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AACR4.99
1403-27/1/99-ID130

AS (1999) CR 4
Provisional edition

1999 ORDINARY SESSION

(First part)

REPORT

Fourth sitting

Wednesday 27 January 1999 at [redacted] 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.

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 Schwimmer, Vice-President of the Assembly, took the Chair at 10. a.m.

THE PRESIDENT.- The sitting is open.

1. *Adoption of the minutes*

THE PRESIDENT.- The minutes of proceedings of the previous two sittings have been distributed.

If there are no objections I will take the minutes as agreed to.

I remind all members, before I go into the agenda, that this afternoon, from 3 p.m. to 6 p.m., we shall have another round of elections for vice-presidents. I ask members to remember that and to be present to vote. If members cannot be here, substitutes can replace them. Members will know that for the election of a vice-president there must be a minimum of 143 votes for a candidate.

2. *Georgia - membership application*

THE PRESIDENT.- The first item of business this morning is the debate on the report on Georgia's application for membership of the Council of Europe presented by Mr Davis on behalf of the Political Affairs Committee, Document 8275, with an opinion presented by Mr Kelemen on behalf of the Committee on Legal Affairs and Human Rights, Document 8296.

The list of speakers closed at 7 p.m. yesterday: 33 names are on the list, and 14 amendments and one sub-amendment have been tabled. In view of the time available and the number of speakers on the list, I propose that speaking time in the debate be limited to five minutes.

In order to finish at about 12 noon in time for the address by Mr Adamkus, President of Lithuania, we must conclude the general debate by about 11.30 a.m. to allow time for the reply and the votes.

Are these arrangements agreed?...

They are agreed.

I call Mr Davis to present his report. You have 10 minutes Mr Davis.

Mr DAVIS (*United Kingdom*).- It gives me great pleasure to present this report to the Assembly. It is usual for rapporteurs to end by thanking those who have helped them to prepare the report. It may be unusual, but I would like to begin by thanking Mr Nemeth, the Rapporteur for the Committee on Legal Affairs and Human Rights, who came with me to Georgia in April last year. I also thank Mr Kelemen, who succeeded Mr Nemeth as rapporteur for the committee and who came with me to Georgia in August. I thank also Mr Sich, our secretary, who accompanied us on these visits. Mr Kelemen and Mr Sich had a demanding job. They came with me to some rather difficult parts of Georgia. I appreciated their company and help during this mission.

I thank also President Schevardnadze and his ministers, Mr Zhvania, the President of the Georgian Parliament, and the Georgian delegation to this Assembly. Thanks are due also to all the political parties in the Georgian Parliament and the representatives of political parties outside that parliament, especially Mrs Gamsakhourdia, who is the leader of the Zviadists. Thanks should be extended also to President Abashidze from Adjaria, President Ardzinba from Abkhazia and President Chibirov from South Ossetia, all of whom gave a great deal of their valuable time and talked with me about Georgia's application to join the Council of Europe.

During our visits we met religious leaders, representatives of ethnic minorities, judges, lawyers, civil servants, journalists, trade unionists, representatives of human rights, non-governmental officers in Georgia, the Russian peacekeepers in Georgia, the UN observer mission, UN agencies, the Organisation for Security and Co-operation in Europe, the Red Cross and other relief agencies and a series of ambassadors from member states of the Council of Europe. We also met many people from all parts of Georgia whom we talked to about the admission of Georgia to the Council of Europe.

With two exceptions, everyone told us that they supported the admission of Georgia to the Council. One of those two exceptions was Mrs Gamsakhourdia, the leader of the Zviadists, whose husband was the former President of Georgia. She told us that her followers object to Georgia's admission because they do not accept Georgia's new constitution. The second exception was President Ardzinba and his supporters, who want their part of Georgia, Abkhazia to be recognised as an independent state. They object to Georgia being admitted on the basis of the internationally recognised borders of the country. Everyone else, from all political parties and organisations, told us that they supported Georgia's admission to the Council of Europe.

The unanimity among all political parties in the parliament was most impressive. We made a special point, of course, of talking to the opposition parties. They told us publicly and privately that they supported the admission. I pay tribute to the all-party way in which the Georgian Parliament approached this issue and made representations to us.

That does not mean that there are not serious problems in Georgia. There is widespread corruption among the police and the judiciary. There are many complaints about abuses of human rights and there is a serious refugee problem. There is an unresolved conflict in Abkhazia and there are unresolved issues affecting Adjaria and South Ossetia. Perhaps most serious of all, there is the tragedy of about 250 000 Meskhetians, who are Muslims. They were deported under the Soviet regime and scattered through the Soviet Union. Many of these people want to return to Georgia. All these issues are reflected in the long list of commitments that I have asked the Georgian authorities to accept if Georgia is admitted to the Council.

Let us be clear also about the progress that has been made in Georgia since independence as well as the progress that has been made since the restoration of law and order following the crisis of 1992. A pluralist democracy has been established. Parliamentary elections under the new constitution were held in 1993 and 1995. The Georgian Parliament is vigorously independent. It is much more independent than the United Kingdom.

Local elections were held in November, and, under the monitoring of the Congress of Local and Regional Authorities of Europe, they have been regarded as a success and a significant step forward. The reform of the legal system is well under way. New judges are being selected on the basis of examinations, and corrupt police officers are being weeded out and the rest are being trained by international organisations. An ombudsman has been appointed, and there is freedom of religion, freedom of expression and freedom to organise trade unions. According to women trade unionists, men and women are treated equally in matters of employment.

By admitting Georgia to the Council of Europe, we will not only recognise the progress that has been made, but will encourage further efforts. We can also help by making available the European Court of Human Rights and the monitoring procedure of the Assembly.

Colleagues will note one important feature of the list of commitments. Not only does the draft opinion recommend that monitoring should begin at once and not wait for a complaint, but against every commitment there is a period of time - months or years - which is the deadline by which the commitment must be met. Subject to an amendment tabled by Lord Judd, the Georgians have indicated that they accept the commitments and the deadlines. I urge the Assembly to give them a chance to make a reality of these promises.

Performance against the list of commitments contained in the draft opinion will be monitored. I also want to draw the Assembly's attention to one omission from the list. It does not contain a commitment to abolish the death penalty. That is a deliberate omission, because Georgia has already abolished it. Georgia has not waited to be admitted to the Council of Europe before abolishing the death penalty: it has done that for the best of all possible reasons. Georgia abolished the death penalty two years ago because it was right to do so. That was supported by parliament and by people outside parliament.

I have said that we should give the Georgians a chance to make a reality of these commitments. I look forward to the day when a Georgian chairman or rapporteur of a monitoring committee will come to Austria or the United Kingdom and will say, "I do not understand, Minister, why you cannot make this improvement in human rights. We have done that already in Georgia". Then, Mr President, you and I will lead the applause in Heaven.

THE PRESIDENT.- Thank you, Mr Davis, for your presentation.

I call Mr Kelemen to present the opinion of the Committee on Legal Affairs and Human Rights.

Mr KELEMEN (*Hungary*).- After reaching independence and going through a labyrinthine period of violence and ethnic clashes, Georgia is taking the path towards European structures. Recognising that the Council of Europe is an important defender of democracy based on the market economy, the rule of law and human rights, and recognising that those principles can lead Georgia to the ardently wished for stability and prosperity of society, Georgia applied for membership of the Council of Europe. For the sake of the stability of the whole continent, it is in our common interest that the values we declare should dominate in each state of our geographic area. Therefore, the experts and delegates of the Council of Europe examined the political and legal situation in Georgia. My task is to give

an opinion of Mr Davis's report on behalf of the Committee on Legal Affairs and Human Rights.

First, I should like to give a personal view. As a Hungarian whose country was under the same oppression for 40 years as Georgia was for 70 years, I deeply understand that the states of post-soviet territory undergo a harsh period of transition. It is easier to abolish the institutions of the soviet regime than it is to change patterns of human behaviour over 70 years. We found that the main obstacles to building a democracy are the mentality of the citizens and, above all, the red tape, which is a dominant part of the legacy of communism. Such problems are widespread in a transition from a state-oriented regime to a democracy based on private property. The task is like making boiled eggs from scrambled eggs. I emphasise and enumerate the problems from the point of view of minority rights and human freedoms, because I firmly believe that only a frank and open exposure of the problems can help the Georgian authorities on their way to democratisation. From my experience, the Georgians are generally open to criticisms that are intended to help them.

The main problem is corruption, particularly among the police and the judiciary. There is also a certain lack of democratic thinking. However, the measures for improving this situation are resolute and numerous, such as the reform of the judiciary system, the continuing examination of all judges, the transfer of responsibility for prisons from the Minister of the Interior to the Minister of Justice, the establishment of the Council of Judges, the appointment of an ombudsman and, last but not least, the increase in salaries of the police and the tribunal. The Committee on Legal Affairs and Human Rights, and especially its Sub-Committee on Human Rights, which visited Georgia last summer, found improvements in the conditions of detention. For that reason, in my document, I submit several recommendations concerning that.

Another momentum to be emphasised is the ethnic question. Although the only reference in the report concerning the representatives of the national minorities is the question of how to learn the Georgian language, it should be firmly stated that that is merely a side issue to the solution of the minority question, because the bloody confrontations were between areas belonging to different nationalities.

The report contains propositions that could lead to a reconciliation. To prevent future ethnic tensions, the Committee on Legal Affairs and Human Rights proposes the adoption of a law on minorities after the accession, based on the principles of Assembly Recommendation 1201 (1993). That will help to reduce the delay in enacting a law on minorities on the basis of Council of Europe principles.

Georgia is asking for our help, and is ready to fulfil the commitments and obligations of being a member state of the Council of Europe. Consequently, if Georgia fulfils the expectations of the Political Affairs Committee, which have been developed in our amendments, in the name of the Committee on Legal Affairs and Human Rights I support the recommendation that the Committee of Ministers invites Georgia to become a member of the Council of Europe.

THE PRESIDENT.- Thank you, Mr Kelemen, for presenting your opinion.

I call Mr Glotov who speaks on behalf of the Unified European Left.

