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**AS/Mon (1998) PV 04**
Strasbourg, 15 April 1998
amonpv04

***COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES***

**Draft minutes**
of the meeting held on Friday 3 April 1998 in Paris

Mr Sole Tura, Vice-Chair, opened the meeting at 9 am.

**1. AGENDA**

AS/Mon(1998) OJ 04

The draft agenda was adopted.

**2. MINUTES**

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The minutes of the meeting held in Paris on 9 March 1998 were approved.

**3. MOLDOVA**
*co-rapporteurs: Mr Columberg and Mrs Durrieu*

Mr Columberg, co-rapporteur, reported on his visit to Moldova to observe the elections on 23 March 1998. The electoral campaign had proceeded smoothly. Despite certain problems, the electoral process as a whole was judged satisfactory. The question of independence of the media remained unsettled. Electoral law laid down a single constituency system covering the whole of the country and a system of proportional allocation of seats which was unfavourable to the minorities. Furthermore, it was not always certain whether the 4% threshold applied to independent candidates. However, this question did not seem to have influenced the outcome of the election. Polling stations had been provided for the

inhabitants of Transnistria, but few of them had gone to cast their votes for fear of reprisals. According to the results available to date, the communist party was in the lead with 30% of the votes (40 seats). Regrettably, the co-rapporteurs had not had an opportunity to give their views on the electoral law.

Replying to questions by MM. Sinka, Figel and Jaskiernia, Mr Columberg said that in his report on the monitoring of Moldova's commitments, he would be examining the question of the citizenship of the armed forces who had gone over to the Transnistrian army. He also referred to the opening of a Council of Europe information and documentation centre at Chisinau, emphasising its role in disseminating the European Convention on Human Rights within the country.

Mr Schwimmer believed that the 4% threshold was superfluous and that it was desirable for the electoral law to be reformed. Further, he believed that the Russian arsenal in the region constituted a threat. The co-rapporteurs on Russia should draw the Russian government's attention to the matter.

The Chair said that this suggestion would be taken into account.

This was agreed.

## 4. CROATIA

*co-rapporteurs: MM. Figel and Jansson*

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Mr Jansson, co-rapporteur, presented his revised preliminary report which took account of the discussions at the meeting on 9 March 1998 and of the information provided by the Chairman of the Croatian delegation. He considered that the monitoring process played a constructive role and had a preventive dimension. It was not for the committee to deny that problems existed, but to assist in finding solutions to them. The preliminary draft report could be forwarded to the Croatian authorities.

The meeting continued with Mr de Marco in the Chair.

Mr Figel, co-rapporteur, regretted the absence of Croatian representatives. He also drew members' attention to the table re-capitulating the state of compliance with commitments entered into by Croatia upon accession, and stressed the value of such tables in future documents.

Mr Schwimmer also regretted the absence of Croatian representatives and likewise wished the preliminary draft report to be communicated to the authorities. It would be appropriate to emphasise that, following recent negotiations with European Union ministers, the Croatian government had just accepted certain principles concerning the return of refugees.

Following an intervention by Mr Jaskiernia, Mr Jansson said that the "political forum" mentioned in paragraph 38 referred to the Monitoring Committee and that the "direct context" referred to in point D were those made by the rapporteurs on behalf of the committee. The wording of point F will be changed if appropriate.

Mr Jurgens and Mr Figel proposed that a reference should be made to the report of the Committee on Migration, Refugees and Demography.

Mrs Fleetwood, Mr Jurgens and the Chair considered that the absence of Croatian representatives was regrettable.

Mrs Gelderblom-Lankhout also pointed out that as two Croatian members of parliament were full members of the committee, it would have been desirable for them to be present.

On a proposal from the Chair, the committee decided to communicate the preliminary draft report, thus amended, to the Croatian parliamentary delegation, which had three months in which to submit comments.

## 5. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"

*co-rapporteurs: Mr Berceanu and Mrs Gelderblom-Lankhout*

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Mrs Gelderblom-Lankhout presented the preliminary draft report, which had been amended to take account of the discussions at the meeting on 9 March 1998. She voiced her anxiety over the crisis in Kosovo. The "moderates" might take up a radical position, and the problems of the region might spread to Macedonia. The conclusions of the commission of inquiry to the behaviour of the police in Gostivar did not seem satisfactory. Paragraph 7 of the preliminary draft report could be amended to mention the fact that three persons had been killed, not two. The problem of recognition of the diplomas of Albanian students in Tetovo could be solved by a regulation creating an exception.

Mr Berceanu stressed the need to find general solutions for the whole of the population of Macedonia, such as to have a positive influence on the national minorities. This applied to the rules on the police, citizenship and higher education. There could be a special board to decide whether the Tetovo students had reached the required academic standards. Their diplomas could then be recognised if appropriate. Those parts of the report which were struck out would be removed from the document before it was forwarded to the Macedonian authorities.

