not torture, but then it turns out that almost drowning people is not really torture but more like bodily harm.

We have also heard discussions about extraordinary rendition, as if that is a completely normal way to transport a prisoner to another place. That is worrying. The European Union's foreign affairs ministers wrote to the United States saying that they were worried about developments and requesting clarification from Condoleezza Rice, but those same ministers were immediately pacified after one dinner with Condoleezza Rice and gave no explanation as to why we should suddenly trust that nothing is going on.

There is a lot of silence among the member states, and that should worry us. There is no explanation regarding the allegations. The European Parliament is going to start a complementary investigation. We have established our own temporary committee with 46 members, and we start our work on Thursday. We can, for example, search for information via Eurocontrol because the European Commission is on its board. We will organise public hearings. In the case of Echelon, a secret satellite system, everybody said that we could never find out the truth about it, but the hearings that took place started a dynamic that meant that people wanted to come out with information, and in the end we got confirmation that the system existed. We should also lean on inquiries elsewhere – judicial inquiries and parliamentary inquiries that are going on in several parliaments.

For my part, I can confirm that the European Parliament does not want a competition between institutions. The mandate of our committee explicitly states that we should work very closely with the Council of Europe. Of course, the European Union is also committed to the European Convention on Human Rights. If there are people in Europe who do not get a fair trial and are treated inhumanely, all Europe loses out, so we have a clear common interest.

As I said, what I find worrying is the silence among member states. I have already heard many colleagues say that the European Parliament should now act. I agree. This should be not a media campaign but a parliamentarians' campaign. We should work together to ensure that all the national parliaments ask their governments for the information that is required. Dick Marty said that member states can still provide such information before 21 February. Let us all make sure that in our national parliaments we put pressure on governments so that all the information comes out. When everything remains so vague, and when we cannot guarantee that there are no human rights abuses in the European Union, we lose moral ground.

THE PRESIDENT. – Thank you very much, Ms Buitenweg. That was perfect timing.

I remind you that at the end of a current affairs debate, the Assembly is not asked to decide upon a text. The matter has already been referred to the Committee on Legal Affairs and Human Rights for a report.

On behalf of the Assembly, I should like to use this opportunity to thank Mr Dick Marty for an excellent report. I wish him and the Committee on Legal Affairs and Human Rights success in their future work on this matter.

(Mr Ivanovski, Vice-President of the Assembly, took the Chair in place of Mr Kosachev.)

7. Europe's contribution to improving water management

THE PRESIDENT. – The next item of business this afternoon is the debate on the report on Europe's contribution to improving water management presented by Mrs Papadimitriou on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, Document 10772.

The list of speakers closed at half past six yesterday. There are 18 names on the list, and one amendment has been tabled.

I call Mrs Papadimitriou, rapporteur. You have eight minutes.

Mrs PAPANIMITRIOU (*Greece*). – I thank our President, Mr René van der Linden, and the Bureau for their strong support for the report. We also thank them for their strong support of our combined efforts to tackle and, we hope, contribute effectively to solving the most urgent environmental, political and social problem that faces our continent and our world: water.

At the dawn of the United Nations decade for action on "Water for Life", the Council of Europe has unanimously adopted a motion by our Committee on the Environment, Agriculture and Local and Regional Affairs on defining our states' contribution to improving water prospects. We have already started that

through the motion to the Bureau and the conference that we held in Strasbourg. We visited and collaborated with many parliamentary assemblies in the Mediterranean, and plan to be dynamically present in Mexico for the fourth world water forum in March 2006. We will, as we must, devise initiatives that will empower our collaboration with all stakeholders and that will seek and find ways to inform and involve the people whom we represent. Only their attitudes can make the difference.

Water is not only essential for life on earth; it is our most basic resource – the most crucial factor in sustainable development and preservation. The lack of fresh water limits a country's ability to maintain public health; to develop and maintain agriculture and industry; and to enable towns to function. That means that inadequate or mismanaged water supplies are both a cause and an effect of poverty. Access to fresh water is not only a prerequisite of sustainable development, poverty reduction and human rights, but a human right to be enjoyed by all members of our global society.