Mr GLOTOV (*Russian Federation*) noted that his political group did not support the general approach taken by the Council of Europe to the accession of the Caucasian countries. He argued that there should be simultaneous accession. While he did not oppose Georgia's accession he did not see why it should be in the lead.

He said that his group was in favour of the admission of Georgia to the Council of Europe and the commitments listed in the report. He was able to agree to most of the recommendations. His group favoured the admission of as many states as possible as soon as possible. On the matter of Abkhazia, he thought there should be confederation or autonomy. On the Meskhetian question he considered that the populations supported by the soviet regime should be permitted to return to Georgia and to be granted Georgian nationality. He considered that peacekeeping would be a vital issue in the coming years and that armed conflict should cease. Although he had reservations, his group would not oppose the accession of Georgia.

THE PRESIDENT.- Thank you, Mr Glotov. I call Mr Demetriou, who will speak on behalf of the European People's party.

Mr DEMETRIOU (*Cyprus*).- The Assembly must today give Georgia the green light to join the Council of Europe. Georgia will soon become a member of this international organisation that has been in existence for half a century. Thanks to the meticulous work of the rapporteur, Mr Terry Davis, we believe that we are doing the right thing today. In adopting the report, the European People's party will vote for the accession of Georgia to the Council of Europe.

In the past few years, Georgia has taken preliminary examinations in the fields of democracy, the rule of law and human rights. Georgia scored successfully in those examinations, and, like other member countries, she will soon begin her ongoing main examinations on the above subjects. Georgia's impressive progress in the field of democracy in such a short time ensures that the country is moving at the right speed, on the right track, in the right direction. Georgia will be given limited time to amend any deficiencies.

Within a few years Georgia has been transformed from a one-party state into a pluralist society. She has managed to prevent her disputes with the Abkhazians and the Ossetians from escalating into civil war and bloodshed. We are certain that Georgia will be successful in her endeavours to solve the problems of those minorities peacefully. The Council of Europe will play a special role in that regard, and we are certain that it will perform its part in full. The Council of Europe will continue to monitor the situation in Georgia for a few years after its accession. That will give the Council the opportunity to prove that it is not merely a temple where democracy, the rule of law and human rights are worshipped.

Georgia's main task in developing and upgrading human rights and democracy falls on the shoulders of Georgians. The country will have a lot to do in the three years following its accession to the Council of Europe. We all hope that Georgia will meet the expectations of this Organisation, as listed clearly in Mr Davis's report. I suggest that Georgia should establish immediately an ad hoc committee with terms of reference to monitor and co-ordinate the implementation of the commitments referred to in the report's draft opinion.

Georgia's joy at her accession to the Council of Europe might turn to bitterness if the country fails to meet the standards required to protect human rights and democratic institutions. The Council of Europe will always stand by the Georgians in their struggle to protect and develop their democratic system and to extend human rights and the rule of law to all people throughout Georgia.

THE PRESIDENT.- Thank you, Mr Demetriou. I call Mr Atkinson, who will speak on behalf of the European Democratic Group.

Mr ATKINSON *(United Kingdom)*.- Mr President, it is always a pleasure to debate the accession of a new member state to the Council of Europe. It is a particular pleasure today that we are debating the accession of the first of the Caucasian states, especially for me - I cannot resist saying it - as I led the opposition to the Political Affairs Committee's recommendation, way back in 1994, that Georgia, Armenia and Azerbaijan should be regarded by us as Asian and not European and thus did not qualify for membership. Doing so would have been a grave error of judgment, as it would have been not only to ignore their geographical location west of the Ural mountains, but Georgia's and Armenia's experience in the heritage of early Christian Europe, far before most other countries. Fortunately, common sense prevailed.

I congratulate Terry Davis on a first-class report that is clear and concise and on his sensible recommendations, based on his two visits to Georgia last year. His entire approach as a rapporteur on an accession has been exemplary.

I should like also to congratulate Georgia on the determined way in which it has sought to overcome the immense problems it has faced since independence - including two civil wars, the burden of housing and feeding almost 300 000 refugees because of the civil wars, and the tremendous fall in the living standards of its people. That we are able today to debate its accession represents a great tribute to Georgia, and particularly to the courageous leadership of President Schevardnadze. It was the hand of God that saved him from assassination on the first occasion, in 1995 - which subsequently encouraged him to crack down on the militia and the mafia, from which order and stability have emerged, and to which the economy has responded spectacularly. A year ago, he was spared for a second time, so that he and his country may contribute fully to an ever-closer future in Europe, including this Assembly.

The European Democratic Group fully supports Mr Davis's draft opinion that Georgia has reached the standards necessary to justify accession. He was right not to allow the unresolved conflict with Abkhazia to delay accession. We agree with the undertakings that he proposes Georgia should accept. I feel bound, however, to point out that some of them have come before the Assembly before.

In September 1996, the Assembly adopted Recommendation 1305, in which we urged that Georgia should accede without delay to the 1951 Convention on Refugees and its 1967 Protocol - we repeated the request twice in June 1997 - and in which we included an appeal to Georgia for the return of the Meskhetian Turks. Neither of the two recommendations have been implemented. Today, we expect Georgia to be committed to them as a condition of membership.

Following Georgia's accession, I believe that it is vital that we should maintain our intergovernmental co-operation and provide it with every assistance. I hope that the European Union will do the same.

I believe that we can do more to help to break the deadlock with Abkhazia, and perhaps we can persuade Terry Davis to develop further his proposals in paragraph 33 that will encourage Mr Ardzinba to accept that a new era begins for Georgia today, upon accession, that applies equally to the people he claims to represent in Abkhazia.

I hope that we shall continue to encourage all three Caucasian states to pursue Recommendation 1119, which we passed in April 1997, on conflicts in the Transcaucasia, and in which we urged them to establish an inter-parliamentary assembly in which their outstanding disputes can be resolved peacefully and practically in the spirit of mutal co-operation, from which so much progress can follow for all their peoples. I believe that that approach represents the long-term path to peace in the Caucasus. I am aware that Georgia is pursuing that path and I am encouraged that Armenia is now interested in doing so. I appeal to Azerbaijan to do the same.

Upon its accession to the Council of Europe, I shall look forward to Georgian leadership in promoting the principles of our Assembly in the Caucasus, including its neighbour Chechyna. On behalf of the European Democratic Group, I urge the Assembly to give Georgia the fullest possible support for its accession today.

THE PRESIDENT.- Thank you, Mr Atkinson. I call Mrs Durrieu.

Mrs DURRIEU (*France*) said that Georgia was seen as existing on the border of Europe and Asia and was subject to Persian, Arabic, Muslim, Christian and Russian influences. It was true that Georgia was located at a crossroads, but it had always been part of Europe. Georgia was a pluralistic society which respected minorities, and it had abolished the death penalty two years ago.

When the USSR collapsed the Georgian economy fell into difficulties. It was improving despite a background of armed conflict and mafia style activities. The country was striving for political stability. In 1992 the country was isolated and riven with conflict, but Mr Shevardnadze had come to power and seven years later it was much more stable. An assassination attempt on him had fortunately not succeeded.

In Abkhazia and Ossetia there had been attempts at secession but Georgia was applying the principles of federalism to deal with that.

The excellent report included commitments which Georgia would have to meet within short timeframes. The population, under Mr Shevardnadze's leadership, had the will and capacity to deal with their problems. Georgia had responsibility for stabilising its own situation and also that of the transcaucasian region. Federalism represented the future for the region, which was vitally important for the stability of Europe as a whole. It would be a good thing to heal the wounds in Georgia and the transcaucasus.

The leader of the Georgian delegation had asked her why Georgia's problems had occurred, since previously Georgia had existed in peace. She could only reply that solidarity, hope and trust in the future were the answers.

THE PRESIDENT.- Thank you, Mrs Durrieu. I now call Mr Muehlemann, who speaks on behalf of the Liberal Democratic and Reformers' Group.

Mr MUEHLEMANN (*Switzerland*) said that his group supported Georgia's application on the grounds that Georgia belonged to Europe, and was part of Europe's history. Anyone who had visited Georgia frequently would be aware of the huge progress made in the human rights arena. Georgia had abolished the death penalty before any international pressure had come to bear upon it. Thanks to President Shevardnadze, peace and security had been maintained, and the Council of Europe could now bring Georgia on board without reservation.

Georgia's economy was in a lamentable state, however, and greater investment and a new legal order were needed. Tourism would provide Georgia with a golden opportunity, and he encouraged all delegates to holiday in the country. Local conflicts were ongoing, but peaceful bridges were being forged, thanks to the efforts of, among others, President Shevardnadze and the Assembly of the Council of Europe. The President had been unrelenting in his efforts to pursue dialogue, and he was optimistic that solutions to Georgia's problems would be found.

He expressed the hope that the whole of the transcaucasus region would eventually accede to the Council of Europe, but first the refugee problem must be solved. Georgia should help Armenia and Azerbaijan; perhaps, as Mr Atkinson had suggested, a joint assembly of the three countries should be set up. He expressed concerns about the potential for conflict in the region, and stated that Russia had to be warned against creating an oil conflict.

He concluded by congratulating Georgia on its forthcoming accession to the Council.

THE PRESIDENT.- Thank you, Mr Muehlemann. I now call Mr Toshev.

Mr TOSHEV (*Bulgaria*).- I would like to say from the beginning that the accession of Georgia to the Council of Europe will turn the Black Sea politically from a border to an inner sea of Europe. No doubt, that will have a positive effect on regional co-operation in this part of Europe. I sincerely hope that our positive vote for Georgia will be the beginning of a fair competition, in which Armenia and Azerbaijan will be involved until, one day, a new Caucasian Benelux will come into being. That would have a profound effect on the stabilisation of the region, which has yet to play an important role in the many economic projects connected with central Asia. Therefore, the successful development of that part of the continent is of great significance not only to the countries in the region, but to the whole of Europe.

On the question of the disputed territories, I recommend our colleagues carefully to study the respective European experiences - and, in particular, the case of Andorra, which is a member of the Council of Europe. While discussing Georgia's wish to become a member of the Council of Europe, I must not miss the opportunity to mention Mr Terry Davis's excellent report. It is an admirable piece of work and I wholly support it.

