COUNCIL OF EUROPE / CONSEIL DE L'EUROPE
Parliamentary Assembly
Assemblée parlementaire

Council of Europe / Conseil de l'Europe
F-67075 Strasbourg cedex (France)
Tél :+33/ 3 88 41 20 00
Fax : +33 / 3 88 41 27 76
Email : pace@coe.fr
http://stars.coe.fr/

Confidential

AS/Mon (1999) PV 03
23 March 1999
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Committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee)

Draft minutes
of the meeting held in Paris on 10 March 1999

The meeting was opened by Mr Sole Tura, First Vice-Chairman, at 9.10 am.

1. AGENDA AS/Mon (1999) OJ 03

The draft agenda was adopted.

2. MINUTES AS/Mon (1999) PV 02

The draft minutes of the meeting held on 25, 27 and 28 January 1999 in Strasbourg were approved.

3. PROGRESS REPORT (1998-1999)
rapporteur: Mr Sole Tura
AS/Mon (1999) 03

Mr Sole Tura presented his draft report, which had been sent to the members before the meeting.

Mr Jaskiernia asked for the dates of ratification to be added in Appendix B, wherever technically possible.

Referring to the procedures, Mr Eörsi recalled that he was the rapporteur of the Political Affairs Committee on Albania and wondered whether in future he could accompany the Monitoring Committee's co-rapporteurs on their visits to Albania.

Mr Brunetti regretted that, as Appendix F showed, there were no Italian rapporteurs.

Mrs Stoyanova and MM. Sinka, Eltz, Schwimmer, Bársony and Kelam also took part in the discussion.

The committee approved the report unanimously and expressed the wish that it be presented at the April 1999 part-session of the Assembly.

4. CROATIA

co-rapporteurs : Mr Jaskiernia and Mrs Stoyanova

AS/Mon (1999) 04

Mr Jaskiernia presented the revised version of the preliminary draft resolution and recommendation. Most changes, including deadlines for action, had been suggested by the Croatian parliamentary delegation, following the wish expressed by the committee at its previous meeting.

Mrs Stoyanova suggested that the words "in the former Yugoslavia" be deleted in paragraph 5 of the preliminary draft resolution; Mr Bársony observed that these words were used in the official title of the Hague Tribunal.

Mr Domljan informed the committee that a new electoral law was being prepared by a group of independent experts set up by the Speaker of Parliament. Government expert groups had also been set up to elaborate a bill on local self-government and a bill to revise the suspended provisions of the 1991 constitutional law on the rights of national minorities. The first reading of these bills was scheduled for June 1999 so that the laws would be adopted before October 1999. Amendments to the law on the High Judicial Council would be adopted by the end of April 1999. Croatia had just signed the European Social Charter and the European Convention on the exercise of children's rights. In general, co-operation with the Council of Europe had been very good.

Mrs Biga-Friganovic, member of the Croatian delegation representing the opposition (Social Democratic Party), said that the boycott of the six opposition parties was still in force. She thanked the co-rapporteurs for their work and supported the preliminary draft resolution as far as the issues of elections and media were concerned. Whilst there was some progress in the preparation of a new electoral law, there was no sign of democratisation of the electronic media. Social rights were far from being respected in Croatia.

Mr Atkinson referred to comments on the (declassified) explanatory memorandum prepared by Human Rights Watch. It seemed that high fees had to be paid to acquire Croatian citizenship. He wondered whether this problem should be reflected in the draft resolution.

Mrs Poptodorova noted that an article published in the New York Times on 4 March 1999 referred to the present report and an OSCE report on Croatia. The Monitoring Committee should co-ordinate with other institutions working on the same matters and seek more publicity for its own reports.

Mr Jaskiernia, in reply to the various members, said that paragraph 5 (i) of the preliminary draft resolution referred to various procedural difficulties in the acquisition of citizenship which covered the issues raised by Human Rights Watch. One could understand that for Croatia, an independent and sovereign state, references to the « former Yugoslavia », dissolved 8 years ago, were undesirable. The co-rapporteurs had been in regular contact with the OSCE, although their approach could occasionally differ. By declassifying the explanatory memorandum on 28 January 1999, the Committee had made its report on Croatia public in time for the Croatia Conference organised by the OSCE.

In reply to a question by Mr Pahor, Mr Domljan confirmed that the Croatia-Slovenia border delimitation commission had completed 99% of its work. The problem of the presence of Slovenian soldiers on Croatian territory remained.

Mr Pahor strongly opposed the statement by Mr Domljan about the presence of Slovenian soldiers on Croatian territory but admitted that the Monitoring Committee was not the right place to discuss this issue.

