



Doc. 11865 Part II

27 April 2009

Progress report of the Bureau of the Assembly and of the Standing Committee (30 January-27 April 2009)

Progress report

Bureau of the Assembly

Rapporteur: Mr Joachim HÖRSTER, Germany, Group of the European People's Party

1. Introduction

1. The Bureau met on 27 April 2009 in Strasbourg.

2. Functioning of the Assembly

2.1. Progress Report of the Bureau of the Assembly and of the Standing Committee (30 January-27 April 2009)

2. On 27 April, the Bureau approved the Progress report.

2.2. 2009 Second ordinary part-Session of the Assembly (27-30 April 2009)

3. On 27 April, the Bureau:

i. Requests for debates under urgent procedure

- a. *"Draft Protocol n°14 bis to the Convention for the protection of Human Rights and Fundamental Freedoms"* (requested by the Committee of Ministers): decided to recommend to the Assembly to hold a debate under urgent procedure on this matter and proposed to refer it to the Committee on Legal Affairs and Human Rights *for report*;
- b. *"The functioning of democratic institutions in Moldova"* (requested by the Socialist Group): decided to recommend to the Assembly to hold a debate under urgent procedure on this matter and proposed to refer it to the Monitoring Committee *for report*;
- c. *"The process of the election of the Secretary General of the Council of Europe"* (requested by the Group of the European People's Party): decided to recommend to the Assembly to hold a debate under urgent procedure on this matter and proposed to refer it to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for report*;

ii. Request for a current affairs debate

- a. *"The election process for the Secretary General of the Council of Europe"* (request addressed by the Group of the European People's Party): in case the Assembly were to decide not to hold a debate under urgent procedure on this matter, decided to recommend to the Assembly to hold a current affairs debate and to appoint Mr Gross (Switzerland, SOC) to open the debate;



iii. Draft agenda

- a. approved the updated draft order agenda;

iv. Joint Committee (Wednesday, 30 April 2009)

- a. decided to hold the discussion on "Consultation of the Assembly by the Committee of Ministers on the candidatures for the post of Secretary General of the Council of Europe" *in camera*;

2.3. Standing Committee (Ljubljana, 29 May 2009)

- 4. On 27 April, the Bureau took note of the preliminary draft agenda.

2.4. Meetings elsewhere than in Strasbourg and Paris

- 5. On 27 April, the Bureau authorised the following meetings:
 - a. Sub-Committee on the media (of the Committee on Culture, Science and Education): Reykjavik (Iceland), 27-29 May 2009;
 - b. Committee on the Environment, Agriculture and Local and Regional Affairs: London (United Kingdom), 11- 12 June 2009;
 - c. Social, Health and Family Affairs Committee: London (United Kingdom), 11- 12 June 2009.

2.5. Institutional representation of the Parliamentary Assembly in 2009

- 6. On 27 April, the Bureau appointed Mr Holovaty (ALDE, Committee on Legal Affairs and Human Rights) as substitute to the European Commission for Democracy through Law – Venice Commission.

2.6. Appointments of Assembly Representatives for official activities

- 7. On 27 April, in reply to formal invitations, the Bureau took the following decisions:
 - a. Mr Wille (Belgium, ALDE): First meeting of the Assembly network for contact parliamentarians, Istanbul (Turkey), 15 May 2009 (no cost for the Assembly);
 - b. Ms Hurskainen (Finland, SOC): Debate on Belarus at the meeting of the Standing Committee of the Congress of the Council of Europe, Brdo (Slovenia), 10 June 2009;
 - c. Mr Eörsi (Hungary, ALDE): 20th anniversary of the opening of the Hungarian-Austrian border, Budapest (Hungary), 27 June 2009 (no cost for the Assembly).

3. Elections

3.1. Constitutional Referendum in Azerbaijan (18 March 2009)

- 8. On 27 April, the Bureau took note of a memorandum prepared by the Head of the delegation present during the referendum, Mr Wille (Belgium, ALDE) (Appendix I).

3.2. Presidential election in "the Former Yugoslav Republic of Macedonia" (22 March 2009)

- 9. On 27 April, the Bureau approved the report of the Ad hoc Committee to observe these elections (Rapporteur: Mrs Pourbaix-Lundin (Sweden, EPP/CD)).

3.3. Parliamentary elections in Montenegro (29 March 2009)

- 10. On 27 April, the Bureau approved the report of the Ad hoc Committee to observe these elections (Rapporteur: Mr Gross (Switzerland, SOC)).

3.4. Parliamentary elections in Moldova (5 April 2009)

11. On 27 April, the Bureau approved the report of the Ad hoc Committee to observe these elections (Rapporteur: Mr Wilshire (United Kingdom, EDG)).

3.5. Parliamentary elections in Albania (second half of June 2009)

12. On 27 April, the Bureau:
- a. subject to receipt of an invitation, decided to observe these elections;
 - b. decided to set-up an ad hoc committee to observe these elections composed of 20 members, according to the "D'Hondt" system;
 - c. authorised a pre-electoral mission consisting of five members – one from each political group who were also members of the ad hoc Committee – on the understanding that it should take place approximately one month ahead of the elections.