It is clear that Georgia now has to assume many obligations and fulfil them in order to meet all the requirements for membership of our Organisation. It is, perhaps, a long list of

commitments and obligations, which mean that Georgia will, almost immediately, come under the monitoring procedure. I am sure that, with the help of our joint efforts and with good will and willingness from our Georgian colleagues - together with the expert support of the Council of Europe - there will be satisfactory results.

However, I want to warn our colleagues about one typical mistake that has already been made in other countries, namely, to use the monitoring procedure in the inner struggle between the ruling party and the opposition. The impending reforms are of interest to the whole country, not only to this or that party. That is why there needs to be consensus if the reforms are to be successful.

I will vote in favour of the accession of Georgia to the Council of Europe. I am sure that we will all welcome this new member of our European family and will encourage and support it all the way to complete integration. Georgia will not be alone on that road, because we stand next to it.

THE PRESIDENT.- Thank you, Mr Toshev. I call Count Eltz.

Count ELTZ (*Croatia*).- I had prepared a number of valid arguments in support of the accession of Georgia. However, virtually all of them have already been cited by the rapporteurs and subsequent speakers. That leaves me with very little to add. Taking the floor in this august circle is justified only when something substantially new can be presented. Therefore, I shall simply congratulate the rapporteurs on an excellent report, strongly support their position and hope to go on record for the shortest speech of the day.

THE PRESIDENT.- We are grateful to you, Count Eltz. I call Mr Jaskiernia.

Mr JASKIERNIA (*Poland*).- I wish first to join colleagues in their congratulations to Mr Davis on his superb report on Georgia's case. My congratulations are not merely cosmetic, because for the first time we have a report dealing not only on the merits of the case but with precise deadlines. All the expectations are precisely addressed. The failure of the previous reports, which we noticed in the Monitoring Committee, was that they did not address precisely when the countries expected what. This report is precise and ambitious, possibly too ambitious. However, Mr Davis told us that the proposals were agreed with the Georgian Government and we will follow their progress through the monitoring procedure.

I also wish to congratulate Mr Kelemen on his opinion on behalf of the Committee on Legal Affairs and Human Rights. Although Mr Kelemen was not present for the visit by the Sub-Committee on Human Rights to Georgia, I can confirm, as the chairman of the sub-committee, that all our main findings were included in his report. We wish to stress the situation in prisons and in police detention centres and the problems of corruption. We also wish to stress the need for progress in those areas.

I wish to pick out one aspect of Mr Kelemen's report, which is the serious situation of Mr Petre Gelbachiani. That gentleman was approached in prison, as he demanded, by our colleague Mr Kevin McNamara in the name of the Sub-Committee on Human Rights, and immediately after the meeting Mr Gelbachiani was attacked by fellow prisoners and wounded in many places on the face and neck, apparently with a razor. The Georgian authorities explained that there had been an argument between the prisoners, but we expect the Georgian authorities to clarify the situation precisely. We cannot tolerate a situation in which those

individuals who are brave enough to ask for a meeting with representatives of the Council of Europe risk their health. The attack might have been only a coincidence, but, because it happened immediately after the meeting, we should investigate it.

Our impression of the visit was that the majority party and the opposition felt that Georgia should become a member of the Council of Europe. The opposition even suggested that membership of the Council of Europe would provide leverage to change matters. I stress that we should emphasise Georgia's obligations, but we should also think how we can help Georgia. After all, to change the judicial system, the situation in prisons and the problem with corruption will require the co-operation of the Council of Europe. Georgia needs new resources, conferences and experts to visit the country. Some new democracies have accused the Council of Europe of not caring about their situation and we should share resources with those countries to help them to change.

I hope that Mr Davis will, at some point, address the situation of homosexuals in Georgia. I know that that issue was not addressed on his visit, but we should mention homosexuals officially to ensure that their treatment measures up to the standards of the Council of Europe.

This is a historic day for Georgia. The state used to be in Europe and it has a European feeling. It is proud of its culture and knows that being a member of the Council of Europe is a historic achievement for its people, *vis à vis* its neighbours and given the international situation. We should congratulate the delegation to the Parliamentary Assembly, the people of Georgia and the President, who met the sub-committee and the rapporteurs. We hope that Georgia will fulfil its obligations, because it is not in the interests of the Council of Europe or the people of Georgia that it does not do so. It is always a great day for our Organisation when we admit a new country and Georgia will be an important member of the Council of Europe.

Mrs MARKOVIC-DIMOVA (*"The former Yugoslav Republic of Macedonia"*) commended Mr Davis on his report. She considered that Georgia had always been part of Europe and felt that the time was ripe for its re-integration. She noted the areas on which further work was needed and considered that, with the Council of Europe's assistance, the targets set by the committees were achievable. The accession of Armenia and Azerbaijan would strengthen the process of re-integration in that region, which was historically part of Europe.

THE PRESIDENT.- Thank you, Mrs Markovic-Dimova. I call Mr Vishnyakov.

Mr VISHNYAKOV (*Russian Federation*) compared the undertakings imposed on Georgia with those which had applied to the Russian Federation on its earlier accession to the Council. He congratulated Georgia on agreeing a more realistic and achievable set of objectives than had been negotiated with Russia. He noted the continued existence of conflict in Georgia but argued that there was no reason to see the Russian Federation and Georgia in confrontation. It was wrong to say that the 70 years of communism had been 70 years of strife and that Georgia had been oppressed - as had been wrongly suggested by Mr Kelemen.

He said that Georgia had been stable, peaceful and with a developed economy. There was some instability, caused by external pressure, possibly from the south. He favoured the

early accession to the Assembly of Armenia, Azerbaijan, Belarus and Yugoslavia. If the latter had been admitted it might have been possible to avoid the troubles in Kosovo. The accession of Georgia to the membership of the Council of Europe made possible a return to stability and peace. He also hoped that Georgian sporting teams would once again be able to compete internationally.

THE PRESIDENT.- Thank you, Mr Vishnyakov. I call Mr Saakashvili.

Mr SAAKASHVILI (*Special Guest from Georgia*).- Winston Churchill spoke of Europe as of men and women of every country thinking of being European and of belonging to their native land. For Georgians, Europe starts at home in our history. My country was born as a European state, but for centuries the dividing gaps became larger and for long periods Georgian statehood survived only as a historic memory. However, we preserved our instinctive longing for freedom. A set of values helped us to survive. We recognise that those values are not confined to our homeland. They are, of course, shared by many other peoples. It was that knowledge that made those values strong and difficult to defeat.

Many generations of Georgian statesmen tried to realise a historic European dream of reuniting with Europe as a guarantee of Georgia's independence. These efforts were unsuccessful. Indeed, centuries elapsed before we tried again. It seemed that again we would be unsuccessful in this century after our dream of freedom and an independent democratic Georgian republic were shattered in the 1920s by invading Russian Bolshevik armies. However, here we stand, in 1999, at the entrance of the Council of Europe, as a first step of accession to the greater Europe. It took us eight long years to arrive here. We emerge from having been almost a failed state to engage in democratic institution-building.

Over the past few years we have taken our legal system away from our totalitarian heritage. We have done so with the new constitution which is based on checks and balances. We have a new civil and penal procedural code. One of the most radical reforms was to remove from the judiciary its control of political parties. We have abolished the death penalty, a measure which was supported by the majority of our people. This is all described diligently and honestly by the two reporters and by the report of eminent jurists.

We still have a long way to go. A beautiful part of our land, Abkhazia, is outwith the control of central government. It was devastated and depopulated as a result of the "ethnic cleansing" of a majority of its population. Hundreds of thousands of Georgians are still under tremendous outside pressure from politicians and generals, who still keep dreaming about their imperial backyard, exclusive zones of influence and the right to tell us which way to go and what to do. This and the inertia of our internal demons makes certain that our achievements are reversible. While our legislation is in conformity with the European convention, we have discovered that sometimes there is a long gap between adopting new laws - especially truly reformist ones - and their implementation. We have also discovered how important it is to have a free media and non-governmental organisations. We need your help, colleagues, and your constant attention during the monitoring process, which itself will help us to build a really open and transparent society that is based on the rule of law.

Georgians are not simply European; we are enthusiastically European. Entire generations grew up learning European languages and understanding the culture of other European countries without having even a slight chance of visiting the rest of Europe. Why was that? To us, Europe is not merely a place to visit. To us, it represents an ideal of

national independence and free development. Being European, for a Georgian, means being very proud of our identity and ancestry, as other Europeans are proud of theirs. Being European means being tolerant and understanding towards other cultures, as Europeans should be. Being European means learning from others but also teaching others by imparting our knowledge.

This is certainly a historic day for us. For the past two and a half years, we Georgians have spoken only English and French in the hemicycle. That being so, I want my colleagues to hear a few words in Georgian.

(The speaker continued in Georgian - no translation available)

(*The speaker continued in English*) Georgia is coming back to where is belongs, to a democratic, free Europe. This is happening thanks very much to the efforts of members of the Assembly. Thank you very much for being patient, strict and friendly at the same time while helping us along our path. We have one more request before accession: please embrace and welcome us into the big and democratic family of the Council of Europe. Let us help one another to be good Europeans in the coming century, which will be one of great challenge.

THE PRESIDENT.- Thank you, Mr Saakashvili. I call Mr Rizzi.

Mr RIZZI (*Italy*) said that he had visited Georgia in 1995 and had met Mr Shevardnadze. He stayed for several days, met many interesting people and had visited many places. There was a sense of concern, but he had been impressed by the people's humanity, hospitality and dignity.

He said that the Georgian people recognised that there was a price to pay for change. They wished to secure a better quality of life and although the road ahead was not easy he had left with the view that they would succeed.

He commended the rapporteurs on their excellent report. Some might doubt Georgia's ability to deal with its problems but he had seen the glint of determination in people's eyes. He commended the strong and generous Georgian people and their President.

THE PRESIDENT.- Thank you, Mr Rizzi.

I call Mr Tekir.

Mr TEKIR (*Turkey*).- I should like to congratulate Mr Davis on a meticulously prepared report. Georgia is one of our important neighbours and a new valuable partner for us in the democratic world. We are glad that Georgia, a former soviet republic, has taken its rightful place in international forums as an independent and sovereign state, having advanced rapidly and successfully through the transitional process. The parliamentary elections in 1995 and the local elections in November 1998 show that Georgia is successfully making the transition to a democratic state. They contributed to the reform of the state based on the rule of law, pluralism and democracy.