Mr Sinka said that the exchange of views between MM Domljan and Pahor resulted from the fact that the report was too detailed. As long as Croatia was using « peaceful means » to delimit its international borders, there should be no further details in the report. He wondered how long the monitoring procedure for Croatia should remain open and suggested that the next Assembly debate on Croatia take place in September 1999.

Mr Jaskiernia answered that the explanatory memorandum should contain the information required to justify the conclusions of the rapporteurs. An Assembly debate in September 1999 would not allow Croatia to make enough progress towards honouring its remaining commitments.

In a vote, the draft resolution and draft recommendation were unanimously adopted.

5. MOLDOVA

co-rapporteurs : Mr Columberg and Mrs Durrieu

AS/Mon (1999) 05

Mrs Durrieu presented the draft report. Two new laws concerning local self-government and the territorial organisation of the country had raised questions of compatibility with the autonomy status of Gagauzia and with the Framework Convention for the Protection of National Minorities to the extent that the Tarakliya region, principally inhabited by ethnic Bulgarians, was incorporated into a larger region. Moreover, there was no law on the protection of national minorities in Moldova. Concerning Transnistria, although for years Moldovan representatives had told the rapporteurs that the Moldovan parliament had ratified the 1994 agreement on the withdrawal of the former 14th Russian Army, the Moldovan delegation in its comments was now denying this and stating that the agreement had entered into force for Moldova by simple decision of the government. There did not seem to be any progress in solving the Transnistrian problem. In view of the new elements that had emerged concerning minority issues and the current governmental crisis in Moldova, it would be probably preferable to postpone the Assembly debate to June 1999.

Mr Nedelciuc thanked the rapporteurs for their work. The Moldovan delegation agreed with the preliminary draft resolution and recommendation with the exception of those paragraphs where reference was made to the Gagauz and Bulgarian minorities and to the need for ratification of the 1994 withdrawal agreement. Moldova could not solve the Transnistrian problem without international support (see in Appendix the comments of the Moldovan delegation).

Mrs Stoyanova congratulated the rapporteurs and suggested that they ask the Moldovan authorities to reconsider their decision to end the existence of the Tarakliya region as a separate region. The President of the Republic of Moldova, during his recent visit to Bulgaria, had given assurances that Tarakliya would be maintained as a separate region. He had vetoed the new law on territorial organisation of the country for this reason. In a regional referendum, 92% of the inhabitants of the Tarakliya region had pronounced themselves in favour of the *status quo*. Moreover, by governmental decree of 4 February 1999, a Bulgarian language publication had been abolished. Solid guarantees should be given that the rights of the Bulgarian minority would be respected.

Mr Jaskiernia, supported by MM Bársony and Atkinson, suggested that the co-rapporteurs establish, in co-operation with the Moldovan delegation, precise deadlines for concrete measures. He also noted, followed by Mr Bársony, that too much emphasis was put on the Transnistrian issue and on the bilateral relations between Moldova and Russia.

Mr Sinka considered that unless deadlines were part of the commitments accepted upon accession, they were not indispensable in a report by the Monitoring Committee.

Mr Averchev noted that, with regard to the conflict between the Moldovan Orthodox Church and the Bessarabian Orthodox Church, it was not for the government to solve it. When referring to the «14th Russian Army», the co-rapporteurs should either use its official name or add the adjective «former». He was surprised that Mr Nedelciuc said nothing about the fact that Transnistria was a paradise for smuggling and trafficking. Very powerful economic interests were thus contributing to the preservation of the current situation. Moreover, 80% of the remaining Russian troops were local citizens who would stay in the region even if the commanding officers were to be withdrawn. One should think of the consequences of such a withdrawal, including the possibility of a new civil war. Not all members of the Russian Duma were against ratification of the withdrawal agreement. The Minister of Foreign Affairs had withdrawn ratification of the agreement from the agenda of the state Duma to avoid a negative vote.

Mrs Poptodorova stressed that Bulgaria had very good relations with Moldova. Tarakliya had been a separate region since 1947. It comprised 120,000 ethnic Bulgarians, loyal citizens of the Moldovan state who had always contributed to stability and had never claimed any kind of separation. Economic arguments to justify the change were hard to understand since no country solved its financial problems by voting laws on territorial organisation. The Bulgarian question should be mentioned in the report.

Mr Bársony wondered why no member of the Moldovan opposition was present at the meeting. Moldova had made significant progress. As regards the Transnistrian issue, the co-rapporteurs on Russia should also take action.