However, the statistics are more than disheartening: approximately 1.1 billion people do not have access to sufficient drinking water, while 2.4 billion people live without decent sanitation. It has been predicted that, if the necessary water conservation measures are not taken at the earliest opportunity, half the world's population will be affected by a chronic shortage of fresh water by 2025, as a large portion of the population will live in urban areas, thus stretching facilities of water supply, sanitation and waste water management to breaking point. That state of affairs is so alarming that the United Nations has declared this decade to be the international decade for "Water for Life".

Integrated water resources management – IWRM – is widely considered to be a means of contributing to sustainable development and the achievement of more than one of the millennium development goals. The targets agreed at the World Summit on Sustainable Development in Johannesburg gave new momentum to promoting IWRM.

An integrated approach to developing and managing water can advance goals such as reducing poverty, increasing food security, fostering economic growth and protecting ecosystems. It can also tackle more effectively specific water challenges such as controlling flooding, mitigating the effects of drought, eliminating water-borne diseases, managing transboundary river basins and seriously addressing the increasing competition for water.

How does that approach achieve those aims? It does so essentially by considering water in a larger hydrological and sustainable development context than is generally possible through traditional sectoral responses. That includes more co-ordinated development and management of land and water, surface water and ground water, the river basin and its adjacent coastal and marine environment and upstream and downstream interests. However, it is not simply about managing physical resources. It is also about reforming human systems to enable people – men and women – to benefit from those resources. Water is already an integrated resource whether we choose to acknowledge it in our governmental structures or not.

An IWRM approach requires positive changes in the enabling environment, in institutional roles and in management instruments. The consensus that the global water crisis is a crisis of governance creates the challenge of improvising an effective framework of social, economic, political and legal structures and mechanisms that can contribute to responding to water problems. Governance views the balance of power and the balance of actions at different levels of authority. It translates into political systems, laws, regulations, institutions, financial mechanisms, civil society development and consumer rights – essentially, the rules of the game.

Water governance therefore relates directly to ethical and political dimensions. The basic principles for its achievement include the participation of all stakeholders, transparency, equity, accountability, coherence, responsiveness, integration and ethics, such as giving priority to drinking water needs.

Improving governance usually means reform. Increasingly, we realise that neither the traditional public sector nor the elusive market can resolve all the challenges of water resource management. Complementarity and co-ordination and the creation of accountable but dynamic relationships between the different players and stakeholders are required. Effective governance can overcome fragmentation and conflict. Therefore, the means of enabling the effective role of stakeholders in water governance are imperative. We parliamentarians are key stakeholders. Let us undertake our share of the responsibility. Parliaments and their members are essential factors in constructing, promoting and implementing water conservation policies and strategies.

In responding to a question addressed to me about the added value of a human rights-based approach, my answer was "empowerment". An explicit and compelling normative framework for strengthening sustainable water management strategies cannot be effective without the empowerment of the thirsty – whether human beings, fauna or flora – and especially without the empowered visibility of the environmental impact of water's misuse, overuse and mismanagement.

I truly believe that the follow-up of this report lies within the Council of Europe's domain of democracy for all, human rights to be enjoyed by all and the rule of law, thus safeguarding our planet and our global society's sustainable perspective.

THE PRESIDENT. – Thank you, Mrs Papadimitriou. I call Baroness Knight, to speak on behalf of the European Democratic Group.

Baroness KNIGHT (*United Kingdom*). – I understood that I was to move an amendment and at that point I would have a minute to speak. Do I now have four minutes in which to speak and shall I move the amendment now?

THE PRESIDENT. – You can make your speech now and move the amendment later.

Baroness KNIGHT (*United Kingdom*). – I welcome the opportunity to congratulate Mrs Papadimitriou on her excellent report on a vital matter. For all of us who have a regular and good supply of clean water in our homes, it is almost impossible to imagine what it must be like to live without such supplies. The Council of Europe is wise to pick up that crucial matter and to try to exert all the powers we have to ensure that those who are not blessed as we are receive the same benefits we do.

I welcome the opportunity to explain that I believe that a slight extension of the content of the report is relevant since we are discussing water management. It is only known when a catastrophe occurs – sadly such catastrophes occur quite often – that flooding of one's home through inadequate water management is a terrible thing to face. In Britain, many families have been ruined by the fact that their houses are built on flood plains. It is right to build houses. We must ensure, however, that they are not built where floods can occur, because no one who purchases a house on a flood plain can get proper insurance. Ruin therefore faces any householder whose house is flooded.

