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20 June 2009

President's activities between the second and the third part of the 2009 Ordinary Session

Communication

President of the Assembly

1. Past meetings and visits

1.1. Congress on Council of Europe common legal space (Sevilla, Spain, 7-8 May 2009)

To mark the 60th anniversary of the Council of Europe, the Spanish Association of International Law Professors and the Universities of Seville and Huelva organised a congress on Council of Europe common legal space. Ms Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, opened the congress and Mr Marcelino Oreja, former Secretary General of the Council of Europe (in office between 1984 and 1989) delivered a keynote speech. I contributed by giving the closing speech, together with Mr Fuensanta Coves, President of the Andalusian Parliament.

1.2. 119th session of the Committee of Ministers of the Council of Europe (Madrid, 12 May 2009)

During this session, at the close of which Slovenia took over from Spain as Chair of the Committee of Ministers, the Committee, in particular, marked the 60th anniversary of the Council of Europe with a Declaration and adopted Protocol No. 14 *bis* to the European Convention on Human Rights.

During the session, the Ministers also decided to transmit to the Parliamentary Assembly for appointment to the post of Secretary General the candidatures of Włodzimierz Cimoszewicz and Thorbjørn Jagland, respectively sponsored by the governments of Poland and Norway. As a matter of fact, the Resolution that was adopted to that effect was the same as the draft that the Ministers' Deputies had adopted on 23 April 2009 for submission to the Ministers. It had prompted the Assembly to adopt its [Resolution 1665 \(2009\)](#) on the election process for the Secretary General of the Council of Europe, in which the Assembly had insisted that the Committee of Ministers should forward to it a list which would allow it to choose among the four existing candidates.

Reacting in my speech to these, and other items on the session agenda, I stressed the extremely positive assessment of our Organisation after its 60 years' existence. It should continue to respond appropriately to the constantly evolving realities and new challenges, while ensuring that our democracies do not yield to the temptation of sacrificing some of our values. I recalled the Assembly's favourable opinion on the Protocol 14 *bis* and said that the governments should bear in mind the Assembly's potential as a forum for dialogue, with a remit that extends to such complicated cases as the conflict between Georgia and Russia.

In reaction to the Ministers' decision regarding the election of the Secretary General, I said that although I had not had the chance yet to consult the Assembly, I could say that the parliamentarians were not going to like it, and that I was very much afraid that the majority of them would not accept a list which politically limited their choice. I felt obliged to inform the Ministers that their proposal posed a risk that there would be no election of the Secretary General in June. I insisted that we should all do our utmost to avoid such an institutional crisis,



or at least should all take our responsibilities in this context. I added that dialogue was the only way to guarantee proper institutional balance and efficient functioning for the Council of Europe, in a spirit of co-operation.

As promised during the Ministerial session, Mr Miguel Angel Moratinos, Chairman of the Committee of Ministers, sent me a letter elaborating on the election procedure for the Secretary General. He assured me that he had explored any possibilities to re-examine the draft Resolution of 22 April, but no possibility had been found, either during the informal consultations of his Ambassador with all interested delegations, or during the formal discussion at the 1055th meeting of the Deputies on 6 May 2009. In his opinion, the large majority by which the Resolution had been agreed left no doubt as to the position of the Committee of Ministers vis-à-vis the various proposed candidates. He informed me that the Ministers' Deputies had examined with care the proposals of two more candidatures, which however had been rejected after a vote. The Minister recalled that during the Ministerial session, one delegation had asked for a further examination of the issue, but only 7 delegations had expressed themselves in favour of such an initiative, whilst at least 24 were required.

On the other hand, as Mr Moratinos points out in his letter, the Committee of Ministers had responded favourably to several points of the Assembly [Resolution 1665](#), and was namely firmly in favour of the submission of female candidates. It was equally ready to examine a possible revision of the Regulations of 1956, "in a spirit of co-operation and dialogue with the Assembly, respecting the rules and the prerogatives of each organ".

Despite the negative developments during the Ministerial session in Madrid, which will be subject to further Assembly deliberations, I wish to thank Minister Moratinos for his personal commitment and his efforts, until the last day of his Chairmanship, to seek a compromise in the interest of our Organisation. I am confident that the dialogue would be pursued in the same spirit in the Slovenian Chairman of the Committee of Ministers.