Mr Schwimmer said that additional information should be made available on the law on territorial administrative organisation. It would be useful to know how big the whole population of Tarakliya region was and how many pupils were taught in the Bulgarian language since different figures were given by the rapporteurs and the Moldovan delegation. It would be more appropriate to speak about « dissolution » rather than « withdrawal » of the former 14th Russian Army.

Mr Atkinson preferred that, despite the request of the Chairman of the Bulgarian delegation, Mr Toshev, the Assembly debate on Moldova take place in April 1999 as initially foreseen. New elements on the Bulgarian issue should be added. Four co-rapporteurs, those on Moldova and those on Russia, should visit Russia and discuss the Transnistrian issue and the withdrawal of the former 14th Russian Army.

Mr Steolea congratulated Mrs Durrieu for her courage to visit Ilascu in prison. Moldova had made considerable progress. Deadlines should be added only with respect to some commitments. He informed the committee that the Russian Duma had recently decided to reinforce the 14th Russian Army in Transnistria.

Mr Davis congratulated the rapporteurs for their detailed and well-documented report. Supported by Mr Surjan, he made a distinction between deadlines which could be linked to possible sanctions, such as in the case of Ukraine, and agreed timetables. He recommended that the co-rapporteurs indicate which of the comments of the Moldovan delegation had been taken into account in the last version of their report.

Mrs Durrieu explained that the whole report had been revised in the light of the comments by the Moldovan delegation. She insisted that Transnistria was the most crucial issue in Moldova. Unlike the Croatian delegation, the Moldovan delegation had not proposed any deadlines for action. Moldova had found an exemplary solution to the Gagauz problem by granting them a special autonomy status which was now threatened. The Moldovan authorities should initiate a dialogue with the experts of the Venice Commission on this issue and on the elaboration of a law on the protection of national minorities which would reassure the Bulgarian minority. She had just been informed that a meeting would take place in Odessa on 28-29 May 1999 where the Transnistrian issue would be discussed by members of the Moldovan, Ukrainian and Russian parliaments and of the so-called « Supreme Council of the Moldovan Republic of Transnistria»; the co-rapporteurs on Moldova and Russia of the Monitoring Committee would be invited to participate as well as members of the Parliamentary Assembly of the OSCE. She proposed that the Assembly debate on Moldova be postponed.

Mrs Severinsen suggested that the rapporteurs on Ukraine also be invited to the Odessa meeting in view of Ukraine's role in the negotiations on Transnistria as a guarantor state.

Mr Nedelciuc explained that Mr Voronin, member of the Moldovan opposition (Communist Party) had planned to attend the present meeting but finally had not come because of the governmental crisis in Moldova. The Cahul region into which Tarakliya had been incorporated comprised 20 additional villages where ethnic Bulgarians formed a majority, thus increasing that Bulgarian ethnic minority. It was astonishing that Bulgarian representatives protested given that the Turkish minority in their country enjoyed no rights. Regarding the Bulgarian newspaper, the Moldovan government had decided to stop financing all publications due to the economic crisis. Although there was no law on minorities, the

Moldovan Constitution included some of the most advanced provisions in Europe on this issue. Many of the commitments had not yet been honoured mainly because of the political situation. Thus, in the present conditions, it was very difficult to change the status of prosecutors. He agreed with the proposal to postpone the Assembly debate and promised that an invitation to the Odessa meeting would reach the Council of Europe's Parliamentary Assembly.

The Committee unanimously decided to request postponement of the Assembly debate and authorised the co-rapporteurs on Moldova, Russia and Ukraine to attend a parliamentary conference on Transnistria to be held in Odessa on 28 and 29 May 1999.

6. BULGARIA

co-rapporteurs: MM. Atkinson and Gjellerod AS/Mon (1999) 06

Mr Atkinson gave an account of the fact-finding visit to Bulgaria, which he and Mr Gjellerod had made on 7-10 February 1999.

Mrs Poptodorova stressed that none of the Council of Europe recommendations had been taken into account regarding the Radio-Television Council. Governors were in office irrespectively of recommendations on administrative reform made by the Congress of Local and Regional Authorities of Europe. A bill on civil servants was still pending and in the meantime there were no guarantees for their rights.

The Committee asked the co-rapporteurs to prepare a preliminary draft report for the next Committee meeting.

7. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

co-rapporteurs: Mr Dumitrescu and Mrs Gelderblom-Lankhout

Postponed.

8. ALBANIA

co-rapporteurs: MM. Smorawinski and Sole Tura

For this item Mr Sinka took the chair.

