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 (1998) PV11
8 December 1998
amonpv11_98

Committee on the honouring of obligations and commitments by member States of the Council of Europe

Draft minutes
of the meeting held in The Hague on 26 November 1998

Mr Sole Tura, Acting Chairman, opened the meeting at 9.00 am and welcomed the participants. He thanked Mrs Gelderblom-Lankhout, second Vice-Chairperson, for the invitation to meet in The Hague and the organisation of the exchange of views with Mr Van der Stoel, and said he would share the chair with her.

1. AGENDA AS/Mon (1998) OJ 11

The draft agenda was adopted.

2. MINUTES AS/Mon (1998) PV 10

The draft minutes of the meeting held in Strasbourg on 5 November 1998 were approved.

3. CROATIA
co-rapporteurs: Mr Jaskiernia and Mrs Stoyanova

Mr Jaskiernia, co-rapporteur thanked the Croatian delegation for the excellent organisation of the visit which took place from 10 to 13 November 1998. Croatia had honoured its commitments in respect of ratification of *Council of Europe Conventions*. With regard to the *Dayton and Erdut agreements*, discussions in Zagreb and Vukovar had focused on the return of displaced persons and refugees and in particular the implementation of the Return Programme adopted at the end of June 1998. Since then, the rate of returns of refugees of Serb ethnic origin notably from the Federal Republic of Yugoslavia (FRY) had increased whereas the first organised returns from the Republika Serbska had taken place. Returns concerned mainly «easy cases», ie. returns to houses

which were empty and habitable and most returnees were elderly people. The government was now trying to tackle "difficult cases", that is cases in which alternative accommodation should be provided for people living in houses belonging to returnees. Overall, there seemed to be good co-operation with the international organisations represented in Zagreb, in particular the UNHCR and the OSCE.

As far as the Danube region was concerned, its peaceful re-integration into Croatia was progressing. Most displaced Serbs had left the region either to return to their places of origin elsewhere in Croatia or to live abroad, mainly the FRY. The Joint Council of Municipalities, which should represent the interests of the Serb community, did not seem to be as active as one could hope, partly for lack of funding. A considerable feeling of insecurity was spread amongst the Serb community because of violent incidents with the Croat community. Complaints persisted that the judiciary treated cases brought by ethnic Croats against ethnic Serbs more rapidly than cases brought by the latter against the former. In general, reconciliation between the two communities was very difficult to achieve, to some extent understandably given the short time which had elapsed since the end of the war. The main problem of the region seemed to be impoverishment and lack of any hope for economic development and this to the detriment of both Serb and Croat communities.

As far as *electoral reform* was concerned, discussions in Zagreb had focused on the recommendations of the Parliamentary Assembly and the OSCE at the 1995 parliamentary elections with regard to the special list on which Croat citizens living abroad could vote and especially the fact that 12 seats in the parliament (10% of the total) were reserved for this list. Reports of international organisations had considered that, in other countries as well, citizens from abroad could vote, but there was no precedent that they would vote on a special list and a special number of seats in the parliament would be reserved for their representatives. Abolition of the special list for the "Diaspora" was one of the requirements of the 6 opposition parties and one of the reasons why they had recently, whilst keeping their mandate, decided to stand down from their functions (chairmanships, etc.) in Parliament, as well as to refrain from any further participation in international assemblies. The ruling party had left open the possibility to discuss the electoral law with the opposition. Parliamentary elections were due for autumn next year (early 2000 at the latest) but some interlocutors seemed to believe that they could be held earlier.

As far as the *judiciary* was concerned, discussions had focused on the huge backlog of cases pending before courts. The Ministry of Justice had prepared a package of measures to solve the problem which had received the support of all political parties in parliament. One of the problems seemed to be that posts in lower courts remained vacant. Amendments to the law on the High Council of Justice were being prepared in consultation with Council of Europe experts. It was unclear to what extent these amendments would strengthen independence of the judiciary or increase the role of the Ministry of Justice.