1.3. 32nd Plenary Session of the CIS IPA and Nevsky International Ecological Congress (St. Petersburg, 14-15 May 2009)

On the occasion of the 32nd Plenary Session of the CIS IPA (Commonwealth of Independent States Inter-parliamentary Assembly), I conveyed a message on the prospects for a further deepening of co-operation between the CIS IPA and the Parliamentary Assembly on a full range of matters of common concern. The session was also an excellent opportunity to highlight the action of the Council of Europe over sixty years in steering the process of European integration.

Addressing the participants of the Nevsky International Ecological Congress, organised jointly by the CIS IPA and the Assembly, I stressed the importance of joint action to promote sustainable development and insisted on the need to inscribe the right to a healthy environment into the European system of human rights protection. This right could be anchored through an additional protocol to the European Convention on Human Rights. The Assembly will debate and might endorse this proposal during its autumn 2009 part-session.

On the margin of St. Petersburg events I also met Mr Sergey Mironov, Chairman of the CIS IPA Council and of the Council of the Russian Federation, in order to discuss the practical aspects of co-operation between CIS IPA and the Assembly.

1.4. Commemoration of the 60th anniversary of the Council of Europe and of the 20th anniversary of the accession of Finland to the Council of Europe (Helsinki, 18 May 2009)

Taking part in the ceremony organised by Eduskunta (the Finnish Parliament) to commemorate the 60th anniversary of the Council of Europe and the 20th anniversary of the accession of Finland to the Council of Europe, I highlighted this Organisation's major achievements and commended Finland's contribution to its work, as well as to the multilateral efforts in building bridges between the East and the West of Europe, in particular through the parliamentary action. I invited the participants to consider new ways that would enable the Council of Europe to assert itself more in the member states and on the international scene and welcomed the reflection launched in our Assembly concerning a need for an extended protection of human rights. In addition to fundamental civil and political rights explicitly laid down in the European Convention on Human Rights, these also comprise economic, social, environmental and cultural rights that are essential to human development and meaningful life in dignity. It is important to note that Mrs Tarja Halonen, President of Finland, and Mr Olli Rehn, European Commissioner responsible for Enlargement, participated in this event which took place in connection with the meeting of the Assembly's Committee on Economic Affairs and Development.

1.5. Official visit to Algeria (22-24 May 2009)

My official visit to Algeria, following the visit to Morocco in February 2009 and preceding the upcoming visit to Tunisia in early June 2009, took place in the light of the Parliamentary Assembly's [Resolution 1598 \(2008\)](#) envisaging the strengthening of relations with the Maghreb countries, which is also one of the priorities of my presidency.

In Alger, I had a most interesting discussion with the President of the Republic, Mr Abdelaziz Bouteflika. I also met the Prime Minister Mr Ahmed Ouyahia and the Minister for Foreign Affairs Mr Mourad Medelci. At the parliamentary level, I held several meetings with the President of the Council of the Nation (the upper chamber of the Algerian Parliament) Mr Abdelkader Bensalah; Mr Seddik Chiheb, Vice-President of the National Assembly and representative of the opposition, accompanied me throughout my visit.

Two particularly interesting moments during my visit were my discussion with Mr Farouk Ksentini, Chairman of the National Consultative Committee for the Protection and Promotion of Human Rights, and a lecture I gave at the headquarters of the Council of the Nation on the theme "common pathways of Europe and Maghreb" in front of an audience of parliamentarians and university representatives, with a session of questions-and-answers at the end.

A central and recurrent theme of my discussions in Alger was a new status of 'partner for democracy' to the Parliamentary Assembly, as proposed in the report adopted by the Political Affairs Committee on 28 April and which should be debated by our Assembly at the next part-session. I assured the Algerian authorities of the will of our Assembly to pursue the strengthening of parliamentary co-operation with the states of the southern Mediterranean, starting with the Maghreb. My interlocutors confirmed their interest in this subject whilst expressing their concern about unresolved crises in the region. According to the Algerian authorities, the Israeli-Palestinian conflict – the resolution of which called for a more active involvement of Europe – and the problem of West Sahara were complicating prospects for Euro-Mediterranean co-operation, from the Barcelona Process to the Union for the Mediterranean.

I explained to my interlocutors that a status of 'partner for democracy', as proposed in the draft resolution, would imply active participation of parliamentary delegations deemed as partners, whilst offering them flexibility as regards participating in activities of their choice (such as plenary sessions, committee meetings, etc.) in relation to their priorities and resources allocated. I also recalled the possibility for third parties to accede to the open agreements of the Council of Europe. Algeria, which is already a member of the Venice Commission and several other agreements, might consider joining the North-South Centre in Lisbon whose outreach activities towards southern neighbours of the Council of Europe recently took a new dimension.