I welcome everything in the report that will ensure wider distribution of good water supplies, but I beg the committee to make a slight extension to ensure that the problem that I outlined is also tackled.

THE PRESIDENT. – Thank you, Dame Jill. I call Mr Rakhansky, who will speak on behalf of the Group of the Unified European Left.

Mr RAKHANSKY (*Ukraine*) thanked the rapporteur for an excellent report. Water was a national resource and the basis of wealth in every nation. Access to water was a basic human right. According to the report, 1.2 billion people in the world lacked access to safe drinking water, and 3 million people died every year from illness caused by poor water quality.

Ukraine recognised the importance of water management as 75% of its water was from transborder water basins. The River Knieper flowed through the Russian Federation, Belarus and Ukraine, and provided water for two thirds of the Ukrainian population. Therefore, Ukraine depended on the water management of other countries for the quality and quantity of its water. He gave the example of the River Tisza which had been polluted and adversely affected the population of Romania. Quality of life was affected by the quality of the environment. Therefore, the Assembly needed to focus on the environment and enhance its multilateral discussions and co-operation with the European Parliament. There should also be transboundary co-operation that included the Baltic countries and countries around the Black Sea. Those discussions should focus on the quality of water and the implementation of water management programmes. Resources should be mobilised with Integrated Water Resource Management (IWRM).

THE PRESIDENT. – Thank you, Mr Rakhansky. I call Mr Bockel, who will speak on behalf of the Socialist Group.

Mr BOCKEL (*France*) said that from the Romans in antiquity, the pioneers of hydraulics, to today they had travelled a long way. Political leaders must look at the issue of water and its quality, quantity, management, engineering and other needs. In his home town close to Strasbourg, the population was served by a well of high-quality water. The need for basic local services should be balanced against the management of water resources. Local authorities must act in a pragmatic fashion to ensure the proper

management of the water. It was possible for the public and private sectors to manage water services between them.

In the present day, water was a resource that was shared unequally. It was possible that, in the future, sub-Saharan nationals would migrate because of the creeping desertification of their countries. Citizens without access to good-quality water often lived in conflict areas where the high density of population exacerbated the problem. Countries rich in water should co-operate with those where water was scarce. He would attend the Mexican conference on behalf of French municipal authorities.

The report neglected to address the problem of possible terrorist threats to water supplies. Terrorists could contaminate whole areas of water, and political leaders needed to protect access to their water supplies and build up supplies in storage.

THE PRESIDENT. – Thank you, Mr Bockel. I call Mr Högmark, who will speak on behalf of the Group of the European People's Party.

Mr HÖGMARK (*Sweden*). – On behalf of the EPP group, I thank the rapporteur for a good report on an important issue. Together with issues such as human rights, the fight against illiteracy, energy questions, cultural understanding and tolerance and the worldwide spread of disease, the question of water management, in all its different aspects, will be extremely important in our continent and throughout the globe for the coming decades.

Some of those listening to our debate today had the opportunity of hearing Ambassador Jan Eliasson yesterday when he made a speech about the future of the United Nations. I hope that members remember when the ambassador raised his glass of fresh water and reminded us that for nearly 1.2 billion people on earth fresh water is a luxury and that 2.6 billion people do not have elementary sanitary conditions. Because of that, millions and millions of people die, most of them children in the first years of their life.

Mr President, dear colleagues and honoured audience in the Assembly, that is a real shame for our global society. It is of no importance to which party group we belong; we all think that such conditions are unacceptable. We really must change the situation as soon as possible. That is why the United Nations millennium development goal, to reduce the number of people who have no fresh water and reasonable sanitary conditions by 50% by 2015, is extremely important.

This is a real challenge for global society – an issue of the greatest importance, which we must solve in a proper manner. It is not impossible to do so if there is a political will to do so, if countries want to mobilise the economic and personal resources needed, if we mobilise the whole society nationally, regionally and locally, and if the necessary co-operation between nations and states takes place. So it is up to each country to learn its own lessons – that involves offering their citizens their human right to fresh water.

Mr President, I say that people must be offered their human rights because the right to life is a human right and without water there can be no life. Therefore, fresh water is a human right. Mr President, it is therefore very evident that the Council of Europe has a special role to play in these issues of water management.