We are all aware that Georgia experienced some internal disturbances arising from the armed conflicts in the autonomous republic of Abkhazia and the autonomous region of Ossetia. That was one of the main obstacles impeding the process of reform. The Georgian

Government must be sensitive in its relations with the people who live in Abkhazia, Ossetia and Adjaria. It should remove the embargo on Abkhazians, and provide food and subsistence facilities to those people.

I believe that the Georgian Government will take all the necessary steps to solve the Abkhazian conflict, because that conflict may adversely affect the other regional disturbances in western Georgia. I believe that Georgia will not hesitate to settle those conflicts by peaceful means, acknowledging that that is a prerequisite to becoming a democratic state. I welcome Georgia's efforts to use peaceful means, and encourage Georgian authorities to continue and to enhance those efforts to find a permanent political solution through negotiation. We also urge the Abkhazian leaders to establish and maintain a dialogue with the Georgian authorities, and to contribute to the elaboration of a reasonable settlement within the territorial integrity of Georgia. I believe that Georgia has the competence to fulfil the conditions to becoming a member of the Council of Europe. Georgia's full membership will strengthen its resolution to continue the process of reform in order to become a reliable democratic state.

In line with the decision reached at the special meeting of the Committee of Ministers in Istanbul in December 1992, the membership applications of the other two Caucasus countries - Azerbaijan and Armenia - should be subjected to an identical timetable. The peaceful resolution of the Nagorno-Karabakh problem should be a prerequisite to the simultaneous accession of those countries.

Before I conclude my remarks, I should like to draw this honourable Assembly's attention to the situation of the Ahiska people, who are regrettably referred to as Meskhetian Turks in the report. I want to express my regret at the attempt to define them as Muslim Georgians in Mr Kelemen's opinion. These proud people, whose mother tongue is Turkish, were deported from Georgia to Siberia and central Asia by Stalin in 1944. Although all other deported peoples of the former USSR have returned to their homelands, the Ahiska people still remain the only ethnic minority who have not obtained their right to return to their original homeland in the south-west region of Georgia.

We shall closely follow the situation of the Ahiska people. Their repatriation and integration, including the right to Georgian nationality, will be monitored carefully. It is not acceptable for the fate of the Ahiska people to be impeded by bureaucracy and resistance from certain municipalities. We are willing and ready to help Georgia find a just and equitable solution to this human issue.

THE PRESIDENT.- Thank you Mr Tekir.

I call Mr Solé Tura.

Mr SOLÉ TURA (*Spain*) congratulated the rapporteurs. It was the first day of a new phase, indeed the final phase in the definition of the European space. By drawing in the three countries of the transcaucasus the political map of Europe would be completed. Georgia represented an example of how enormous historical differences could be overcome in a commendable way. Whatever the difficulties, he was sure Georgia would succeed. He had visited Georgia and had noticed the positive situation of the minorities there. However, there were still major issues, such as the presence of the three communities of Ossetia, Abkhazia and Adjaria. The latter was not an autonomous entity, but the final outcome of the former

two conflicts was not yet clear. The accession of Georgia to the Council of Europe would send a signal to Abkhazia that its secession was unacceptable.

The Council of Europe would not agree that Abkhazia should become an independent republic. He called for stability and stated that "asymmetrical federalism", as espoused by President Shevardnadze, was a good way to proceed. He reiterated that any secession of Abkhazia or South Ossetia would be unacceptable, as it would disrupt the stability of a complex region. That region was moving towards a resolution thanks to Georgia's involvement in the Council of Europe.

THE PRESIDENT.- Thank you, Mr Solé Tura. I call Mrs Gogoberidze from Georgia.

Mrs GOGOBERIDZE (*Special Guest from Georgia*) thanked Mr Davis and the others who had contributed to the report. She said that Georgia accepted the commitments included in the resolution, and understood how vital it was that they be met. It was the first occasion that the door of Europe was opening to Georgia; Georgia wished to inhabit a small room within the house of Europe, and to contribute positively to its architecture. Georgian people thought of themselves as European, because of their common shared values of tolerance and democracy, and dreamed of becoming part of Europe's cultural identity.

Europe without dividing lines was a beautiful objective, and it could be realised because of the strength and dynamism of Europe's common values. Europeans were learning that their similarities were greater than their differences. In the past, racism and xenophobia had reigned in Europe because the common European conscience had been too timid.

Moving away from the doctrine of spheres of influence would increase the dignity of small countries. She expressed the hope that that doctrine would not rise again; indeed, if the vision of Europe without dividing lines were to be realised, the doctrine would fall.

Georgia had been too naive at the outset of its transition; it was not enough simply to state one's objectives and try to resolve problems alone. Bloody local conflicts had undermined Georgia's economy, had created refugees and led to a rise in nationalism. She hoped that European institutions would come to a better understanding of the situation, and see separatism as dangerous. A Georgian philosopher had said that if one believed in the martyrdom of 2 000 years ago, one must understand that suffering still exists and act upon that understanding.

THE PRESIDENT.- Thank you, Mrs Gogoberidze.

Unfortunately, I must now interrupt the list of speakers. I remind members who are on the list and present in the Chamber but who have not been able to speak that they may submit their speeches in writing, in a final and legible form, at the end of the debate for publication in the official report.

If the Committee on Legal Affairs and Human Rights wishes, I shall call Mr Kelemen to give the opinion of the committee. He has two minutes.

Mr KELEMEN (*Hungary*).- We give overall support to Georgia's accession to the Council of Europe, but there are also weighty problems. I thank members for their objections, but, as Mr Jaskiernia outlined, I believe that the problems have not been swept

under the carpet. Mr Vishnyakov agreed with me that 70 years of Soviet rule was not conducive to establishing and building democracy in Georgia. However, the eastern European states that were admitted to the Organisation also had many deficiencies. The main thing is Georgia's commitment to the common values of the Council of Europe. Mr Davis's report outlines a series of requirements for Georgia, and the Georgian Government must take steps towards democratic reform.

My committee is in favour of the process of democratisation. However, we must control Georgian officials during that process, while honouring the enthusiasm for Europe, which Mr Saakashvili expressed brilliantly.

THE PRESIDENT.- Thank you, Mr Kelemen. I call Mr Davis, rapporteur, to reply to the debate. He will have seven minutes. I should remind him that, if the committee chairman would like to speak, he will have to share the time with him.

Mr DAVIS *(United Kingdom)*.- Thank you very much, Mr President.

I am very grateful for the support that has come from all political groups in the Assembly. Perhaps I should explain that the Socialist group did not appoint an official spokesman to speak for them, and thought that it was enough for me to speak for them without someone else expressing a socialist point of view.

I am grateful to colleagues who visited Georgia and spoke from personal knowledge. One of the Russian members and Mr Muehlemann reminded us of Georgia's cultural and religious history, and they were absolutely right to do so. I took particular care about whether there is religious freedom in Georgia today. I made a special point of going both to the mosque and the synagogue to ensure that Muslims and Jews did not feel any discrimination in Georgia. I must say that, particularly at the synagogue, I was greeted with expressions of disbelief that I might even suspect that there is anti-semitism in Georgia. Therefore, I can report 100% satisfaction on that front.

I am grateful also for the support that came particularly from Turkish and Russian colleagues. They, as Georgia's neighbours, know the situation in Georgia well. In response to Mr Vishnyakov, who made an interesting speech to which I shall refer later, I should say that when I was in Georgia, I heard no resentment against Russians, as remarkable as that might be. After all, Georgia was occupied by the Soviet Union and Russia over a period of more than 70 years. There was a statue in the centre of Tblisi - I believe that we can discover much about people by seeing to whom they erect statues - and, when I asked about it, I was told that it was a Russian poet who campaigned for democracy and was exiled to Georgia by the tsar. They said that they respected him as a poet and a democrat, and the fact that he was Russian was irrelevant.

As no one Russian has mentioned it in the debate so far, I should say that I believe that Russians should take more credit for the achievements of the Russian army in South Ossetia, where it has definitely made the peace in co-operation with Georgians and South Ossetians. That was the view also of Georgians and South Ossetians. After what many members have said in previous years in criticising the Russian army, we should give credit where it is due, and great credit is due to the Russian soldiers who worked in South Ossetia to achieve peace and reconciliation. I tell Mr Glotov that autonomy is a matter for negotiation.

It is a word that is always used by Georgians and by people in South Ossetia and in Adjaria. Their interests have to be taken into account also.

On the matter of economic sanctions, I should say that I made a special point in Abkhazia of speaking to relief agencies, such as the Red Cross and Medicins sans Frontières, that are providing food and medical services in Abkhazia. I would not support sanctions against the area called Abkhazia if those agencies were not doing a very effective job. There is no alternative to economic sanctions. The only alternative would be war, and that we do not want. The only option open is economic sanctions.

I say to members from Russia, economic sanctions are the policy of the Commonwealth of Independent States. I am supporting the CIS on that point. As for lack of control over that part of the country, that was - it still is - the situation in Moldova when we admitted it to the Council of Europe. The Government of Cyprus does not control the whole of the island, and that does not present a problem.

To Mr Jaskiernia, I suggest that the point about the man who was attacked after the sub-committee's visit was a more complicated matter. In some ways, the incident was both better and worse than he described. I am willing to discuss that with him and with members of the Committee on Legal Affairs and Human Rights if he so wishes. On his point about the treatment of homosexuals - or lesbians and gay people, as I prefer to call them - the International Lesbian and Gay Group came to see me early yesterday and admitted that they had made a mistake in not approaching me earlier. However, I believe that the issue of discrimination is covered by our conventions and protocols which have been used to ensure equality of treatment for gay people and lesbians in other countries. They can be applied also in Georgia.

Conversely, Mr Jaskiernia said that he thought that the conditions were too severe. I tell him, as I told the Georgians, that the best friend is an honest one and someone who tells us when we are making mistakes and helps us to overcome them. That is the spirit in which I approached the tasks on the report on Georgia.