The discussions on *media reform* had focused on the recent amendments to the Law on the Croatian Radio and Television. These amendments were rushed through the parliament without leaving the opportunity to take into account the assessment made by the Council of Europe expert for which no clear explanation was given. At any event, most of the Council of Europe recommendations were not incorporated in the amended version of the law, including the privatisation of the third channel of the Croatian TV, and this was the main complaint expressed by representatives of the electronic media.

As far as *minority rights* were concerned, no progress had been noted with regard to the revision of the provisions of the 1991 Constitutional Law on Human Rights and Rights of Minorities, which had been suspended following recommendations of the Venice Commission. Implementation of these recommendations was one of the commitments undertaken by Croatia. The

co-rapporteurs discussed at length this issue with Mr Seks, Deputy Speaker of the Parliament and Chairman of the Commission for the revision of the above-mentioned law. However, they did not receive any clear explanations on why no draft law on the revision had so far been prepared by this Commission (set up in March 1997). Therefore, the co-rapporteurs asked the Venice Commission to discuss this issue at its next meeting (11-12 December 1998) and prepare an up-dated report on its co-operation with the Croatian authorities in this respect.

The co-rapporteurs had not discussed at length issues of *local self-government* but had referred to the recommendations made by the Congress of Local and Regional Authorities of Europe last May.

In conclusion, Mr Jaskiernia said that some personalities in Croatia were of the opinion that Croatia was being treated unfairly. The co-rapporteurs did not share this view and, for their part, would be fair and objective. They would present a draft report to the Committee in January 1999, with a view to an Assembly debate in April 1999. They hoped that opposition members would participate in the Committee's meeting, in conformity with Resolution 1115, paragraph 10.

Mrs Stoyanova, co-rapporteur, referred more specifically to the visit to Vukovar. The city was seriously damaged by the war. The Croatian authorities were taking steps to improve the situation and reconstruct houses but international aid in this field was indispensable. As far as the judiciary was concerned, she criticised an instruction of the Chairman of the Supreme Court impeding judges of lower courts to reveal directly to representatives of international organisations data concerning the number of cases pending before them and the length of proceedings. With regard to printed media, complaints had focused on the monopoly of distribution of newspapers, weeklies etc., by two enterprises under the influence of the ruling party and the fact that revenues reached independent media with great delays, if at all. The high number of actions for libel brought against journalists (approx. 500) and the disproportional height of fines imposed on them had also been discussed. Finally, co-operation between the Venice Commission and the Constitutional Court with regard to the participation of international advisers in minority cases seemed to be satisfactory. International advisers had already taken part in preparatory sessions and would be invited in the coming months to participate also in hearings (official sessions).

Mr Schwimmer observed that Croatia was not the only state in which citizens living abroad could vote and asked the rapporteurs how many of such citizens had taken part in the 1995 elections. He wondered about the amount of time reserved for opposition parties in the three public TV channels and asked whether an additional private channel could be created.

Mr Muehlemann said that it was not true that the West had been unfair to Croatia. But it was a fact that the opposition was no longer participating in certain parliamentary activities. Democracy seemed to suffer in that country. The acts and attitudes of the ruling HDZ party should be further examined by the rapporteurs.

Mr Jansson recalled the changes of rapporteurs on Croatia over the last two years and asked about the implementation of the "Trust Programme" adopted in 1997.

Mr Gjellerod asked the rapporteurs to clarify whether problems about minority rights concerned the law or its implementation.