In March 2006, the fourth world water forum will be held in Mexico. Europe has an important role to play in this conference, bearing in mind the results and messages from the water conference, "Water management, a shared responsibility", which was held here in Strasbourg in October 2005 and produced a lot of resolutions.

Good water management governance must work according to the principles of subsidiarity. That means a sharing of responsibilities locally, regionally and nationally, throughout the whole basic water system. That is a key message from the conference.

Mr President, during the fourth water management forum, it is important for Europe to plan and play an active and driving role. In Europe, we have a lot of good examples of water management, with co-operation between nations along entire water basins, which is extremely important.

Mr President, of course conditions and traditions are very different among countries all over the world. That is a fact. We can also find those differences within Europe, but the basic principles in water protection and management are the same all over. Therefore, we must be careful with our resources and

improve water use efficiency. We must not pollute water more than absolutely necessary. We must use closed water systems for polluted water and build efficient water cleaning systems. We must be careful with our forest land, which is important for the water balance, and co-operate across borders.

Mr President, all the issues are well known – none of them is new. Therefore, it is important to continue to intensify the huge challenge of giving 1.2 billion people their human right to the thing that is most essential for human life and dignity – fresh water – which is fundamental for freedom, peace and economic development. Thank you for your attention.

THE PRESIDENT. – Thank you, Mr Högmark, for your input. I call Mr Dupraz, to speak on behalf of the Alliance of Liberal Democrats for Europe.

Mr DUPRAZ (*Switzerland*) said that he was struck by the comments of Mr Eliasson, President of the 60th General Assembly of the United Nations, yesterday, when picking up his glass of water. Mr Eliasson said that for 1.5 billion people, water was a luxury rather than an everyday commodity. The main objective of the millennium development goals had to be the provision of water to the least developed populations. That was one way of fighting poverty. In contrast, the media focused mainly on the rise in oil prices and did not mention the rising price of water. Without water it was impossible to live, but that was not the case with oil. Water shortages would be the greatest single problem of the next ten years. The Council of Europe had recognised that through Resolution 1449 and the joint conference with the CLRAE entitled "Water management: a shared responsibility". That was a very significant title. In addition, the Organisation for Economic Co-operation and Development had recently published a report on China's water problems. Water management was an essential part of sustainable development. Without water there could be no life and therefore no development.

In some European countries there were serious problems with the water supply. That was due to the chaotic use of agricultural irrigation and sometimes to chaotic urbanisation, particularly along the Mediterranean and Atlantic coasts where the expansion of tourism had been poorly managed. Mr van der Linden, President of the Assembly, was attempting to re-focus the Council of Europe on to its core tasks of human rights and democracy. On behalf of the Alliance of Liberals and Democrats for Europe, he put forward the view that water management was an important part of that work. Human rights were not just abstract – for example, law and justice – but also material, and included the right to life and the right to work. Water was essential to those rights and should not be thrown on to the free market. Sufficient water treatment installations needed to be built to ensure access for all. The ALDE congratulated the rapporteur on her report and invited members to support it.

THE PRESIDENT. – Thank you, Mr Dupraz. I call Mr Vrettos.

Mr VRETTOS (*Greece*). – There is an old Greek proverb indicating that, if you do not highly commend your own home, it may fall on your head. Nevertheless, beyond my national duty and my sincere wish for my colleague's and dear compatriot's report to make a successful and rewarding journey all the way to Mexico, I want to warmly congratulate the rapporteur and the Committee on the Environment, Agriculture and Local and Regional Affairs of our Assembly for tackling this important issue – thus contributing to humanity's global motivation towards formulating sustainable water management policies, strategies and practices.

Water has been the most important and beneficial element for the birth of humanity, but it is now looking like the most critical and the most threatening for its end – its death – if we do not undertake serious, costly and well-integrated initiatives to break the illogical global practices and abide by new, well-grounded scientific rules and new patterns of use and management. I should also refer to our decisions to promote a renewed set of values that raise water to a democratic *sine qua non* element, which must be shared and enjoyed by every member of our global village.

I believe strongly in what I have already mentioned, so I fully support the human rights base of the approach by Mrs Papadimitriou, and I believe that the follow-up of our Assembly must be not only to vote and applaud, but to proceed to what is required to revise the Charter of Human Rights and its ratification by our member states.