Since the previous fact-finding visit in March 1998, Mr Sole Tura saw positive developments in the approval, by referendum on 22 November 1998, of the Constitution and in the arrival of a new government with a new generation of politicians. On the other hand, it was not yet clear who would take the leadership of the Socialist Party and the Democratic Party was still boycotting the Parliament. The Council of Europe should put pressure to bear on all political parties to join forces and build the Albanian State.

Mr Smorawinski said that during the fact-finding visit – which had been his first – the situation had seemed to be tense, mostly because of the ongoing negotiations in Rambouillet, but also because of the lack of political dialogue in Parliament on issues such as growing insecurity.

In reply to questions raised by MM Schwimmer, Jaskiernia, Domljan and Mrs Gelderblom-Lankhout, Mr Sole Tura confirmed that notwithstanding continuous pressure by the Assembly and by two Tri-parliamentary Missions, the indispensable dialogue between

coalition and opposition was still absent and the new generation in the opposition was not influential enough to conduct such dialogue. Yet the Parliamentary Assembly, and in particular its political groups, should continue to press both sides for political dialogue – if necessary by setting up a political task force. As for control over the northern part of the country, the Government pursued a policy of neutrality in respect of the UCK and officially supported the international community's proposal for autonomy of Kosovo. The Albanian authorities had not yet reacted on the Venice Commission's opinion that death penalty was incompatible with the Albanian Constitution; they had made clear, however, that for the time being they were not in a position to abolish the death penalty *de jure* and they had asked for understanding on the part of the Council of Europe. No significant progress had been reported on the investigations in the Hajdari-murder.

Mrs Poptodorova suggested that the deep rift which existed not only between political forces, but also between the North and the South, might be bridged by involving all Albanian political parties in joint parliamentary activities at the level of the region (e.g. the recent inter-parliamentary visit to Pristina, organised on a Bulgarian initiative).

Mr Bársony said that the political groups in the Assembly should accept their responsibility and bring their Albanian member parties back to political dialogue in Parliament, if necessary on penalty of exclusion. Seconded by Mr Eörsi, he proposed that the Committee present its report with deadlines and sanctions in case of non compliance, for the Assembly to decide.

Mr Kelam observed that the Council of Europe was not prepared to face a situation where a member State collapses. Contrary to Ukraine, which did not meet the required standard, Albania did not have any standard. If Albania were to remain a member State, the Council of Europe should equip itself with the tools to re-structure the State.

The committee invited the co-rapporteurs to prepare a preliminary draft report for the next meeting.

9. SLOVAKIA

On a proposal by Mr Atkinson, Mr Sinka was appointed co-rapporteur.

The Chairman informed the committee that the United European Left group had proposed Mr Myrvoll from Norway.

Following interventions by MM Eörsi and Bársony and in view of the absence of Mr Myrvoll, the Committee decided to postpone appointment of the second co-rapporteur to its next meeting.

10. RUSSIA

co-rapporteurs: MM. Bindig and Muehlemann

Doc. 8311
Letter from Mr Jurgens

Mr Sorinas, Head of Department, explained that the Committee on Legal Affairs and Human Rights had appointed Mr Jurgens rapporteur on anti-semitism in the Russian Federation, subject to the Bureau's decision to refer the motion to this committee. However, the Bureau finally referred it to the Monitoring Committee. The co-rapporteurs on Russia,

who were absent, had expressed their wish to deal with this question during their visit to Russia in May 1999.

Mr Bársony, supported by Mrs Gelderblom-Lankhout, said that the committee should prepare a specific report. A visit in May would be too late.

Mr Averchev informed the committee that Mr Makashov had made new anti-semitic statements after the drafting of the motion in question. The Russian government had presented to the Duma two bills against xenophobia and anti-semitism. On 11 March next, the Duma would discuss a resolution against Mr Makashov, who was using this attention to increase his popularity in the electoral campaign.

Mr Jaskiernia questioned the Bureau's decision to refer this motion to the Monitoring Committee.

Mr Schwimmer recalled that in the past a motion on the Russian law on religion had been referred to the Committee on Legal Affairs and Human Rights and that the Monitoring Committee had protested against this decision. It would be preferable that the co-rapporteurs on Russia visit the country earlier than in May and report on this specific issue. If they would not be available, the committee could designate other co-rapporteurs for this purpose.

Mrs Gelderblom-Lankhout said that Mr Muehlemann insisted to deal with this special issue in the next report on Russia.

Following a proposal by Mr Bársony, the committee authorised its co-rapporteurs to visit Russia in time to present a report at the April 1999 part-session of the Assembly; if the co-rapporteurs were not available, Mr Jurgens would be asked to replace them for this specific report.

11. EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

Mr Bársony, who had attended the ECRI plenary session held from 3 to 5 February 1999 in Strasbourg, informed the committee that this Council of Europe body followed also a country-by-country approach, similar to that of the Monitoring Committee. Therefore it would be helpful that, before finalising their work on a given country, rapporteurs of the ECRI and the co-rapporteurs of the Monitoring Committee consult each other.

Upon a proposal by the Chairman, the committee appointed Mr Bársony as its representative at the next meetings of ECRI.

12. OTHER BUSINESS

a) Turkey

Mr Sorinas informed the committee of the Bureau's decision to set up *an ad* hoc committee, in which the co-rapporteurs of the Monitoring Committee on Turkey (MM. Bársony and Schwimmer) would take part, to ensure an Assembly presence at Mr Öcalan's trial.

The committee took note.

b) Ukraine

The committee authorised its co-rapporteurs on Ukraine, Mr Kelam and Mrs Severinsen, to carry out a fact-finding visit to Ukraine in May 1999.

13. NEXT MEETING

The Committee decided to hold its next meeting in Strasbourg during the next part-session of the Assembly (Strasbourg, 26-30 April 1999).

The meeting rose at 6.00 pm.

LIST OF PARTICIPANTS

Members present :

Mr	SOLE TURA, Vice-Chair	Spain
Ms	GELDERBLOM-LANKHOUT, Vice-Chair	Netherlands
MM.	SINKA, Vice-Chair	Latvia
	ATKINSON	United Kingdom
	AVERCHEV	Russia
	BÁRSONY	Hungary
	BRUNETTI	Italy
	DAVIS	United Kingdom
	DINÇER	Turkey
	DOMLJAN	Croatia
Ms	DURRIEU	France
MM	ELTZ	Croatia
	ENRIGHT	Ireland
	EÖRSI	Hungary
	HORNHUES	Germany
	JASKIERNIA	Poland
	KELAM	Estonia
	KIRATLIOGLU	Turkey
	KUZMICKAS	Lithuania
	NEDELCIUC	Moldova
	PAHOR	Slovenia
Ms	POPTODOROVA	Bulgaria
Mr	SCHWIMMER	Austria
Ms	SEHNALOVA	Czech Republic
Ms	SEVERINSEN	Denmark
MM	SMORAWINSKI	Poland
	STEOLEA	Romania
Ms	STOYANOVA	Bulgaria
Mr	SURJAN	Hungary

Also present :

Ms	BIGA-FRIGANOVIC	Croatia

Office of the Clerk of the Assembly :

Mr Sorinas, Head of Department

Secretariat of the Committee :

Mr Ausems, Mr Dufour, Ms Chatzivassiliou, Ms Wurtz

LIST OF DECISIONS

The Committee on the honouring of obligations and commitments by Member States of the Council of Europe, meeting in Paris on 10 March 1999, with Mr Sole Tura and Mr Sinka in the Chair :

- *Progress report (1998-1999) (rapporteur: Mr Sole Tura, Spain, Soc):* approved the progress report and expressed the wish that it be presented at the April 1999 part-session of the Assembly;

- *Croatia (co-rapporteurs : Mr Jaskiernia, Poland, Soc, and Mrs Stoyanova, Bulgaria, EPP/CD) :* unanimously adopted a draft resolution and a draft recommendation;

- *Moldova (co-rapporteurs: Mr Columberg, Switzerland, EPP/CD, and Mrs Durrieu, France, Soc):* considered a draft report, decided to request postponement of the Assembly debate and authorised the co-rapporteurs on Moldova, Russia and Ukraine to attend a parliamentary conference on Transnistria to be held in Odessa on 28 and 29 May 1999;

- *Bulgaria (co-rapporteurs: MM. Atkinson, United Kingdom, EDG, and Gjellerod, Denmark, Soc):* heard a statement by Mr Atkinson on the fact-finding visit by the co-rapporteurs to Bulgaria from 7 to 10 February 1999 and asked them to prepare a preliminary draft report for the next meeting;

- *Albania (co-rapporteurs : Mr Smorawinski, Poland, EPP/CD, and Mr Sole Tura, Spain, Soc):* heard a statement by the co-rapporteurs on their fact-finding visit to Albania from 24 to 26 February 1999 and asked them to prepare a preliminary draft report for the next meeting;

- *Slovakia:* appointed *Mr Sinka (Latvia, EDG)* co-rapporteur and decided to postpone appointing the second co-rapporteur to its next meeting;