When I visited Georgia, President Schevardnadze, his ministers, all the parties in the parliament and all the politicians were anxious to present the facts to us, to answer my questions and to persuade us that Georgia should be admitted to the Council of Europe. One minister told my wife at a private social function that he was very worried because I seemed to be looking for reasons to say no. She told him that he was absolutely right, and that that was my job as rapporteur. She said that I should have thought that I had failed if anyone had been able today to point out a reason that I had not already considered and taken into account.

My wife also told the minister that, after 35 years of marriage to me, her advice to him was to tell me the good things but also to admit the bad things. I do not know whether he dispensed that advice to his colleagues in Georgia, but that was what the Georgians did.

The facts are persuasive. However, I was not persuaded simply by the facts. I was persuaded by the people of Georgia - not by the President, the parliamentarians or the politicians, but by the people of Georgia: not by the priests or religious leaders, but by the people I spoke to at the back of the congregation; not by the rabbi or Muslim leaders but by the caretakers on the gates of the mosques and synagogues; not by the army officers but by the man on crutches who lost a leg in Abkhazia. Those are the people to whom I spoke; those

are the people who impressed me - the intellectuals at an exhibition, the teachers in the school rooms, the parents of children at a school concert, young people at the jobcentre, people on the streets in the capital, in towns and villages; the people I met in the village I met when my car broke down. They were the people of Georgia, and I was persuaded by them that the people of Georgia should share our hopes and ideals, and should join us on a never-ending march to a better life in a more civilised Europe.

The people of Georgia started on the path later than most of us and have made tremendous efforts to catch up. In some respects, they have passed some of us already. We should welcome them among us and recognise them as Europeans, and allow their elected representatives to take their rightful place in the Council of Europe.

(Lord Russell-Johnston, President of the Assembly, took the Chair in place of Mr Schwimmer)

THE PRESIDENT.- Thank you very much indeed, Mr Davis, for a splendid end to the debate.

Mr Ruffy, I think that you would like to say a few words.

Mr RUFFY *(Switzerland)* welcomed Georgia to the Council of Europe.

THE PRESIDENT.- The debate is closed.

The Political Affairs Committee has presented a draft opinion to which 14 amendments have been tabled.

They will be taken in the order in which they appear in the notice, as follows: 10, 11, 5 revised, 12, 6, 9, 4, 1, 7 (with sub-amendment), 2, 3, 8, 13, 14.

Please note that there is a revised version of Amendment No. 13 in French only. I propose that speaking time on amendments be limited to one minute.

I understand that yesterday, a little experiment was undertaken, which was very successful, and in which the committee chairman gave an opinion on each amendment at the beginning of the debate, thereby saving much time. I understand that Mr Ruffy has agreed to extend the experiment and to do the same today. I invite him to make his comments and tell us which amendments the committee will accept.

Mr RUFFY (*Switzerland*) said that the committee had not considered every amendment, but had given him authority to say that it would support Amendments Nos. 11, 6, 1, 3, 2, 8, 4, 13 and 5; and Amendments Nos. 9 and 7 as amended.

THE PRESIDENT.- As I understand it, that means that only Amendments Nos. 10, 12 and 14 are not accepted by the committee.

We come to Amendment No. 10, proposed by Mr Kovalev, Mrs Pobedinskaya, Mr Shaklein, Mrs Kulbaka, and Mr Averchev, which is, in the draft opinion, leave out paragraph 6 and insert the following text:

"The Assembly considers that Georgia is able and willing, in the sense of Article 4 of the Statute to become a pluralist democratic society respectful of human rights and the rule of law, and to continue the democratic reforms in progress in order to bring all the country's legislation and practice into line with the principles and standards of the Council of Europe".

I call Mr Kovalev to support Amendment No. 10.

Mr KOVALEV (*Russian Federation*) explained that the amendment was rather wide in scope but nevertheless reflected the spirit of the draft recommendation. It should not be appropriate to consider a country democratic if tortures had taken place recently.

THE PRESIDENT.- I am sorry to interrupt, but we must keep to our timetable as we have a great deal to do today.

Does anyone wish to speak against the amendment?...

That is not the case.

The committee has already said that it is opposed to the amendment, so perhaps its chairman could explain why.

Mr RUFFY (Switzerland) said that the amendment had been rejected by the majority of his committee.

THE PRESIDENT.- I shall now put the amendment to the vote by a show of hands...

Amendment No. 10 is rejected.

We come to Amendment No. 11, proposed by Mr Averchev, Mrs Pobedinskaya, Mr Shaklein, Mr Kuznetsov and Mrs Kulbaka, which is, in the draft opinion, leave out paragraph 9 and insert the following text:

"The Assembly calls on Georgian and Abkhaz leaders to accelerate talks on the status of Abkhazia within the internationally recognised borders of Georgia and on return of all displaced persons to Abkhazia".

The committee has already said that it accepts the amendment.

Does Mr Averchev wish to speak?

Mr AVERCHEV (*Russian Federation*).- As the amendment has been accepted, I do not need to comment.

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

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 11 is adopted.

We come to Amendment No. 5, revised, proposed by Mr Keleman on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft opinion, paragraph 10.ii, insert before sub-paragraph *a*, the following new sub-paragraph:

"to create, within four years after its accession, the legal framework for the establishment of a second chamber, in conformity with the constitutional requirement."

Mr KELEMAN (*Hungary*).- This amendment concerns the substitution of the present unicameral parliament, as written in Article 4 of the Georgian constitution.

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

That is not the case.

We know that the committee is in favour of the amendment.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 5 is adopted.

We come to Amendment No. 12, proposed by Mrs Pobedinskaya, Mr Shaklein and Mrs Kulbaka, which is, in the draft opinion, paragraph 10.ii.*a*, replace the words "the autonomous territories and guaranteeing them broad autonomy" by:

"Abkhazia, Adjaria and South Ossetia and guaranteeing them broad rights";

The amendment has not been accepted by the committee.

I call Mrs Pobedinskaya to support Amendment No. 12.

Mrs POBEDINSKAYA (*Russian Federation*) asked leave to withdraw the amendment.

THE PRESIDENT.- *Amendment No. 12 is withdrawn.*

We come to Amendment No. 6, proposed by Lord Judd and Mr Cox, which is, in the draft opinion, delete paragraph 10.ii.*d*., and replace with:

"to adopt within two years after its accession, a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime, to consult the Council of Europe about this legal framework before its adoption, to begin the process of repatriation and integration within three years after its accession and complete the process of repatriation of the Meskhetian population within twelve years after its accession."

I call Lord Judd to support Amendment No. 6.

Lord JUDD (*United Kingdom*).- My understanding is that the amendment has been accepted.

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

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 6 is adopted

We come to Amendment No. 9, but I have received Oral Amendment No. 9A from Mr Davis, on behalf of the Political Affairs Committee, which is, in the draft opinion, paragraph 10.ii.*f*, after the word "legislation", insert the words

"measures within two years after its accession."

I understand that Oral Amendment No. 9A is intended to replace Amendment No. 9. The oral amendment appears to me to satisfy the provisions of Rule 30, paragraph 5 on oral amendments.

Is there any opposition to the amendment being debated?...

That is not the case.

I call Mr Davis to support Oral Amendment No. 9A.

Mr DAVIS (*United Kingdom*).- Lord Judd's Amendment No. 9 arose from representations from the United Nations High Commissioner for Refugees. There has been tremendous progress in Georgia in preparing the legislation necessary to implement the matter. Therefore, it is reasonable to expect that it should be done within the two years recommended by UNHCR. However, the real problem lies with the administrative matters that come after that, such as the money to pay for it. I agreed with the Georgians that we should allow three years for that. My amendment in effect achieves what UNHCR and Lord Judd want, but at the same time protects the Georgian budget. I commend it to the Assembly.

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

That is not the case.

I shall now put the oral amendment to the vote by a show of hands...

Oral Amendment No. 9A is adopted.

Amendment No. 9 therefore falls as a consequence of the acceptance of Oral Amendment No. 9A.

We come to Amendment No. 4, proposed by Mr Kelemen on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft opinion, replace sub-paragraph 10.iv.d. by the following new text to be inserted after paragraph 10.ii.*g*:

"to adopt, within two years after its accession, a law on minorities based on the principles of Assembly Recommendation 1201 (1993)."

I call Mr Kelemen to support Amendment No. 4.

Mr KELEMEN (*Hungary*).- This amendment forces Georgia to adopt, within two years of its accession, a law on minorities. The amendment will require the incorporation of that principle into the country's legal and administrative system and practice, as the Rapporteur of the Political Affairs Committee recommends in point 82 of the explanatory memorandum.

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

That is not the case. We know that the committee is in favour.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 4 is adopted.

We come to Amendment No. 1, proposed by Mr Kelemen on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft opinion, after paragraph 10.iii.*c*., add the following new sub-paragraph:

"to review the scale of sanctions with a view to the reduction of the length of detention and to foresee alternative sentences to prison sentences;".

I call Mr Kelemen to support Amendment No. 1.

Mr KELEMEN (*Hungary*).- The amendment is intended to improve the situation in the currently overcrowded prisons.

THE PRESIDENT.- I can think of a number of countries to which that might be applicable. Does anyone wish to speak against the amendment?...

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 1 is adopted.

We come to Amendment No. 7, proposed by Mrs Gelderblom-Lankhout and Mr Bindig, which is, in the draft opinion, paragraph 10.iv.*a*, after the word "detainees", insert:

"abolish within six months after its accession the existing prison system of 'object and agent' sharing one cell".

I call Mrs Gelderblom-Lankhout to support Amendment No. 7.

Mrs GELDERBLOM-LANKHOUT (*Netherlands*).- The amendment arises from the sub-committee's visit to Georgia and uses human rights language. In this case, the 'object' is the detainee who is subject to the 'agent', who is also a detainee - for other reasons - who uses the object to obtain a shorter sentence. I accept from Mr Davis that the language is not clear and I accept the sub-amendment, although it does not totally address the problem, because it is not only political prisoners who receive such treatment. However, I accept the sub-amendment as a compromise and I hope that the Monitoring Committee will continue to watch the situation in prisons after the practice is changed.