Count Eltz thanked the rapporteurs for their work. Their remarks were fair and objective. He wished to reply to some remarks and make some other comments. For instance, de-mining was a decisive factor for the return of refugees which had not been mentioned and which depended mainly on financing. With regard to the electoral law, the parliament had not yet voted on the draft proposed by the opposition, thus compromises could still be found. A census of the population

should probably be conducted before revising the Constitutional Law on Minorities. One should remember that not only Serbs left during the war. Some 8,000 Croats were expelled from Vukovar, many of whom could not return because of lack of accommodation (their houses having been destroyed or occupied by Serbs) or of employment. It was worth noting that since 1995, not a single political murder had been committed. Out of 700 cases in which Croat owners had visited their houses in Vukovar in which Serbs were living only 17 incidents had occurred. With regard to the backlog in the justice system, it was partly due to the resignation of many judges who were badly paid. The government was now trying to increase the salaries of judges. As far as the third TV Channel was concerned, leaving it to the opposition would not improve the current situation, since it would still be politicised. An association of independent journalists of the electronic media, the "Forum –21", was advocating a fair and less politicised television in general.

The meeting continued with Mrs Gelderblom-Lankhout in the chair.

4. EXCHANGE OF VIEWS WITH Mr VAN DER STOEL, HIGH COMMISSIONER OF THE OSCE ON NATIONAL MINORITIES

The Chairperson welcomed Mr Van der Stoel and gave him the floor.

Mr Van der Stoel was pleased to meet the Committee. He had had excellent co-operation with the Council of Europe during the last six years he had been active as High Commissioner on national minorities. His role was not that of an ombudsman for minorities but to prevent conflicts. He had been involved in all states listed on the working programme of the Monitoring Committee, except Bulgaria, Turkey and Russia. He briefly shared his experience with the Committee with respect to the following countries:

Slovakia: some differences with the previous government were now on the way to being solved. The Hungarian minority participated in the new government. Representatives of his office, together with representatives of the Council of Europe and of the European Union, had been twice in Bratislava in the course of 1998 to discuss the law on minority languages.

"The former Yugoslav Republic of Macedonia": here too the government had changed. The main problem of the Albanian minority in this country concerned education. The Albanian-language University of Tetova, created without consultation of the government, had not been recognised by the state and worked on a private basis with teaching taking place in private houses. He expected that the new government would allow this University to continue working as a private university. The quality of education in secondary Albanian-language schools should be improved and the number of Albanians in the civil service should be increased.

Ukraine: problems of the Hungarian and Romanian minorities could be solved through the bilateral trans-border committees. The main difficulties between Kyiv and Crimea, as far as Russians were concerned, had been solved. With regard to Crimean Tatars, expelled by Stalin, half of them had returned but often they had no house to stay in. They considered themselves as indigenous people and claimed autonomy, but in international law it was not yet clear whether indigenous people had special rights, additional to those of any national minority.

Croatia: the drama of Vukovar had to be remembered and taken into account. A solution to the problem of Serb refugees had yet to be found. Some improvements in the return process had been noted over the last months, commitments were made and now their implementation had to be monitored also at local and regional level. Serbs, including part of the population who had been living in the Danube region before the war, continued to leave the country. The bad economic situation of the region could not fully explain the phenomenon, since conditions in the FRY and in

Republica Serbska were no better. Since the expiry of the UNTAES mandate on 15 January 1998, the OSCE became responsible for police monitoring. The Joint Council of Municipalities faced great economic difficulties and only recently received some help. It was important that this body obtain an official status of an institution representing the Serb community. All Bosnian Croats were granted Croatian citizenship, even in the absence of any genuine link with Croatia, and thus the problem was raised that according to the present electoral law all these people had the right to vote for a special list in Croatia. There was need for dialogue with the Croatian authorities on the revision of the suspended provisions of the 1991 Constitutional Law on Minority Rights, which was one of the commitments upon accession to the Council of Europe.

Estonia: on 7 and 8 December 1998, Parliament should agree on changes to the citizenship law. Stateless children should be granted citizenship without having to pass any exams.