- *Russia (co-rapporteurs: MM. Bindig, Germany, Soc, and Muehlemann, Switzerland, LDR):* took note of the motion for a resolution on anti-semitism in the Russian Federation (Doc. 8311) referred to the committee by the Bureau and authorised its co-rapporteurs to visit Russia in time to present a report at the April 1999 part-session of the Assembly; in case the co-rapporteurs were not available, Mr Jurgens would be asked to replace them for this specific report;

- *European Commission against racism and intolerance (ECRI):* heard a statement by Mr Bársony on the ECRI plenary session held from 3 to 5 February 1999 in Strasbourg and appointed him as its representative at the next meetings of ECRI;

- *Turkey (co-rapporteurs: MM. Bársony, Hungary, Soc, and Schwimmer, Austria, EPP/CD):* took note of the Bureau's decision to set up an ad hoc committee, in which the co-rapporteurs would take part, to ensure an Assembly presence at Mr Öcalan's trial;

- *Ukraine (co-rapporteurs: Mr Kelam, Estonia, EEP/CD, and Mrs Severinsen, Denmark, LDR):* authorised its co-rapporteurs to carry out a fact-finding visit to Ukraine in May 1999;

- decided to hold its next meeting in Strasbourg during the next part-session of the Assembly (Strasbourg, 26-30 April 1999).

APPENDIX

Comments of the Moldovan Delegation on the Drafts of the Recommendation and Resolution of the Parliamentary Assembly of the Council of Europe (PACE) on the Republic of Moldova

Article 1. iv. (Recommendation) and respectively 4.ii. And 5.ii (Resolution)

The Moldovan delegation to the Parliamentary Assembly of the Council of Europe, on behalf of the authorities of the Republic of Moldova, wishes to express its concern in connection with the inclusion of these articles in the preliminary drafts of the Recommendation and Resolution of the PACE on the Republic of Moldova. Particularly, due to the fact that the Report on Moldova drafted by reporters D.Columberg (Switzerland, EPP) and Josette Durrieu (France, SOC) does not make any references whatsoever to any existing tensions related to the Bulgarian minority in the Republic of Moldova.

It should be mentioned that the two Laws concerning the administrative-territorial organization and local public administration of the Republic of Moldova have for an objective the social/economic aspect, and are based exclusively on the principles of local autonomy, decentralization of public authority, eligibility of local public administrative authorities, and consultation of citizens on local issues of particular interest - principles initiated in the European Charter of Local Self-government (in force for the Republic of Moldova as of 01.02.98) and Articles 109 - 111 of the Constitution of the Republic of Moldova.

Observing the general principles of administrative-territorial organization, recognized by the international community, the administrative organization of the state territory is nothing else but an element of the state's home policy. Consequently, dessolution or preservation of Taraclia "raion" (old district) falls exclusively under the competence of the Republic of Moldova. Moreover, the authorities of the Republic of Moldova declare firmly and explicitly that the adoption of the law on the territorial administrative organization of the Republic of Moldova does not contradict the provisions of Article 16 of the Framework Convention on protection of national minorities. On the contrary, the total number of representatives of the Bulgarian minority is increased considerably by including in Cahul "judet" (district) of some new communities, which previously did not belong to the former Taraclia region, but are populated predominantly by representatives of the Bulgarian minority.

Thus, by including the former Taraclia "raion" (region) in the Cahul district, the individual rights and liberties of persons belonging to the Bulgarian minority in this district are by no means violated. Moreover, we wish to inform the distinguished members of the Monitoring Committee of the PACE that a legal framework extremely favorable for the protection and development of the Bulgarian minority has been created in the Republic of Moldova. We wish to remind that already on March 30, 1992, the Decree No 428 of the President of the Republic of Moldova "on the development of national Bulgarian culture" was issued, and on June 23, 1992, the special Decision No 428 of the Government "on the development of the national culture of the Bulgarian population of the Republic of Moldova" was adopted. Moreover, in June 1989 the Bulgarian social-cultural association "Vazrajdane" was set up in the Republic of Moldova, and the Bulgarian language is being taught as a separate subject in 32 schools in the localities compactly populated by Bulgarians, as well as in the Lyceums (high schools) in Taraclia and Ceadar-Lunga towns. Already in 1992 a Lyceum in which the learning process is carried out exclusively in the Bulgarian language was set up, and the Pedagogical Schools from Comrat and Cahul train annually around 150 teachers of Bulgarian language. The linguistics faculties of the State Pedagogical University "Ion Creanga" (Chisinau) and the State University at Comrat train specialists in the Bulgarian language as well. Even in Chisinau a Bulgarian secondary school was set up in 1996. Aside from that, programs in Bulgarian are broadcast on a weekly basis by the Moldovan TV and Radio. 300 youth representatives of the Bulgarian minority from the Republic of Moldova study in Bulgaria and receive fellowships from the Bulgarian Government.