THE PRESIDENT.- We have a sub-amendment to Amendment No. 7, which is, delete the words "'object and agent' sharing one cell" and insert the words:

"putting prisoners with prior political activities in the same cells as other prisoners".

I call Mr Davis to speak to the sub-amendment.

Mr DAVIS (*United Kingdom*).- The Georgian authorities told me that they did not understand the language of the amendment and I think it may be a case of NGO jargon. I did not understand the reference to "object and agent"
so I have tried to put it into ordinary English. I understood from Mrs Gelderblom-Lankhout that she meant to refer to political prisoners, but Georgia has no political prisoners. It has prisoners who have engaged in political activities but who have committed crimes that may or may not be related to those activities. My intention was to cover those people in the wording and give them the protection requested. If there is a wider problem, I am sure that it will be covered by monitoring. I have tried to help Mrs Gelderblom-Lankhout to convey her intention to the Georgians.

THE PRESIDENT.- Putting the desires of Mrs Gelderblom-Lankhout and Mr Bindig into plain English is a challenge and you have risen to it well, Mr Davis.

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

That is not the case.

I shall now put the sub-amendment to the vote by a show of hands...

The sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 7, as amended?...

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 7, as amended, is adopted.

We come to Amendment No. 2, proposed by Mr Kelemen on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft opinion, after paragraph 10.iv.*a.*, insert the following new sub-paragraph:

"to give human rights training to prison staff and to the police, with the assistance of the Council of Europe;".

I call Mr Kelemen to support Amendment No. 2.

Mr KELEMEN (*Hungary*).- The sub-committee found that the behaviour of staff in detention centres and prisons was not acceptable in several cases, because of the lack of humanitarian reflexes. Mr Jaskiernia mentioned a case in which a prisoner was attacked by a fellow prisoner, but the authorities forced the wounded man to say that it was a suicide attempt. Human rights training is important for Georgia.

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

That is not the case. The committee is in favour of the amendment.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 2 is adopted.

We come to Amendment No. 3, proposed by Mr Kelemen on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft opinion, after paragraph 10.iv.*a.*, insert the following new sub-paragraph:

"to respect the maximum length of preventive detention;".

I call Mr Kelemen to support Amendment No. 3.

Mr KELEMEN (*Hungary*).- There is a real need to respect the length of detention in practice, because we received several complaints about ill treatment during detention, which is sometimes over-long.

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

That is not the case. The committee is in favour of the amendment.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 3 is adopted.

We come to Amendment No. 8, proposed by Mrs Gelderblom-Lankhout and Mr Bindig, which is, in the draft opinion, after paragraph 10.iv.*a.*, insert the following new sub-paragraph:

"To implement within six months after its accession the right of a detainee to choose his (own) lawyer;".

Mrs Gelderblom-Lankhout wishes to move the amendment formally. Does anyone wish to speak against the amendment?...

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 8 is adopted.

We come to Amendment No. 13, proposed by Mrs Pobedinskaya, Mr Shaklein, Mrs Kulbaka and Mr Averchev, which is, in the draft opinion, paragraph 10.v.*a*, after the words "safety of the", insert:

"the Collective Commonwealth of Independent States (CIS)".

I call Mrs Pobedinskaya to support Amendment No. 13.

Mrs POBEDINSKAYA (*Russian Federation*) said that the committee had accepted the amendment.

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

That is not the case.

I shall now put the amendment to the vote by a show of hands...

Amendment No. 13 is adopted.

THE PRESIDENT.- We come to Amendment No. 14, proposed by Mrs Pobedinskaya, Mr Shaklein and Mrs Kulbaka, which is, in the draft opinion, after paragraph 10.v.*b*, add a new sub-paragraph as follows:

"to gradually re-establish economic relations with Abkhazia and agree to the restoration of its economic ties with neighbours".

I call Mrs Pobedinskaya to support Amendment No. 14.

Mrs POBEDINSKAYA *(Russian Federation)* said that she was grateful to Mr Davis who had gone through her questions and addressed her doubts. She did not agree with him on the issue of the economy, but said that she would withdraw the amendment.

THE PRESIDENT.- Thank you. That is very good of you.

Amendment No. 14 is withdrawn.

We will now proceed to vote on the whole of the draft opinion contained in Document 8275, as amended...

Georgia is being welcomed unanimously.

The draft opinion contained in Document 8275, as amended, is adopted unanimously.

3. *Address by Mr Zhvania, President of the Parliament of Georgia*

THE PRESIDENT.- It is an enormous pleasure for me, Mr Zhvania, to receive you in the Assembly following what you have just heard, a unanimous vote in favour of Georgia's accession to the Council of Europe. We give you every welcome and every congratulation.

On behalf of the Assembly, I pay tribute to the work and demeanour over the past years of your special guest delegation of your parliament, led by Lana Gogoberidze. In Lana you have an envoy who is not only charming and persuasive, but clear thinking, incisive and self-evidently democratic. That is the heart of the matter.

Our rapporteur on Georgia's entry, Terry Davis is a conscientious, thorough man who is well schooled in democratic principle and not easily satisfied. You would not be here, Mr President, were it not for the determination and political will of your authorities to embody the values and principles of the Council of Europe in Georgia's governance. Your country is the first in the Caucasus is the first to receive the Assembly's endorsement for Council of Europe membership. It is a moment of hope for a region that is still scarred by bitter conflicts.

Mr President, you have the floor.

Mr ZHVANIA (*President of the Parliament of Georgia*).- Thank you, Mr President and distinguished colleagues. I am very excited at this moment and full of emotions. It is my privilege to address you on this historic day for my country. Without any exaggeration I want to tell you that every Georgian - all people in my country - are waiting today for news from this chamber, from the hemicycle of the *Palais de l'Europe.*

I express our sincere gratitude to all those who were guiding Georgia's admission to the Council of Europe. I pay tribute to them. We are so thankful to the former President of the Assembly, Mrs Leni Fischer, who did a tremendous job by inviting Georgia's co-operation with the Parliamentary Assembly of the Council of Europe. I want to express our wholehearted welcome to the election of Lord Russell-Johnston as President of this Assembly. We are grateful for your assistance Mr President.

We must all compliment the rapporteurs, Mr Terry Davis and Mr Andras Kelemen. They were tough and strict rapporteurs when they first arrived in Georgia. They expended enormous energy in investigating the smallest details the processes that are under way in Georgia. We now have real friends of our country who understand so clearly what is going on in Georgia and around it.

I want to thank you all for voting for Georgia's admission - the representatives of all political groups and of national delegations. All of you did your best to learn of our problems, to understand our realities and to share our hopes. I thank even those representatives in the Parliamentary Assembly who are still considering processes on the verge of the new millennium in our part of the world in terms of the political geography of the Russian empire in the middle of the 19th century. I am so thankful that they did not object to the Assembly's vote. They, too, welcomed Georgia's entry to the Council of Europe.

The Assembly will be aware that during the first years of independence Georgia found itself in such disorder and chaos that hardly anyone could believe in the future of the

country. We experienced all the hardships of civil war. We witnessed the total collapse of our economy and an enormous social crisis. Nowadays, Georgia is a different country. In August 1995, a new constitution was adopted on the basis of broad political consensus. That is why the new constitution has become the starting point for the reconciliation of our nation. The results of parliamentary and presidential elections, held on the basis of the new constitution, have opened the way to radical reforms in all spheres of our life. Over the past three years we have adopted more than 500 highly principled pieces of legislation. We have begun ambitious judicial reform. We have held our first local elections. At present, Georgia's political life is determined by pluralistic political polyphony. A strong and vibrant civic sector is emerging with the secure foundation of a vocal, influential and independent mass media. We have also a strong and influential non-governmental sector.

Most important and interesting is that Georgia plays a key role in the creation of new regional architecture in our part of the world. Our vision for the future of the region is based on the belief that the vast natural resources of the Caspian and Black Sea area allow, and, indeed, invite all countries of the region to benefit from co-operation rather than suffer from endless confrontation.

The concept of the new silk road will lead us to new regional arrangements, which will bring stability and prosperity to that part of the world. That will be our contribution to the European security architecture. No country should be isolated from that exciting prospect.

I take this opportunity to appeal to distinguished colleagues for the rapid admission to the Council of Europe of our closest neighbours - of our brothers - the Armenians and Adjaris. I am sure that that will promote deepening regional co-operation and will create a warmer and more co-operative spirit in the entire region.

There are still many problems, and as a new democracy we face dramatic challenges. I share the concerns expressed by rapporteurs and authors of amendments and members of the Political Affairs Committee. We try to address many of the problems through our domestic political agenda. We accept all the conditions and deadlines, because they are already part of our domestic agenda. I am sure that Georgia will be able to fulfil all the obligations listed by the Parliamentary Assembly. The President of Georgia, Mr Shevardnadze, contributed so much to the building of the new European order, which allows all of us to discuss our vision of a greater Europe without dividing lines. His personal commitment and sacrifice to make Georgia an indispensable part of the new architecture is clear.

Bringing Georgia to Europe is not the priority only of its president or its political establishment. It is the priority of the grass roots, because it reflects the vision, desire and commitment of all the people of Georgia. We believe in the future of Georgia, which is about to find its natural destiny and its natural homeland in the European family of free nations.

Joining the Council of Europe is our political choice to ensure that the values on which Georgian society is based - pluralism, respect for diversity, traditional tolerance, human dignity and the supremacy of the rights of every individual - are upheld. We have striven throughout the centuries to preserve our independence and our national identity, and we have dreamt of the moment when we would be back in our home here in Europe.

I think that you can all understand my emotions and those of my fellow members of the Georgian delegation. We are so happy and proud that our generation has been privileged to announce in the hemicycle these simple words - I am Georgian and therefore I am European.

THE PRESIDENT.- Thank you, Mr President. You are welcome among us.

4. *Order of business*

THE PRESIDENT.- Before I welcome another guest, I should like to tell you about an alteration in our business. It is already clear that it will not be possible to take both items of business scheduled for Thursday morning at that time. In the debate on Kosovo, four committees are involved - the Political Affairs Committee, the Committee on Legal Affairs and Human Rights, the Committee on Migration, Refugees and Demography and the Committee on Culture and Education. We shall also hear the opinions of three distinguished visitors - Judge Arbour, the Chief Prosecutor in the War Crimes Tribunal in The Hague, Ambassador Gabriel Keller, the Deputy Chief of the Kosovo verification mission and Mr Nicholas Morris, the Special Envoy of the United Nations High Commission for Refugees for the former Yugoslavia. A large number of members also wish to speak.