Latvia: the amendments to the citizenship law adopted by the Seima in June this year and confirmed by the referendum were positive steps. Experts from the Council of Europe and representatives of his office expressed their hesitations on the draft state language law. Intrusions in the private sphere should not be allowed. A third reading of this draft would soon take place by the Seima. According to the law on education, it was by decree of the Ministry of Education that certain decisions would be taken, and this gave reasons for concern.

Closing his statement, Mr Van der Stoel stressed that co-operation between his office and the Council of Europe and joint activities could only be fruitful and hoped that these would continue.

Mr Davis paid tribute to Mr Van der Stoel's work in Latvia. All recent positive results in the country were linked to his efforts. Mr Van der Stoel's Office should insist on a reduction of the history questions one must answer to acquire citizenship. In the field of education policy, the situation was becoming worse for the Russian speaking minority, especially in private schools. Teachers who hardly master Latvian had to teach the language to children who could hardly understand it.

Mrs Fleetwood observed that one should not forget that the Baltic states had been occupied by the Russians.

In reply to Mr Davis, Mr Van der Stoel said that he had strongly insisted on a reduction and simplification of the history questions. Difficult questions would be deleted and for the remaining questions – about hundred – there would be booklets with the correct answers. In education international standards should be respected. It was in the interest of the Russian-speaking population that their children could speak Latvian. Russian-speaking teachers should learn Latvian. In response to Mrs Fleetwood, he admitted that in the past the Latvian language had nearly disappeared. This was a reason to promote its use, but not to prohibit other languages. Several countries were contributing to co-operation programmes for teaching the Latvian language.

In response to a question by Mrs Severinsen, Mr Van der Stoel said that there had recently been signs of anti-semitism in Russia and Ukraine.

To a remark by Kostytsky, Mr Van der Stoel replied that the above-mentioned bilateral committees could also solve the problems of Ukrainians living in Hungary and Romania.

Mr Atkinson referred to a number of regions in Europe which claimed autonomy or independence, such as Abkhazia, Chechnya, Transnistria. He asked whether a model of maximum autonomy to be granted to these regions should be elaborated. He also wondered whether the Council of Europe Framework Convention on National Minorities offered a satisfactory basis for protection.

Mr Bindig asked whether Mr Van der Stoel made use of Assembly's Recommendation 1201 (1993). Moreover, was his advice followed in the various states?

Mr Van der Stoel answered that more efforts should be made to develop different forms of self-government for national minorities. The fundamental reference documents were the Copenhagen document of the OSCE, which was not legally binding, and the Council of Europe Framework Convention which was legally binding. Recommendation 1201 (1993) was reflected in several international treaties. On the whole, there was no universal formula of autonomy suitable to all circumstances. Different solutions had been found, for instance in the Aland Islands, in Catalonia etc. His Office had just organised a conference in Locarno on this subject. As for secession, it presented risks of violence and often did not solve the problem because within the new state there could again be minorities. Concerning his mandate, he had absolute liberty to travel everywhere in a member state of the OSCE where he felt there was need to intervene; his recommendations and replies by governments were discussed by the Permanent Council of the OSCE.

To a question raised by Mr Sole Tura, Mr Van der Stoel reiterated that he was in favour of joint missions with representatives of the Council of Europe, on the condition that they could be organised quickly. He wished that the Monitoring Committee could launch strong messages and not necessarily in favour of national minorities.

In reply to questions by Mr Gjellerod, Mr Van der Stoel expressed the hope that the Framework Convention on National Minorities would play an important role in the field. Protection of minorities was one of the conditions for accession to the European Union.

On a remark by Mr Jansson, Mr Van der Stoel observed that state and ethnic frontiers could not always coincide. Solutions other than territorial autonomy could be found to face some of the problems of minorities.

To a question by Mr Jaskiernia, Mr Van der Stoel replied that the Joint Council of Municipalities in the Danube region of Croatia was not a public body. Its role, as laid down in the Erdut Agreement and other documents, was to represent Serb interests. But the Council's existence was at risk due to lack of funding. The government had recently showed its willingness to help solve this problem.