At the same time, the new law on the local public administration in its Article 107 (2) provides for the Cahul district (which includes the former Taraclia "raion") two deputy Prefects (Prefects are nominated by the Cabinet and approved by President's Decree, and the Deputy Prefects are nominated by decision of the Cabinet at the proposal of the Prefects- Article 107(3)), one of which will be responsible exclusively for the issues relating to Bulgarian minority in the district and his office is located in Taraclia town. As far as the Cahul district's Council (elected authority) is concerned, Article 61(2) stipulates that decisions relating to social aspects in the fields of culture, education, health protection and environment referring to the communities populated predominantly by representatives of Bulgarian minority in Cahul District fall under the competence of one of the Deputy Chairmen of the Standing Bureau of the District's Council, who and whose staff, elected by the district's Council, work in their office located in the town of Taraclia.

In this context, reconfirming the Republic of Moldova's commitment to the observation of the provisions of the Framework Convention on the protection of national minorities, the authorities of the Republic of Moldova, with reference to Article 17(1) of the Framework Convention, wish to express their concern raised by the Bulgarian Government's decision of February 18, 1999, on the introduction of the visa regime for the citizens of the Republic of Moldova, which is regarded by the Republic of Moldova as an unfriendly act, and which clearly offends the rights of the Moldovan citizens belonging to the Bulgarian minority to establish and maintain free contacts across borders with persons having legal residence in a state with which they share a common language, religion, and cultural heritage.

The Moldovan Delegation to the Parliamentary Assembly of the Council of Europe avail themselves on this opportunity to reconfirm with confidence and responsibility that the Bulgarian minority, as well as all other cultural minorities in Moldova enjoy sufficient rights and liberties provided for in the Framework Convention on the protection of national minorities, a fact confirmed by the rapporteurs of the PACE (Article 85), who maintain that the legal framework of the Republic of Moldova is essentially in line with international standards in the field of protection of the national minorities. At the same time, as it is known, the same can not be said about the Republic of Bulgaria, since its legislation does not provide for the creation of a separate district in which the Turkish minority has its own deputy prefect responsible for culture, education, health protection and environment fields referring to the communities populated predominantly by representatives of the Turkish minority. As opposed to Moldova, in Bulgaria the Turkish language is taught as an optional language and there are no schools for national minorities. Aside from that, all TV and Radio programs are broadcast exclusively in the official language of the country.

Thus, the Republic of Moldova, with reference to Article 20 of the framework convention of the protection of national minorities requests expressly observance thereof, as well as observance of Article 21 of the Framework Convention which stipulates the following: nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Article 1. v. (Recommendation) and respectively 4. i. and 5. i. (Resolution)

The Republic of Moldova, by adopting the Law on territorial administrative organization of the country and the Law on local public administration, does not affect the special status of Gagauzia. Thus, the new territorial administrative organization of the Republic of Moldova maintains integrally both the administrative borders of the Autonomous Territorial Unit Gagauzia and its special competence.

The Law on the local public administration establishes the office of the Prefect, including for the Autonomous Territorial Unit Gagauzia. In accordance with Article 107(1), the Prefect is the direct representative of the Government in the district, Autonomous Territorial Unit, and the city of Chisinau. In his quality of representative of the Government, the Prefect is obliged to oversee observance of national legislation by the local public administration authorities, to review legitimacy of decisions

taken by local public administration authorities and compatibility of such decisions with human rights principles. Thus, the Republic of Moldova, with reference to the European Charter of Local Self-government, officially declares that the territorial administrative reform carried out in line with European standards in the field does not prejudice in any way the special status of the Autonomous Territorial Unit Gagauzia and the new Law on local, public administration does not contradict the special status of Gagauzia.

As far as the conflict between the two organic laws is concerned, we wish to inform the Monitoring Committee of the PACE that, in accordance with Article 72 of the Constitution of the Republic of Moldova, the organization of the local public administration, of the territory, as well as the general regime of local autonomy is regulated by organic law. In this context, on the basis of general principles of law, an organic law can not be superior to another organic law, and in accordance with the same principle, in cases when two organic laws contradict each other, the most recent organic law prevails, thus, theoretically, even though the two laws contradict the special status of Gagauzia, the laws at the basis of the territorial administrative reform of the Republic of Moldova prevail in any case, on the basis of general principles of law. As far as the preliminary drafts of the Recommendation and Resolution of the PACE are concerned, the Republic of Moldova is requested therein to violate this principle, which raises doubts related to the professionalism of the authors of the both preliminary drafts of the PACE, and creates a precedent of double standards in relations of the Organization with its member states.