In conclusion, I would like to say that the visit was very positive and that I received a cordial welcome, respectful of the Council of Europe, with a very open attitude to the possibilities of reinforcing co-operation between Algeria and our Organisation.

1.6. Official visit to Slovenia (28-29 May 2009)

On the occasion of the meeting of the Bureau and the Standing Committee in Ljubljana, I made an official visit to Slovenia, during which I talked to the President of the Republic, Mr Danilo Türk, the Speaker of the National Assembly, Mr Pavel Gantar, and the Minister of Foreign Affairs, Mr Samuel Žbogar. I also had the opportunity to greet the Minister of Justice, Mr Aleš Zalar, who attended the first part of the Standing Committee meeting, along with Mr Žbogar. These talks also took place in the context of the chairmanship of the Committee of Ministers, which Slovenia had just taken up.

In my opening speech to the Standing Committee and in my official talks, I pointed out that Slovenia symbolises Europe's remarkable transformation over the last twenty years. Furthermore, having held the presidency of the European Union in 2008, it is particularly well placed to co-ordinate the objectives of the European Union and the Council of Europe.

All of the people I spoke to showed considerable interest in the Council of Europe and its future. For example, President Türk, who had previously worked regularly with the Council of Europe and knows the organisation very well, saw its future political role as seeking joint responses to the new challenges that our democracies are constantly facing and complementing the European Union. The Minister of Foreign Affairs and Chair of the Committee of Ministers, Mr Žbogar, was very receptive and understanding about the issue of the election of the Secretary General of the Council of Europe, and attended the debate on the subject in the Standing Committee meeting. During our bilateral talk, he made a personal commitment to improving dialogue between

the Assembly and the Committee of Ministers. This assurance led in particular to a meeting between the Bureau of the Committee of Ministers and the Presidential Committee of the Assembly, held by the Minister in Brussels on 18 June.

Lastly, during my conversation with the speaker, Mr Gantar, I raised two questions of particular concern to the Council of Europe, namely the situation of Roma in Slovenia and the matter of persons erased from the list of permanent residents since 1992. The speaker described the Slovenian authorities' efforts to improve the situation of Roma, particularly in the education field. He also assured me of the current government's firm resolve to deal once and for all with the matter of "erased persons".

1.7. Official visit to Tunisia (1-3 June 2009)

I completed my series of official visits to the Maghreb countries with a trip to Tunisia. On this visit I was able to speak to the Prime Minister, Mohamed Ghannouchi, the Minister for Women, Families, Children and the Elderly, Sarra Kanoun Jarraya, the Minister of Justice and Human Rights, Bechir Tekkari, the Minister of Youth, Sport and Physical Education, Samir Labidi, and the Speakers of the upper and lower houses, Abdellah Kallel (Chamber of Counsellors) and Fouad Mebazaâ (Chamber of Deputies), having received a formal invitation from the latter.

All these people talked of the progress that Tunisia has been making in several spheres. Ms Kanoun Jarraya described the improvements in the status of women and Mr Labidi stressed how much emphasis Tunisian social policies placed on young people, as well as highlighting the problems that the authorities faced in this area. A particular problem was the incitement to religious fundamentalism disseminated by some of the modern media (satellite television and the Internet), which had a major influence on Tunisia's youth.

The main aim of the visit was to discuss with the Tunisian authorities the "partner for democracy" status with the Parliamentary Assembly of the Council of Europe, which will be debated during the June part-session. The southern Mediterranean countries could be among the first to request and possibly obtain this status. I pointed out, as I had done on previous visits to the Maghreb, particularly Algeria, that this status would allow the parliamentary delegations to take an active part in events, not just attend sessions. The Tunisian authorities showed considerable interest in increasing co-operation with the Council of Europe, at parliamentary level and possibly even at government level.

They are also resolved to link the development of their country with Europe and are looking for firm support in this respect from the European institutions. I would single out the appeal by the Speaker of the Chamber of Counsellors, Abdellah Kallel to "get off the beaten track of traditional international relations" so as not to "penalise countries which mark themselves out" by opting for a more modern approach. The human rights situation in Tunisia is still ambiguous: political and civil rights are not as well developed as economic and social rights. I believe, however, that stronger and more permanent links with our organisation may make the country more receptive to the values we endorse.