3.6. Parliamentary elections in Bulgaria (June - beginning of July 2009, date to be confirmed)

13. On 27 April, the Bureau:
- a. subject to receipt of an invitation, decided to observe these elections;
 - b. decided to set-up an ad hoc committee to observe these elections composed of 20 members, according to the "D'Hondt" system.

3.7. Schedule of elections in 2009

14. On 27 April, the Bureau took note of the elections which will take place in 2009.

4. Other matters

4.1. Forum for the Future of Democracy (Kyiv, 21-23 October 2009)

15. On 27 April, the Bureau appointed Mr Daems (Belgium, ALDE) as general rapporteur of the Assembly for the Forum.

Appendix 1 – Presence at the constitutional referendum in the Republic of Azerbaijan (18 March 2009)

Memorandum prepared by the Head of the Delegation, Mr Paul Wille, Belgium, ALDE

22 April 2009

1. The Delegation of the Parliamentary Assembly of the Council of Europe, comprising Mr Paul Wille (Belgium, ALDE), Head of the Delegation, Mr Pedro Agramunt (Spain, EPP/CD), Mr Eduard Lintner (Germany, EPP/CD) and Mr Hakki Keskin (Germany, UEL), was in Baku from 16 to 19 March 2009 to assure PACE presence at the constitutional referendum on 18 March 2009. Representatives of the European Democratic Group (EDG) or the Socialist Group (SOC) of the Delegation were unfortunately not available for this mission.
2. The delegation's statement at the end of the referendum is set out in Appendix 1.
3. During its visit to Baku, the delegation met Mr İlham Aliyev, President of the Republic, Mr Ogtay Asadov, Speaker of the Milli Mejlis, the President and members of the Constitutional Court, Mr Mazahir Panahov, Chair of the Central Electoral Commission, the Azerbaijani delegation to the Parliamentary Assembly, representatives of the international community in Baku and representatives of political parties, civil society and the media. The programme of the visit is set out in Appendix 2. The delegation would like to thank the Speaker of the Milli Mejlis and the staff of the Council of Europe Office in Baku for the excellent organisation of the programme and for the support it received.
4. The purpose of the referendum was to seek approval for a number of amendments to the constitution, including a limited number of major reforms and a number of minor adjustments. The changes proposed were presented in the form of 29 questions, to which the voters could reply either yes or no.
5. Some of the proposed amendments constituted improvements to the current Constitution and others concerned more radical changes, for example the end of the restriction on the terms of office of the President of the Republic, the fact that presidential or parliamentary elections may not be organised when military operations are taking place during a state of war, changes to Chapter III of the Constitution relating to fundamental rights and freedoms, and local authorities.
6. On 14 March 2009, at the request of the Secretary General of the Council of Europe and of the Monitoring Committee of the Parliamentary Assembly, the Venice Commission adopted an opinion on the draft amendments submitted for referendum. In this opinion, the Commission considers, amongst other things, that the implementation of certain amendments to Chapter III could raise problems with regard to Article 10 of the European Convention on Human Rights, and in respect of local authorities, the Constitution should reflect the standards of the European Charter of Local Self-Government, ratified by Azerbaijan. The opinion contains the comments of the Authorities of the Republic of Azerbaijan.
7. In its conclusions, the Venice Commission acknowledged that some of the amendments undeniably constituted major improvements to the current Constitution and should therefore be welcomed. At the same time, it felt that there were reasons for concern, given the current situation in Azerbaijan. This applied mainly to the abolition of the limit of two terms of office for the President as this makes his position even stronger than it already is.
8. The Commission also believes that certain concerns expressed in the opinion could lose their relevance if appropriate legislation were enacted but that other constitutional reforms should be undertaken, in particular to ensure a more balanced division of powers between the different state authorities.
9. With regard to the organisation of the campaign, the Central Electoral Commission received 14 requests for accreditation from "campaign groups", only 9 of which were registered; 7 groups were finally authorised to campaign for or against the referendum. A limited amount of time was allocated to the campaign (only 28 days). The Central Electoral Commission had fixed three hours per week for the referendum campaign on radio and television. Finally over 3 million copies of an explanatory document on the referendum and its content were distributed throughout the country.
10. During the meetings with the representatives of the international community, NGOs and the media, the strongest criticism concerned the short time given over to public debate prior to the referendum. For example, each group finally only had an average of 10 minutes airtime on television to expose its views.

11. Some representatives of the opposition also challenged the very validity of the referendum, as they considered it anti-constitutional. As a result of this criticism, and the short deadlines and the short time given to the various campaign groups, some of the opposition parties finally decided to boycott the referendum.

12. On 18 March 2009, the day of the referendum, the members of the Delegation visited several dozen polling stations in Baku. They noted that the poll was well organised and that the members of the polling stations were well prepared for their task. There was also a high turnout and no incidents or demonstrations took place once the results had been announced.