Mr President, we have all the instruments to protect our lives' critical coefficient. And further, we have all the technological backing to restore the endangered structures that we need to function. We have all the information on the conditions on a global scale. We have already stated and restated our commitment to share water within the democratic context of a world of brotherhood and solidarity – a world that has already set a historic rendezvous with poverty's eradication and the implementation of

environmental agendas that will not only restore, but also found cohesive and integrated management practices, according to already adopted ecological criteria and objectives.

Mr President, dear colleagues, the report refers to, and reflects, the Council's triptych of aims. Democracy, human rights and the rule of law are at the heart of all the actions that need urgently to be taken and successfully implemented. Of course, for us as political representatives, it is a priority to use our values, our capability and our political will to look beyond short-sighted goals and serve future generations.

THE PRESIDENT. – Thank you Mr Vrettos. I call Mr Geveaux.

Mr GEVEAUX (*France*) said that water was the source of life, a political stake, and was sought after all over the world. The increasing price of water and an increase in pollution were serious problems. He thanked the rapporteur and commended her on her integrity and decency. He agreed with her conclusions that a decentralised model of water management was necessary. Since 1964, France had been developing its water management systems along those lines. There were now catchment areas for the collection and treatment of water and its distribution to all users, including the agriculture, residential and industrial sectors.

French law was inspired by the French revolution, which had asserted that waterways could not be owned by individuals; rather they were owned by the nation. He stressed that the decentralised model of water management was the optimal system. Since 1992, French municipalities had been responsible for the supply and treatment of water. One drawback to that system was that small authorities sometimes lacked the funding to carry out these functions properly. They could also be held responsible for incidents of pollution in their areas.

Turning to the question of water management in Europe, he emphasised the importance of co-operation between countries separated by a river border. For example, France was co-operating with Germany and Switzerland over the Rhine. That would improve water quality and reduce flooding. The rapporteur had suggested that there should be a "right to water" under the existing "right to health". He asked whether water was a right or an economic need. The answer to the problems was in part terrification and also more respect for the financial equilibrium of the sector. The Council of Europe needed to help developing countries and raise awareness more generally. The Council of Europe would be represented at the fourth world water forum and needed to play an active part in those proceedings.

THE PRESIDENT. – Thank you, Mr Geveaux. I call Mrs de Melo.

Mrs DE MELO (*Portugal*) congratulated Mrs Papadimitriou on her report. Water management was part of the issue of sustainable development which was important not only in Europe but throughout the world. It was particularly important that the Council of Europe should consider that matter because access to water was a human right. Despite that, 1.2 billion people did not have access to drinking water. She noted the forthcoming fourth world water forum, and said that the Council of Europe and its member states must genuinely commit to the millennium development goals for access to and treatment of water.

Portugal had been a democracy for thirty years. Water treatment installations had been developed throughout the country. Developing countries were in a difficult situation. Portugal had made the transition to democracy and now 99% of its population was supplied with water. Last year the Portuguese Parliament passed laws to enact the European Union technical directives for water management. However, practical implementation was another matter. Portugal needed to establish regional management of water basins and sustainable treatment. That required a long-term effort, which would be based on the recommendations of the report.

For many years, Portugal had suffered from periods of drought. Droughts were occurring more and more frequently and parts of Portugal were being affected by the expansion of the Mediterranean climate zone. Even the north of the country now suffered occasional droughts. Portugal needed to rationalise its use of water and curb some uses – for example, watering gardens. It also needed to consider waste water treatment, an issue which was only just starting to be dealt with. Users of water had to realise that water was a finite commodity and that water management was a shared responsibility in which all must play a part. Education was a vital part of that project, a message which she hoped the Council of Europe would take to the fourth world water forum.

THE PRESIDENT. – Thank you Mrs de Melo. I call Mrs Veenendaal. She is not here so I call Mrs Kanellopoulou.

Mrs KANELLOPOULOU (*Greece*) said that water was not just necessary for life; it was life itself. Water used to be an abundant, inexhaustible resource. That was no longer the case. There needed to be solid co-operation providing joint integrated management of water resources. Water did not stop at political boundaries.