Therefore, I propose that the second debate scheduled for Thursday morning on the report of the Committee on Legal Affairs and Human Rights on the opinion of the Assembly on the draft terms of reference of a Council of Europe Commissioner for Human Rights be postponed until Friday morning, when it would be taken as the first item of business. That seems to be the only solution we have.

Is this agreed?...

It is agreed.

5. *Statement by Mr Adamkus, President of Lithuania*

THE PRESIDENT.- We now have the honour of hearing a statement by Mr Adamkus, President of Lithuania. Mr Adamkus has kindly agreed to take questions from the floor after his statement.

Mr President, it is my great pleasure to welcome you today on the occasion of your first visit to the Parliamentary Assembly of the Council of Europe since your election as President of Lithuania a year ago. As I told you this morning when we met, I am an apprentice president: you are a real one.

Lithuania joined the Council of Europe on 14 May 1993, but even before the accession, our Parliamentary Assembly had been closely following developments in your country. In February 1991 during the most critical and dramatic period, our rapporteurs visited Vilnius and were received by President Landsbergis - who was a representative here for a while - in a parliament under siege.

We all know the progress that Lithuania has made since then to consolidate its democracy and the rule of law and to promote respect for human rights. In September 1997,

the Assembly explicitly recognised such positive developments, and consequently considered the monitoring procedure concerning Lithuania to be closed.

Mr President, the Assembly greatly appreciates your personal devotion to the protection of human rights in your country. In this respect, I welcome particularly the recent decision by the Lithuanian Parliament to abolish the death penalty. This was a brave and important decision, coming at a time when one of our Assembly's most important endeavours - the abolition of capital punishment throughout the continent - was being put to such a serious test.

Mr President, we look forward to hearing from you. You now have the floor.

Mr ADAMKUS (*President of the Republic of Lithuania*).- Mr President, ladies and gentlemen, it gives me great pleasure to take this opportunity to address this distinguished forum. For 50 years, its democratic spirit and commitment to the principles of human rights, pluralism and the rule of law have been instrumental in enhancing respect for the individual, democracy and the law, making them the fundamental values of contemporary Europe.

During its 50 years of activity, the Council of Europe has become a globally recognised international forum which, through ideas and practical steps, has contributed considerably to the establishment and application of common humanistic criteria in Europe. Therefore, it is not surprising that, although it started as an Organisation of merely western European states, today the Council of Europe stands out as an Organisation of almost all European countries.

I take this opportunity to congratulate the new President of the Parliamentary Assembly and wish him success in leading this institution. I would like also to thank the former President of the Assembly, Mrs Leni Fischer, who has contributed to the development and the standing of the Assembly and the whole Organisation.

By using the benefits of its membership of the Council of Europe, Lithuania has progressed rapidly in creating civil society. Implementing the membership obligations assumed six years ago, the Lithuanian Government has carried out essential reforms aimed at consolidating the principles of the rule of law and human rights and freedoms. The development of the mechanism for protecting human rights and dignity is one of the most laudable achievements of Lithuania's democratisation.

In 1992, the citizens of Lithuania expressed their commitment to the principles of human rights and freedoms by adopting a democratic constitution - the provisions and the spirit of which guide us in our daily decisions. The constitutional court and the ombudsman system, as well as reformed and independent courts, are the institutions working to ensure human rights and fundamental freedoms at the national level. The new penal and civil codes have been submitted to the parliament. Harmonisation of the national legal system with the provisions of the European Human Rights Convention and other Council of Europe documents required concrete and in-depth work, which was completed successfully before ratifying these legal instruments in Lithuania.

Lithuania has made a decision in principle to integrate fully into the European treaty system, and works consistently in this direction. In 1998, the Lithuanian Parliament ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment

or Punishment. Ratification of the European Charter of Local Self-Government is included in the parliament's agenda for the spring session this year.

As the President mentioned, the major maturity test of Lithuanian society in 1998 was the decision to abolish the death penalty, which was suspended in 1995. I declare formally and officially from this podium today that the death penalty has been abolished in Lithuania. I should note that it was not easy. Public opposition to the abolition of the death penalty was rather strong and, during the past three years, Lithuania has had a most heated public discussion. At present, the country is undergoing a certain mentality reform. It will take time to convince those in doubt that punishment should be a tool of re-education and prevention rather than revenge.

However, the society has accepted as indisputable, and implements unconditionally, the decision of the constitutional court that the death penalty stands in contradiction to the constitution adopted by the citizens themselves. This factor demonstrates the commitment of the Lithuanian people to not only human rights but the principle of the rule of law. Having signed Protocol 6 to the European Convention on Human Rights a couple of days ago, Lithuania will ratify it in the near future, thus demonstrating its full compliance with international commitments.

Meanwhile, Lithuania faces the most important task of continuing the reform of its legal system. In order to secure an effective outcome in this regard, we envisage employing the instruments of the Council of Europe and the valuable experience of its member countries in reforming the law enforcement institutions and prisons as well as in crime prevention. I think that active co-operation with the bodies of the Council of Europe will facilitate a further reform that will build public confidence in justice, law and, at the same time, in democracy. This confidence depends to a fairly large extent on how the public authorities combat social ills, of which corruption is the most complex and the most difficult to uproot. Lithuania is determined to apply all available stringent measures in the fight against it. Therefore, we welcome the Council of Europe's initiative to elaborate and adopt the Criminal Law Convention on Corruption. I am glad that this afternoon Lithuania will be among the first to sign it.

Today, the prime task of the Council of Europe is to ensure that its high standards are implemented by all member states and to assist new members in carrying out legal, political and social reforms. Considerably expanded membership and a further increase in membership requires the Organisation to adapt further to its new tasks and new environment. Lithuania appreciates the work carried out by the Committee of Wise Persons and expects the final decision on the reforms to be made at the forthcoming Budapest session of the Committee of Ministers.

We believe that the Council of Europe has been very effective in performing the monitoring function of observing the adherence to membership commitments. Apart from general obligations, the Assembly elaborated specific requirements for each new entrant, which must be observed unconditionally upon accession. Therefore, I think that the monitoring system, which has proved its effectiveness, should continue to be applied.

Lithuania honours and pays attention to the implementation of assumed commitments and expects the same attitude from the other member states. Lithuania was among the first to whom the monitoring procedures were applied. The Parliamentary Assembly recognised our

progress and the irreversible nature of the on-going reforms by closing the monitoring of Lithuania in 1997.

As a way of facilitating further progress in the sphere, enhanced co-operation among the Parliamentary Assembly, Committee of Ministers and the Congress of Local and Regional Authorities could be called for. The necessary follow-up should be carried out in the framework of the activities for development and consolidation of democratic stability, and within the intergovernmental programme of activities of the Organisation.

Last year, on the eve of its 50th anniversary, the Council of Europe completed a most significant reform in the field of human rights protection by setting up a single European Court of Human Rights. That step has allowed increased effectiveness in protecting rights and fundamental freedoms, simplified procedures and better access to the system for individual applicants. It also enhances the authority of the Organisation and has raised the confidence of the people in it. We are proud to have in the court a judge from Lithuania. At the same time, we feel bigger responsibility for the realisation of the fundamental principles of the Council of Europe.

The new single European Court of Human Rights attests to the 21st century Europe that is taking shape - a Europe without dividing lines and without different standards of democracy. Establishment of the new single court not only guarantees to the people of Europe, regardless of their nationality, a possibility of defending their rights in a genuinely democratic and independent court, but also reflects the tendency towards enhanced stability and confidence in the continent. The proposed post of the Commissioner for Human Rights will complement and strengthen those mechanisms. In creating the new Europe and European democracy and ensuring social stability, contemporary governments face a number of challenges that require close co-operation of international organisations on the basis of common interests and distinct competencies. I have in mind the co-operation of the Council of Europe with the European Union, the Organisation for Security and Co-operation in Europe, Nato, the United Nations and such European regional bodies as the Council of the Baltic Sea States.

It should be noted that, nowadays, European institutions tend to complement each other in their work of establishing the basis for democratic security and stability. At the same time, every European state that is striving for a more effective use of those mechanisms finds it vitally important to become part of the operating structures. Lithuania aspires to accelerated full integration into the European Union and Nato. Their communities and Lithuania share the same values. Those values are in fact the bedrock of the Council of Europe.

Ladies and gentlemen, this session of the Parliamentary Assembly has put high on the agenda the creation of a Europe that is free of dividing lines. That issue is even more relevant as the Council daily builds a common house of Europe.

Creation of a united and undivided Europe requires us to promote and enhance confidence among the states. The Council of Europe, providing a forum for multilateral political discussion, substantially contributes to better mutual knowledge and understanding. Moreover, Lithuania seeks to make use of other measures - first and foremost good relations with its neighbours. Being high on our policy agenda, good neighbourly relations not only commune with the spirit of the Council of Europe but have proved their effectiveness in

concrete results. Pursuing a policy of good neighbourliness, Lithuania promotes European values beyond its borders.

Today, one can draw on Lithuania's valuable experience of establishing stability at home and of pursuing a policy of fostering minority rights in building relations with neighbouring countries. With a view to utilising the accumulated experience for studying issues of pan-European concern, the European Institute for Displaced Ethnic Minorities was established in Vilnius. It is gratifying that the Council of Europe has taken it under its auspices.

Another indicator of Lithuania's civic maturity is the growing number of non-governmental organisations and their increasing influence in the state. That tendency not only makes the government consider decisions covering a wide scope of interests, but allows us to cater for the spheres of life in which the state's action is still difficult.

Social support is one of the fields in which a number of issues demand immediate action and, certainly, the assistance of financial institutions. It is very advantageous that the Council of Europe has its own effective instruments in that sphere - the Social Development Fund. Lithuania became a member of the fund three years ago and is very satisfied with the successful co-operation which it hopes to expand in future.