Mr Sole Tura said he would like a few paragraphs on Kosovo to be added.

Mrs Stoyanova informed the committee of progress made over the problem of recognition of the Macedonian language. Bulgaria was ready to co-operate in any international agreement and had no claims on Macedonia.

Mr Tahiri said that he was not wholly satisfied by the report of the commission of inquiry. With regard to the co-rapporteurs' preliminary draft report, he pointed out that the retrials mentioned in paragraph 8 had not taken place. Educational policy initiatives were not moving in the right direction, and the Albanians in Macedonia were underrepresented in government and senior positions.

Mr Jaskiernia suggested that a paragraph on the role of the monitoring committee be included.

Replying to an intervention by Mr Averchev, Mrs Gelderblom-Lankhout explained that the rapporteurs were not passing judgment on the "corridor" envisaged on the territory of Macedonia in order to evacuate refugees from Kosovo. The reference was made for information purposes. Bulgaria did not recognise the existence of a Macedonian language. It was desirable to amend the paragraph concerning the Court of Appeal.

MM. Kelam and Berceanu and the rapporteur strongly disapproved of the police methods referred to in paragraph 15.

On a proposal from the Chair, the committee decided to forward the draft report, thus amended, to the Macedonian parliamentary delegation, which had three months in which to submit comments.

## 6. ALBANIA

*co-rapporteurs: Messrs van der Linden and Sole Tura*

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Mr Sole Tura reported on the visit he had made with Mr van der Linden to Albania (Tirana and Skodra) from 12 to 15 March 1998 and presented his provisional conclusions. As the state of Albania now existed only in part, the expediency of applying the procedures provided for in Resolution 1115 was open to question. However, Albania needed help. The committee could play a significant part, particularly in the process of drafting the constitution and, at parliamentary level, in the stabilisation of political relations.

Mr Columberg agreed with Mr Sole Tura's conclusions and proposed that a special Council of Europe representative be appointed.

MM. Jaskiernia, Schwimmer and Jansson underlined the lack of co-operation and trust among the political parties, despite the fact that they were compelled to come to some agreement on the Kosovo crisis, and the difficulty they had in reaching a compromise. The essential thing was to establish genuine dialogue.

The Clerk's representative informed members that a meeting between OSCE and Council of Europe representatives on Albania was taking place today in Strasbourg. Furthermore, it should be noted that the Secretary General had asked the Committee of Ministers to reinforce the Council of Europe's representation in Tirana by seconding a senior official from a member state.

Mr Sole Tura did not think that the appointment of a special representative was a good idea. One had to be patient and active and show a united front, over and beyond political allegiances, in order to secure the co-operation of the political forces in Albania.

Replying to interventions by Lord Russell Johnston and Mrs Fleetwood, the rapporteur said that there seemed little likelihood of an improvement in the political climate in the coming months.

The Chair reminded the meeting that the principles upheld by the Organisation were being threatened in Albania. The credibility and responsibility of the committee were therefore at stake.

The committee took note of the preliminary note of the co-rapporteurs and decided to consult the Bureau of the Assembly on what action to take.

## 7. UKRAINE

*co-rapporteurs: Mr Kelam and Mrs Severinsen*

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Mr Kelam reported on his visit to Ukraine, in the company of Mrs Severinsen, to observe the elections on 29 March 1998. They had been described as free and fair, but serious incidents had been reported. The mayor of Odessa had written to the Secretary General on the subject of very serious incidents in his own city.

Mrs Severinsen added that these elections were highly complex and the voting conditions sometimes difficult.

## 8. COUNCIL OF THE BALTIC SEA STATES (CBSS)

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The Chair welcomed Mr Ole Espersen, CBSS Commissioner for Democratic Institutions and Human Rights.

Mr Espersen presented the Council of the Baltic Sea States, a regional forum which focused on the need to develop co-operation and co-ordination among the Baltic Sea States. It was involved in the protection of human rights. Studies were carried out on certain states, and recommendations could be sent to governments. Individual complaints could also be taken into consideration. He regarded regional co-operation as essential, as was co-operation among the organisations which existed to protect human rights. In this connection, the European Union should consult the organisation which had most experience in this field, namely the Council of Europe. It was vital to avoid setting different standards in human rights. The Council of the Baltic Sea States would moreover be happy to make its work available to the Council of Europe.

Following interventions by Mrs Gelderblom-Lankhout, Lord Russell Johnston, MM. Jansson, Jaskiernia, Sole Tura, Enright and Kelam, Mr Espersen clarified the role of the ombudsman. The question of personal documents such as passports and visas posed a problem in many countries. The institution of Human Rights Commissioner was important because it would help to limit the number of applications made to the European Court of Human Rights. Furthermore, the creation of delegations including Council of Europe and European Union representatives might be a way of promoting co-operation between the two institutions.