13. Finally, at its press conference, the delegation said that the result of the referendum showed the willingness of the people of Azerbaijan to have greater stability and elements for further democratisation but stressed the fact that further reforms would be required to ensure a better balance of power.

Appendix 2 – Azerbaijani people vote positively, says PACE delegation present at constitutional referendum

Baku, 18.03.2009 – Following the decision of the Azerbaijani authorities to organise a referendum on the amendments to the Constitution of the Republic of Azerbaijan, the Bureau of the Parliamentary Assembly of the Council of Europe (PACE) decided to send a delegation to be present¹ during this referendum.

In this context, the delegation:

- recalls the decision of its Monitoring Committee to ask the Opinion of the Venice Commission, the Council of Europe's group of independent legal experts, on the amendments to the Constitution to be approved by referendum;
- shares the view that it might have been better to take the Venice Commission's Opinion into consideration before submitting the amendments to the vote;
- considers legitimate the use of a referendum, held according to the Constitution, for such important subjects. Meanwhile, the PACE delegation believes that more extensive discussion in the media would have better served the purpose of the referendum;
- shares the view of the Venice Commission that some amendments, undoubtedly, constitute important improvements to the Constitution and invites the Azerbaijani authorities to fully implement them;
- concludes that the result of the referendum shows the willingness of the people of Azerbaijan to have greater stability and elements for further democratisation, a better balance of power will nevertheless require further reforms in the future;
- notes that the vote, given the complexity of the referendum, was transparent, well organised and held in a peaceful atmosphere;
- calls for further improvement in the electoral process.

1. Members of the delegation:
Paul Wille (Belgium, ALDE), head of delegation
Pedro Agramunt (Spain, EPP/CD)
Eduard Lintner (Germany, EPP/CD)
Hakki Keskin (Germany, UEL)

Appendix 3 – Ad hoc committee present during the constitutional referendum in the Republic of Azerbaijan (18 March 2009)

Programme, 16-19 March 2009

Monday, 16 March 2009

- 09:00 Delegation Meeting
- 09:30-12:00 Political background
- Round table with:
- Ms Veronika Kotek, SRSG of the Council of Europe to Azerbaijan
 - Mr Manfredas Limantas, Political Officer, Delegation of European Commission to Azerbaijan
 - Mr Alexis Chahtahtinsky, Acting Head of the OSCE Office in Baku
 - H.E. Philippe Jottard, Ambassador of Belgium
 - H.E. Peer Stanchina, Ambassador of Germany
- 12:00-13.30 Lunch
- 14:00-15:00 Meeting with Mr Mazahir Panahov, Chairman of the Central Electoral Commission of the Republic of Azerbaijan
- 15:30-16:45 Meeting with Mr Ilham Aliyev, President of the Republic of Azerbaijan
- 17:00-18:00 Meeting with Mr Ogtay Asadov, Chairman of the Milli Mejlis of the Republic of Azerbaijan
- 18:10-19:00 Meeting with the Delegation of Azerbaijan to the Parliamentary Assembly of the Council of Europe

Tuesday, 17 March 2009

- 09.30-10:30 Panel discussion with NGO representatives
- International Foundation for Electoral Systems (IFES), Mr Dan Blessington
 - International Republican Institute (IRI), Mr Jake Jones
 - National Democratic Institute (NDI), Mr Arjen de Wolff
- 11:00-12:00 Meeting with the President of the Constitutional Court
- 12:30-14:00 Lunch
- 14:00-15:20 Meeting with representatives of political parties and of referendum campaign groups
- Yeni Azerbaijan Party(YAP), Mr Mubariz Gurbanli
 - “Law and Democracy” referendum campaign group, Mr Alimammad Nuriyev
 - *(invited but did not come: Azerbaijan Democratic Reforms Party / Unified Azerbaijan Popular Front Party / “Civil Society” referendum campaign group)*
- 15:20-16:40 Meeting with representatives of political parties and of referendum campaign groups
- Musavat Party, Mr Isa Gambar
 - Azerbaijan Popular Front Party, Mr Ali Kerimli
 - National Unity Movement, Ms Lala Shovket
 - Citizen and Development Party, Mr Ali Aliyev
 - Democratic Party, Mr Sardar Jalaloglu
 - Umid Party, Mr Iqbal Agazade
 - “Republicans” referendum campaign group
 - “Civil Movement for Garabagh and Republic”
- 17:00-18:00 Round table with representatives of the media and the civil society
- Association for Civil Society Development in Azerbaijan (AVCIYA), Mr. Maharram Zulfugarli

- For the Sake of Civil Society, Mr. Eldar Ismailov
- Election Monitoring and Democracy Studies Center (EMDS), Ms Ulviya Tahmazli
- Institute for Reporters Freedom and Safety (IRFS), Mr Emin Huseynli

18:00 Deployment

Wednesday, 18 March 2009

Presence during the referendum

21:30 Delegation meeting – coordination of the findings, preparation of the press statement

Thursday, 19 March 2009

12:00 Press conference