1.8. Meeting of the Presidential Committee and of the Venice Commission for Democracy through Law (Venice, 12 June 2009)

This joint meeting was held in accordance with the co-operation agreement between the Parliamentary Assembly and the Venice Commission, signed on 4 October 2004. It was the first joint meeting of this type since the agreement was signed, and both sides expressed a desire for such meetings to be held every year from now on, as provided for by the agreement. The participants agreed unanimously that the meeting was an ideal opportunity to pool ideas and experiences, and the rewarding debate that followed provided much evidence of this.

The main subjects were co-operation between the Assembly and the Venice Commission, particularly with regard to countries subject to the monitoring or post-monitoring procedure, co-operation on electoral issues, the new "partner for democracy" status planned for neighbouring countries interested in co-operating with the Assembly (proposed in a report by the Political Affairs Committee on the agenda of the June part-session of the Assembly), and the role and independence of the Venice Commission.

I highlighted the outstanding co-operation and complementary links between the Assembly and the Venice Commission. We have a shared objective and although we do not use the same tools, they complement and enhance one another. Several participants gave specific examples of cases in which the expertise of the Venice Commission, which is renowned for its high standards and independence, and political action of the

Assembly, have resulted in major positive changes in the member countries. The general feeling on both sides was that the Assembly and the Venice Commission should keep strictly to their own prerogatives and preserve their independence so that their joint activities could continue to yield positive results.

I also mentioned the fact that the Assembly now frequently involves a member of the Venice Commission in its observation missions as a legal adviser. Several participants emphasized that this shared experience offered yet more potential to enhance theories and practices on electoral matters.

I also addressed the Venice Commission at the opening of its 79th plenary session.

1.9. Official visit to "the former Yugoslav Republic of Macedonia" (16-17 June 2009)

In response to an invitation from the Macedonian Parliament, I made an official visit to "the former Yugoslav Republic of Macedonia" to assess the progress the country had made with democracy.

In the course of my visit I met the Speaker of the Parliament, the President of the Republic, the Prime Minister, the Minister for Foreign Affairs, the members of the Council for European Integration and the members of the Macedonian delegation to the Parliamentary Assembly. I also addressed the Parliament, giving messages of support to my Macedonian parliamentary colleagues. In my speech I stressed that, since its declaration of independence and its subsequent accession to the Council of Europe in 1995, the country had made constant progress with strengthening its democratic institutions, asserting the principles of the rule of law and securing effective protection for human rights and national minorities. I also underlined the active commitment of "the former Yugoslav Republic of Macedonia" to the European integration process. I said we were now proud of the progress "the former Yugoslav Republic of Macedonia" had made towards European integration, given that the country's democratic reforms, which had paved the way for the granting of European Union candidate status, had been supported by the Council of Europe.

I did however also say that the Macedonian authorities still had to address a number of issues in their efforts to consolidate democratic institutions. I called on the parliamentary majority and the opposition to continue with constructive political dialogue on these issues, with due regard for legitimate interests on either side. I stressed in this connection that the President of the Republic must help to facilitate a democratic debate that included all the political forces and ethnic communities in the country.

I said that the Ohrid Framework Agreement had established a sound basis for the development of a genuine multi-ethnic society in Macedonia and called on the authorities to continue their efforts to enhance and expand the legislative framework for the protection of the rights of members of national minorities. At the meeting with the members of the Council for European Integration, the authorities informed me of recent initiatives to that end, designed in particular to ensure appropriate political representation of minorities whose numbers were small in national terms. I said that the establishment of a special agency for minority rights was a step in the right direction and that the agency should now be equipped with all the resources it needed to carry out its tasks.

I drew the authorities' attention to the need to continue to reform the justice system and combat corruption, and to ensure effective implementation, in good faith, of the recommendations of the European Committee for the Prevention of Torture, particularly with regard to detention conditions in prisons. On this last point, I encouraged the authorities to step up the projects already under way, particularly by calling for external finance. Initiatives have in fact been taken to this end and the authorities informed me that they were in the process of negotiating a loan with the European Bank for Reconstruction and Development (EBRD) for the renovation of the Idrisovo prison in Skopje.

I also emphasised the need to develop good relations with all the neighbouring countries, in a spirit of constructive dialogue and respect for the interests of all parties, adding that, for dialogue to be effective, it was necessary to listen to the other party, understand differences of opinion and take account of legitimate concerns, while continuing to defend one's own interests constructively and diplomatically.