The Chair thanked Mr Espersen.

## 9. OTHER BUSINESS

The Clerk's representative informed the members that the Bureau had not authorised the committee's visit to Russia on 14-17 May 1998. The Clerk of the Assembly had informed the committee Chair of this decision and they had proposed seeking authorisation from the Bureau for a visit by the co-rapporteurs, accompanied by an ad-hoc sub-committee of the committee.

Mr Schwimmer explained the reasons for the Bureau's decision. Each country "monitored" might consider that it was in its interest to invite the committee. But the latter could only meet abroad once a year.

The Chair said that a country being "monitored" must not be regarded as "different" from the other countries. Invitations from monitored and non-monitored states carried the same weight. A letter could be sent to the President of the Assembly setting out the new proposal.

Mr Jaskiernia thought it was important to go to the countries being monitored and that there should not be so many invitations.

The committee requested its Chair to seek authorisation from the Bureau for a visit by the rapporteurs to Russia, together with an ad-hoc sub-committee of the committee, whose membership would be decided once the authorisation from the Bureau had been received.

**10. NEXT MEETINGS**

The committee decided to hold its next meetings in Strasbourg during the Assembly's part-session (20-24 April 1998).

The meeting rose at 1:45 pm.

## LIST OF PARTICIPANTS

Members present:

| | | |
|---|---|---|
| MM. | DE MARCO, Chairman | Malta |
| | SOLE TURA, Vice-Chairman | Spain |
| Mrs | GELDERBLOM-LANKHOUT, Vice-Chairperson | Netherlands |
| MM. | AKSELSEN | Norway |
| | AVERCHEV | Russia |
| Mrs | AYTAMAN | Turkey |
| MM. | BERCEANU | Romania |
| | CHRISTODOULIDES | Cyprus |
| | COLUMBERG | Switzerland |
| | ENRIGHT | Ireland |
| | FICO | Slovakia |
| | FIGEL | Slovakia |
| Mrs | FLEETWOOD | Sweden |
| MM. | JANSSON | Finland |
| | JASKIERNIA | Poland |
| | JURGENS | Netherlands |
| | KELAM | Estonia |
| | KIRATLIOGLU | Turkey |
| | MELCAK | Czech Republic |
| Lord | RUSSELL-JOHNSTON | United Kingdom |
| MM. | SCBERRAS TRIGONA | Malta |
| | SCHWIMMER | Austria |
| Mrs | SEVERINSEN | Denmark |
| MM. | SINKA | Latvia |
| | STEOLEA | Romania |
| Mrs | STOYANOVA | Bulgaria |
| MM. | TAHIRI | The former Yugoslav Republic of Macedonia |
| | WEYTS | Belgium |

Office of the Clerk

Mr Sorinas

*Secretariat of the Committee:*

Mr Hartland
Mr Dufour
Ms Hügel
Ms Fritsch
Ms Wurtz

## LIST OF DECISIONS

**The Committee on the Honouring of Obligations and Commitments by Member States**, meeting in Paris on 3 April 1998, with Mr de Marco in the Chair:

- *Croatia [co-rapporteurs: MM. Figel and Jansson]:* examined a preliminary draft report and decided to transmit it (with some adjustments in the light of discussion) to the Croatian parliamentary delegation with a view to comments by the competent national authorities;

- *the former Yugoslav Republic of Macedonia [co-rapporteurs: Mr Berceanu and Mrs Gelderblom-Lankhout]:* examined a preliminary draft report and decided to transmit it (with some adjustments in the light of discussion) to the Macedonian parliamentary delegation with a view to comments by the competent national authorities;

- *Albania [co-rapporteurs: MM. van der Linden and Sole Tura]:* further to the Tri-Parliamentary Mission 22-23 January, and the co-rapporteurs' visit 12-15 March 1998, took note of a preliminary memorandum by the co-rapporteurs and agreed to consult the Bureau of the Assembly on follow-up action;

- *Moldova [co-rapporteurs: Mr Columberg and Mrs Durrieu]:* heard a statement on the elections held on 22 March 1998;

- *Ukraine [co-rapporteurs: Mr Kelam and Mrs Severinsen]:* heard a statement on the elections held on 29 March 1998;

- *Russia [co-rapporteurs: MM. Bindig and Muehlemann]:* decided to request the Bureau's authorisation for a visit to Russia (14-17 May 1998) of a "special delegation" of the co-rapporteurs and an *ad hoc* sub-committee, the membership of the sub-committee to be determined further to the Bureau's authorisation;

- held an exchange of views with Mr Ole Espersen, Human Rights Commissioner, Council of the Baltic Sea States;

- decided to hold its next meeting during the Assembly part-session in Strasbourg (20 – 24 April 1998), starting on Monday 20 April at 2.00 pm.