Thus the Republic of Moldova is confident that the implementation of the new laws on administrative territorial organization and local public administration promotes and consolidates the principles of democratic society and the fundamental rights and liberties of a person.

Article 1. ix. (Recommendation) and respectively 9 (Resolution)

The Moldovan Parliamentary Delegation to the PACE has to express its regret and serious concern with the informational deficit proved by certain civil servants of the Council of Europe in dealing with the Transnistrian issue.

We wish to inform the distinguished members of the Monitoring Committee of the PACE that the Moldovan-Russian Agreement on the legal status, the modality and terms of withdrawal of military forces of the Russian Federation, located temporarily on the territory of the Republic of Moldova, does not provide for the necessity of ratification thereof by the Parties. In accordance with Article 23 of the Agreement, the Document enters into force at the date of the last notification by the Parties on the implementation of necessary internal procedures, and will be enforced until complete withdrawal of the military forces of Russian Federation from the territory of the Republic of Moldova is achieved. Thus the Agreement may entry into force even by a Governmental decision. The Republic of Moldova put the Moldovan-Russian Agreement of October 21, 1994 in force on November 9, 1994, through the Decision of the Government of the Republic of Moldova. The Russian Federation decided to submit the document to its Parliament, being well aware that the political forces in the State Duma would never accept the ratification of such an agreement. Moreover, the Russian Federation is obliged, even in accordance with the provisions of CFA Treaty, to withdraw its military forces and its equipment from the territory of the Republic of Moldova.

On November 17, 1998, after the lower chamber of the Russian Parliament had delayed the ratification of the Agreement for four years and excluded ratification from its agenda, V.Sredin, Deputy Minister of Foreign Affairs of the Russian Federation in a letter addressed to Ghennadii Selezniov, Chairman of the State Duma of Russia, requested to withdraw from the State Duma the Moldovan-Russian Agreement concerning withdrawal of the Russian military forces from the territory of the Republic of Moldova on the basis of lack of progress in the process of political settlement of the Transistrian conflict. The authorities of the Republic of Moldova regard this gesture of the Russian Foreign Ministry as an act of disrespect of the partner, as an act which is far from contributing to the consolidation of relations between the two countries, and which may lead to growing tentions in the

Transnistrian region of the Republic of Moldova and, thus, in the South-Eastern Europe. The situation is aggravated by the fact that the letter addressed by the Russian MFA to the Duma expressly indicates that a Proposal to re-address this subject will be made by the Russian MFA depending the development of our relations with the Republic of Moldova and its Transnistran region, as well as on the political settlement in the region. In his turn G. Tihonov, Chairman of the Committee for CIS and relations with compatriots, indicates to the State Duma on the basis of the letter of the Russian Deputy Foreign Minister concerning withdrawal from the lower chamber of the Parliament of the Russian Federation of the 1994 Agreement and its additional protocols the following: "the Committee considers that the mentioned Agreement does not correspond neither to the political relations between Transnistrian Moldovan Republic and the Republic of Moldova" [unacceptable statement given since so called the TMR is not recognized as subject of international law], "nor to the geopolitical interests of Russia. Implementations of these agreements constitute a real threat to the security of the country. Therefore, in their present shape they cannot be ratified." G. Tihonov further states that: "under the conditions of NATO's expansion to the East we find it necessary to negotiate consolidation of the military presence of Russia in this region." The Republic of Moldova regards these statements by the Russian official as an interference in the internal affairs of our country, as an act that clearly indicates the unwillingness of the Russian Federation, in its quality of guarantor of stability in the Transnistrian region of the Republic of Moldova, to conduct a constructive dialog in the process of political settlement of the Transisnstrian conflict.

After the Moldovan-Russian Agreement concerning the withdrawal of Russian military forces from the territory of the Republic of Moldova has been revoked from the State Duma of the Russian Federation, the Treaty on friendship and co-operation between the Republic of Moldova and the Russian Federation, signed in 1990 and ratified by the Parliament of the Republic of Moldova in the same year, was revoked from the lower chamber of the Russian Parliament in January 1999 as well. This time the rationale of the Russian authorities was that the current version of the Treaty does not reflect the special status of the Transistrian region of the Republic of Moldova. This rationale is regarded as an insult to the Republic of Moldova, given that the Transnistrian problem is an exclusively internal problem of our country. External influence on this issue, particularly by such acts of international political blackmailing, is not admissible.