Lastly, with all those I talked to, I raised the question of preparations for "the former Yugoslav Republic of Macedonia"'s future chairmanship of the Council of Europe Committee of Ministers (May-November 2010), which would be very important for both the country and the Council of Europe. I assured the authorities of the Assembly's full support in this important exercise and stressed that all the political players should embark straight away on a frank and constructive dialogue so as to work together to establish the political priorities of the future chairmanship.

1.10. Ad hoc meeting of the Presidential Committee and the members of the Bureau of the Committee of Ministers (Brussels, 18 June 2009)

Mr Žbogar, Minister of Foreign Affairs of Slovenia and Chairman of the Committee of Ministers, invited the Presidential Committee to hold an *ad hoc* meeting with the members of the Bureau of the Committee of Ministers in order to discuss the question of the election of the Secretary General of the Council of Europe. Mr Žbogar took this initiative following my letter transmitting the statement on this matter adopted by the Standing Committee in Ljubljana and indicating the readiness of the Presidential Committee to meet him, if possible, before the Assembly's June part-session. At the meeting held in Brussels on 18 June, Mr Žbogar was accompanied by the Ministers of Foreign Affairs of Switzerland and "the former Yugoslav Republic of Macedonia", as well as Permanent Representatives of Sweden, Spain and Turkey to the Council of Europe. For the Presidential Committee, chairmen of the Socialist Group, the European Democrat Group and the Group of the United European Left were present, whilst the Group of the European People's Party and the Alliance of Liberals and Democrats for Europe were represented, respectively, by MM. van der Linden and Wille. The meeting, which lasted two hours, was held in the atmosphere of mutual respect and the two parties expressed their positions in a constructive way.

2. Press releases

1. PACE President: 'Reach agreement beyond political contingencies' (27 April 2009)
2. The 'never again' sworn by the founders has not lost its immediacy, according to PACE President (27 April 2009)
3. The Council of Europe at sixty: PACE President points to an 'extremely positive' record of achievement (13 May 2009)
4. PACE proposal to make 'a right to a healthy environment' enforceable under European human rights law (15 May 2009)
5. PACE President calls for "extended protection of human rights" in the member states (18 May 2009)
6. Official visit to Algeria: strengthen parliamentary relations (25 May 2009)
7. Slovenia 'a symbol of Europe's transformation' (29 May 2009)
8. Official visit by the PACE President to Tunisia (29 May 2009)
9. PACE President raises the future 'partner for democracy' status in Tunisia (4 June 2009)
10. Official visit by PACE President to 'the former Yugoslav Republic of Macedonia' (15 June 2009)
11. Council of Europe concerned about changes to media and NGO legislation in Azerbaijan (16 June 2009)
12. The "Former Yugoslav Republic of Macedonia": consolidation of democratic institutions must go forward (17 June 2009)

3. Speeches

1. Opening speech of the Second part-session of 2009 (Strasbourg, 27 April 2009)
2. Speech on the occasion of the 60th anniversary of the Council of Europe (Strasbourg, 27 April 2009)
3. Speech to welcome Mrs Tarja Halonen, President of Finland (Strasbourg, 28 April 2009)
4. Speech on the occasion of the award of the Council of Europe Museum Prize to the Zeeuws Museum, Middelburg, the Netherlands (Strasbourg, 28 April 2009)
5. Speech to welcome Mr Jose Luis Zapatero, President of the Government of Spain (Strasbourg, 29 April 2009)
6. Speech to welcome Mr Miguel Angel Moratinos, Minister for Foreign Affairs of Spain (Strasbourg, 30 April 2009)
7. Speech on the occasion of the Ministerial session commemorating the 60th anniversary of the Organisation (Madrid, 12 May 2009)

8. Message to the 32nd Plenary Session of the CIS Interparliamentary Assembly (St. Petersburg, 14 May 2009)
9. Speech at the Nevsky International Ecological Congress (St. Petersburg, 15 May 2009)
10. Speech delivered at the Commemoration Ceremony to mark the 60th anniversary of the Council of Europe and the 20th anniversary of the accession of Finland to the Council of Europe (Helsinki, 18 May 2009)
11. Speech delivered at the opening of the Standing Committee of the Parliamentary Assembly of the Council of Europe (Ljubljana, 29 May 2009)
12. Speech delivered at the opening of the 79th plenary session of the Venice Commission (Venice, 12 June 2009)
13. Speech delivered in front of the Assembly of the former Yugoslav Republic of Macedonia (Skopje, 16 June 2009)