It was unacceptable that 1.2 billion people in the world lacked access to safe drinking water, and 2.6 billion lacked access to basic sanitation. Three million people died each year from water-borne illnesses. There was a need to halve the proportion of people without access to safe drinking water and basic sanitation by 2015. That meant providing access to 300 000 people a day.

It was essential to follow the proposals mapped out in the rapporteur's excellent report. Countries must define national and institutional plans in order to achieve these aims. Co-operation was required between the private sector and all types of government institutions.

It was essential to recognise that water was an intrinsic right of each individual. Water management had to be transformed. She implored all members to participate in the fourth world water forum due to be held in Mexico.

THE PRESIDENT. – Thank you. Ms Hajiyeva and Mr Sandberg are not present, so I call Mr Mendes Bota.

Mr MENDES BOTA (*Portugal*) said that national resources were poorly distributed. There would be awful floods in some countries, while others suffered drought. He noted that 1.2 billion people in the world lacked access to safe drinking water, and 2.6 billion lacked access to basic sanitation. The people affected by those issues were mainly in the poorest areas of the world and would suffer from water-borne diseases.

Further discussions were clearly needed on this subject. Some 95% of the planet was covered in water and many people lived within 100 kilometres of the coast. There was a need to look at sanitisation of water, as old treatments for desalination were unacceptable. Reverse osmosis was a new process which had been created in the United States. It was encouraging that the United Kingdom, Israel, Spain, Singapore and other countries were investing in these desalination techniques.

How could it be right that European Mediterranean countries were expecting long droughts yet were right next to the sea? There needed to be an urgent review of the mentality of citizens regarding water conservation. It was crazy that golf courses and public parks, for example, were being watered with clean drinking water. There needed to be a new integrated system providing high-quality water for human consumption and a lower quality for other use. All new buildings should be fitted with two parallel supplies, one high quality and one lower quality.

It was essential to safeguard water for future generations.

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

Mr FALZON (*Malta*). – Water management is a prerequisite for sustainable development, because water is an environmental dimension of human rights. Water is intrinsically linked to other fundamental rights, such as the right to life, the right to food and the right to health, which would be impossible to realise without water. Governments should improve their efforts to meet basic needs and to accelerate progress towards meeting the millennium development goals. Although most countries have access to water, it is our shared responsibility to ensure that all countries have access to water.

Each and every dimension of the millennium development goals was discussed at the Commonwealth heads of government meeting in Malta in 2005. The link between sustainable development and human rights is clear. The protection of human life and living standards is a precondition for economic development based on social equity and respect for the environment. As was said at that meeting, "damage to the environment can impair and undermine all the human rights spoken in human rights instruments". It is unacceptable that 1.2 billion people in the world lack access to safe drinking water and 2.6 billion people lack access to basic sanitation. Moreover, 5 million people die from water-borne diseases each year.

The Council of Europe should strongly support consideration of the right to water as a fundamental human right, given the strong and close links between water and a number of basic human rights recognised in the European Convention on Human Rights and international treaties.

National water management is another important aspect to be considered in detail. We should insist on environmentally sustainable water management in both urban and rural areas. Water management is an issue for all the stakeholders involved, including the government, the authorities, users and the general public. The effective use of water in every country is a crucial task. A good strategy should be developed at national and international levels in order to have a common integrated approach.

It is also worth mentioning other sectors relating to water management such as health, the energy required for the provision and distribution of water for consumption, the energy that can be generated from water, and effective technology.

Ensuring water quality and appropriate management will play a very important role in the future sustainability of Europe's environment and key economic sectors such as agriculture and tourism. That is especially important as water is still being wasted through inappropriate irrigation practices and huge water losses in distribution systems. Most countries lose up to 30% of clean drinking water in their supply networks, a figure that in some cases can rise to 60% or more, as the report correctly states.

The Council of Europe should support the heads of state and government of member states who have expressed the commitment of their respective countries in the Warsaw Declaration and the 2005 Action Plan on everyone's entitlement to live in a balanced, healthy environment. That is crucial to improve citizens' quality of life.

I thank the rapporteur for such an excellent contribution.

THE PRESIDENT. – That concludes the list of speakers. I call Mrs Papadimitriou, rapporteur, to reply. You have four minutes.