I do not doubt that each and every member state of the Council of Europe is concerned with enhancing the spirit of democracy, which prevails in this hall. I believe that all members, Lithuania among them, will support the efforts designed to add effectiveness to the Organisation.

At the same time, the Council of Europe has to put all its efforts into ingraining its values in every European country. We have to help the European states that are not yet members of the Council to achieve the level of its own standards. I believe that all those countries - when they are able to accept the commitment to, and responsibility for, the realisation of human rights, democratic pluralism and the rule of law - will join the Organisation. It is gratifying that the Council of Europe - as the current discussion, and today's debate, on the membership of Georgia has shown - consistently proceeds in that direction. We congratulate Georgia and believe that that wise decision by the Parliamentary Assembly should encourage and oblige the leaders of the region to build with greater vigour a democratic civic society.

Mr President, ladies and gentlemen, I wish you the best of success in promoting democratic thinking, and in establishing it at a political and people-to-people level. I hope also to contribute personally to the discussion that is the motive power of that reputable event.

Thank you very much for your attention.

THE PRESIDENT.- Thank you very much, Mr President. Our members have listened to your speech with attention and appreciation. I believe that you have indicated that you are willing to answer some questions. In all, 13 members have asked whether they may ask you a question and, with a bit of luck and brevity, we should be able to answer them all.

I have grouped some of the questions. The first group of questions is on Lithuania and European institutions. Both Mr Sinka - your neighbour from Latvia - and Mr Volcic, from Italy, have asked to ask questions.

I remind members that questions must be limited to 30 seconds. Colleagues should ask questions and not make speeches.

Mr SINKA (*Latvia*).- First, on behalf of the Latvian delegation, I want to welcome Mr Adamkus to this august Assembly.

It is obvious that Lithuania has been paying close attention to the activities of the Council of Europe. When Lithuania becomes a full member of the European Union - which we sincerely hope will be in the near future - will that attention be maintained?

Mr VOLCIC (*Italy*) asked how Lithuania would cope with its minority populations, in particular its Russian and Jewish populations.

Mr ADAMKUS.- On the first question, I want to confirm that I adhere to the one and the same goal. The Council of Europe and the European Union complement each other, so not to support one and to abstain from the other would be the gravest mistake that we could make. Lithuania will continue with the same commitment to paying attention to and supporting both the Council of Europe and the European Union. We believe that we have not only the privilege, but the right to be among the European countries participating in and building Europe's future within whatever organisation goes forward. Therefore, my strong response to the question is that Lithuania will work hard with members of the Council of Europe, while also working hard to build up its potential among the members of the European Union.

I am glad to answer the question about minorities. I want to state my position. Personally, I am very sensitive to the issue of minorities. I believe that, in principle, every minority has the right to preserve its culture, promote its national pride, and provide every possibility for its children to learn its language and to use it wherever they live. I have expressed that principle many times and I repeat it now in front of this distinguished audience. Lithuania will respect the rights of minorities and ensure that every minority, not simply the largest, has the opportunity to exercise its rights. At the same time, we want to build up their loyalty as citizens to the country in which they live. If only we could all recognise those general rules, the world would be a better place than it is today.

Mr GLIGOROSKI (*"The former Yugoslav Republic of Macedonia"*).- The need for the establishment of better communication and co-operation between the countries of northern and eastern Europe has already been confirmed. What are the views of Lithuania on contractual regulation and the development of bilateral relations with the countries of south-eastern Europe, including the Republic of Macedonia, with which some of the basic inter-state agreements have not yet been concluded?

Mr ADAMKUS.- I shall respond in general terms. We live in a world where communications are now so accessible that distance is not a problem. In talking about east and west or north and south, I simply do not envisage any difficulties with communication. The issue is more one of spirit. Are we willing to co-operate, to recognise problems and to

exchange ideas? I believe that Lithuania is building a society and living by rules that will enable us to be an active member of the European continent.

A couple of months ago, I had the privilege of meeting the Macedonian President in Berlin at a summit meeting. We discussed issues that affect both of our countries and we were in total agreement on them. However, I recognise that some of the inter-state agreements have not yet been concluded. We have forwarded some suggestions to Macedonia and we hope soon to receive a response so that we can conclude whatever agreements are necessary to ensure our active co-operation.

THE PRESIDENT.- There are two questions on co-operation in the Baltic Sea region. They have been tabled by Mr Kelem and Mr Iwiński.

Mr KELEM (*Estonia*).- First, I welcome Mr Adamkus as someone who, when living in America, contributed to the upholding of the legal continuity of the Baltic states during the Soviet occupation.

My question relates to Mr Adamkus's experience of environmental issues. What is his opinion on any improvements in the environmental situation in the Baltic Sea region and the possible role of the Council of Europe in that?

Mr IWIŃSKI (*Poland*).- Poland's relations with Lithuania have a special historical character. We lived together for 500 years in one state. Today, our special relationship is shown in the unique existence of the Polish-Lithuanian Parliamentary Assembly.

My question relates to regional co-operation in the Baltic area. What is Mr Adamkus's opinion of the Euro-regions such as Nemunas, Niemen and Baltic? How does Lithuania, as the present chairman of the Council of Baltic Sea States, perceive the activity of this Organisation?

Mr ADAMKUS.- In response to the respected Estonian Representative, I can say that environmental issues in the Baltic countries have been of great concern to me personally for the past 25 years. That concern has been institutionalised by the United States environmental protection technical assistance programmes in which I have personally been involved. I am familiar with the issues that face us today. Estonia has taken a leading role and the three countries have made tremendous progress. The contrast between the situation in 1972 and now, is like that between day and night. However, problems still exist, especially in the Baltic Sea. Recently, the Canadian and United States Governments have decided to use the expertise gained through research in the Great Lakes to assist in the Baltic Sea and they have offered financial support for that work. I hope that that assistance will make a dramatic change to existing conditions.

In answer to the question from the representative from Poland, I can say that improvements in the relationship between the two countries have been historic. In front of this distinguished Assembly, I can assure him that co-operation and understanding on common commitments between the two countries is the best ever. Lithuania is currently presiding over the Council of Baltic Sea States and we are looking to expand the activities and involvement of all the countries surrounding the Baltic Sea. We want their active participation and we are even trying to expand the idea by inviting other interested countries to become involved, possibly as observers. The future is positive. We will use our six-month

chairmanship of the council to promote those ideas and we hope that the subsequent chairmen will continue that work.

Mr ZHEBROVSKY (*Russian Federation*) asked, given that Lithuania was looking increasingly to the West, what was the future for Russian-Lithuanian relations, given the aim of integrating Lithuania into the Euro-Atlantic structures.

Mr ADAMKUS.- I can proudly state that our relationship with Russia is a priority in our relations with neighbouring countries. We value our good working relationship. I had the opportunity to prove that by talking directly to your President and Prime Minister. We have discussed our relationship and both sides agree that we have a neighbourly relationship, based on self-respect and with benefits for both countries from working together to provide security in our part of the world. Even though Lithuania is seeking a closer relationship with the west, that does not mean that we are turning away from our close neighbours. We must close the painful chapter of the past 50 years and continue the friendly relationship we have developed between the two countries.

THE PRESIDENT.- The next question is from Mr Glotov, the leader of the Russian delegation.

Mr GLOTOV (*Russian Federation*) asked, in terms of respecting human rights, what was the President of Lithuania's attitude towards the persecution of Mr Mitsevich and Mr Ivanov, given Lithuania's membership of the Council of Europe and its obligations to respect human rights.

Mr ADAMKUS.- Let me state my position. I believe that the rule of law should have the highest position in a country and I will do everything I can to ensure that. I am convinced that we are complying with the requirements. I reassure you and the Assembly that we do not have any political prisoners who have been tried or convicted because of their beliefs. I do not believe in such an approach. We have come through tragic times in the past in which individuals and nations in Europe -indeed, globally - have suffered for their beliefs. That should not be tolerated and will not be tolerated in Lithuania. I give you my word on that.

Because of the rule of law, no government can insert itself into the judicial process. As the President, I can observe the process, but I cannot influence it. However, I reassure you that the particular cases you mentioned are not political. We must let the courts and judges determine whether Lithuanian law has been violated and I cannot comment until they have done so.

THE PRESIDENT.- I am afraid that time is running out, but we may squeeze in one more question from Mr Muehlemann.

Mr MUEHLEMANN (*Switzerland*) asked what Belarus had to do to restore its status in the Council of Europe.

Mr ADAMKUS.- I wish to base my response on a personal meeting with the President of Belarus. He has political ideas that he is trying to implement in his country. Lithuania's longest border is with Belarus and we are conducting our foreign policy so as to leave the door open for Belarus to communicate and co-operate at their pleasure with the rest of the world. We are trying to influence the President's attitude, but Belarus's problem is that

it is not moving fast enough to introduce basic human rights. If the present leadership of Belarus accepted the concept, no one would object to that country's active participation.

I hope that I can say that everyone in this Organisation takes the view that they will be welcome if they accept and believe in the principles for which this Organisation stands.

THE PRESIDENT.- Thank you very much, Mr President, for the frank and open way in which you have responded to our questions.

6. *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 on Monday, as amended yesterday to include a new ballot for the election of vice-presidents from 3 p.m. to 6 p.m.

Are there any objections?...

That is not the case.

The orders of the day of the next sitting are therefore agreed.

Does anyone wish to speak?...

The sitting is closed.

(*The sitting was closed at 1 p.m.*)

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Mr Atkinson (United Kingdom)
Mrs Durrieu (France)
Mr Muehlemann (Switzerland)
Mr Toshev (Bulgaria)
Count Eltz (Croatia)
Mr Jaskiernia (Poland)
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Draft opinion, as amended, adopted

3. Address by Mr Zhvania, President of the Parliament of Georgia

4. Order of business

5. Statement by Mr Adamkus, President of Lithuania

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Mr Volcic (Italy)
Mr Gligoroski ("The former Yugoslav Republic of Macedonia")
Mr Kelem (Estonia)
Mr Iwiński (Poland)
Mr Zhebrovsky (Russian Federation)
Mr Glotov (Russian Federation)
Mr Muehlemann (Switzerland)

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