Mrs PAPANIMITRIOU (*Greece*). – I sincerely thank all my colleagues for their great contributions to the debate on this report, not only at a technical level but in introducing deeply political ideas. I want to relieve the anguish of Baroness Knight of Collingtree on the danger of flooding. The committee has already accepted your amendment, which we will soon discuss.

All our colleagues made very interesting observations, although I cannot respond to all of them. I wish that we had had this discussion before producing the report, as it would have included most of the things that were suggested here, such as tying water shortage and misuse to certification and population issues. That is a good proposal and we will try to address it on our way to Mexico. I am happy to announce that the Greek chapter of the Mediterranean parliamentarians for water, who will be with us in Mexico, are already preparing a panel on water and terrorist risks.

I thank Mr Högmark, Mr Dupraz and my two Greek colleagues, Mrs Kanellopoulou and Mr Vrettos, for underlining very strongly the human rights base of our road to Mexico. I am sure that all levels in the pyramid of the Council of Europe will grant the world that great favour. The charter refers to a minimum level of quality of life. According to our committee, that does not quite make it. We should give priority to water by having an article declaring that water is a human right.

I thank you very much and hope that you will join your national delegations or the Council of Europe's delegation in terms of making our appearance in Mexico very dynamic in achieving our purposes.

THE PRESIDENT. – Does the Chairperson of the Committee on the Environment, Agriculture and Local and Regional Affairs, Mr Schmied, wish to speak?

Mr SCHMIED (*Switzerland*) said that water and water management formed a complex problem, and the solution was very much a question of approach.

He had visited a wonderful island in the rapporteur's country of Greece. On Santorini a dyke had been created around a vineyard. It had certainly been true that there was no wine without water.

The problems affected many different countries. Switzerland had suffered a water shortage and questions needed to be asked as to how such shortages could be avoided. Mrs Papadimitriou's arguments were correct. Much was expected from the forthcoming world water forum. It was hoped that the Council of Europe was well represented and would provide guidance for future action.

THE PRESIDENT. – The debate is closed.

The Committee on the Environment, Agriculture and Local and Regional Affairs has presented a draft recommendation to which one amendment has been tabled.

I remind you that speeches on amendments are limited to one minute.

We come to Amendment No. 1, tabled by Baroness Jill Knight of Collingtree, Mr Emanuelis Zingeris, Baroness Gloria Hooper, Mr Christopher Fraser, Mr David Wilshire, Mr Christopher Chope and Mr Ryszard Bender, which is, in the draft recommendation, after paragraph 11.4.3, insert the following sub-paragraph:

“ensure that house building projects, by both local authorities and the private sector, shall not take place on designated flood plains land.”

I call Baroness Knight to support Amendment No. 1.

Baroness KNIGHT (*United Kingdom*). – It is almost impossible to live without adequate domestic water supplies and with gallons of the stuff all over the place. The report rightly calls on governments to tackle the former; why not ask them to save us from the latter? Most governments strive to build more homes. Too often, they are uncaring about the dangers of building on flood plains, which are not immediately obvious to the naked eye and about which information, though available, is not easy to get. Consequently, thousands and thousands of our peoples have been financially and physically devastated. It seems right in dealing with water management to ask governments to protect people as well as to provide for them. I am extremely grateful for the committee's consideration.

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

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*) (Translation). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10772, as amended.

The vote is open.

The draft recommendation in Document 10772, as amended, is adopted.

8. 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 yesterday.

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 12.40 p.m.)

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7. Europe's contribution to improving water management

Presentation by Mrs Papadimitriou of the report of the Committee on the Environment, Agriculture and Local and Regional Affairs, Doc. 10772

Speakers:

Baroness Knight (United Kingdom)
 Mr Rakhansky (Ukraine)
 Mr Bockel (France)
 Mr Högmark (Sweden)
 Mr Dupraz (Switzerland)
 Mr Vrettos (Greece)
 Mr Geveaux (France)
 Mrs de Melo (Portugal)
 Mrs Kanellopoulou (Greece)
 Mr Mendes Bota (Portugal)
 Mr Falzon (Malta)

Replies:

Mrs Papadimitriou (Greece)
 Mr Schmied (Switzerland)

Amendment No. 1 adopted

Draft recommendation in Doc. 10772, as amended, adopted

8. Date, time and orders of the day of the next sitting