To questions raised by Mr Schwimmer and Lord Russell-Johnston concerning his role in Kosovo, Mr Van der Stoel replied that he had been very much involved before the armed conflict arose. He expected to resume work there once this conflict would be settled. He believed that there was a need to protect the Serb minority (approx. 10% of the population) in Kosovo.

In reply to questions by Lord Russell-Johnston, Mr Van der Stoel said that the Pristina University in Kosovo should not have been closed; there was a need for an institute to train teachers.

Concerning the situation of Roma, Mr Van der Stoel said that his Office and the Council of Europe should do more about this issue. He was drawing up an Action Plan for Roma.

The Chairperson thanked Mr Van der Stoel for the very informative and fruitful exchange of views.

The meeting continued with Mr Sole Tura in the chair until 1.30 pm, when Mrs Gelderblom-Lankhout took the chair again.

5. UKRAINE

co-rapporteurs: Mr Kelam and Mrs Severinsen

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The Chairman informed the Committee that, following its decision at the previous meeting, the Clerk of the Assembly had forwarded a request to the Chairman of the Ministers' Deputies for an informal exchange of views between the Monitoring Committee and the Ministers' Deputies on the situation in Ukraine. The Chairman of the Ministers' Deputies had replied that he was ready to meet the Bureau of the Monitoring Committee to discuss "matters of mutual interest, with due regard being taken of the essentially different but complementary nature of the monitoring procedures of the Committee of Ministers and the Parliamentary Assembly respectively".

Mr Davis considered that the rapporteurs on Ukraine's monitoring should also attend the meeting.

Mrs Wohlwend also expressed her interest for this meeting.

The Chairman concluded that the Committee accepted a meeting of the Chairman of the Ministers' Deputies and the Bureau of the Monitoring Committee, which would also be attended by the rapporteurs on Ukraine's monitoring and Mrs Wohlwend as rapporteur of the Committee on Legal Affairs and Human Rights on the death penalty.

Mrs Severinsen, co-rapporteur, presented the revised preliminary draft resolution and recommendation.

Mr Kelam said that the co-rapporteurs were ready to extend the deadline for respect by Ukraine of its remaining commitments until the Assembly part-session of June 1999 (instead of that of April 1999 as proposed in the preliminary draft resolution). The Assembly should express its concern on the situation in Ukraine and its readiness to take strong measures.

Mr Marmazov said that the rapporteurs had treated Ukraine with understanding. But the situation in Ukraine was particularly complex. There was a continuing fight between the President and the Parliament. As to the report, it was somewhat ambiguous and unbalanced: the negative points were put more in evidence than the positive aspects. It was written in a destructive rather than in a constructive spirit. Human rights violations in Ukraine could not be worse than in other member states of the Council of Europe. At least, there had been no conflicts nor social unrest in Ukraine, no Ukrainian troops were stationed abroad and the country had renounced nuclear weapons. He belonged to the opposition, but like everybody else agreed with the government on the importance of membership of the Council of Europe. It was not true that Ukraine was governed by presidential decrees; a series of laws had been adopted. With regard to the death penalty, a Penal Code had been passed in first reading by the parliament abolishing the death penalty. But some days ago, the trial of a series killer had started and everybody was of the opinion that he should be executed since he was not a human being and did not deserve to be alive.

Mr Kostytsky thanked the rapporteurs for their work and recalled that they had presented a political report rather than a legal analysis. He proposed that the Monitoring Committee draw up comparative schemes summarising compliance with commitments by all member states. There were problems in Ukraine but separation of powers did exist. The role played by the Constitutional Court was an example. A law had been adopted on the independence of judges while the framework-act on judicial reform had been adopted in 1992. As to the right to vote for Crimean Tatars, this question should be solved by the Constitutional Court. The bad economic situation of the country and the consequences of the Chernobyl disaster were not sufficiently reflected in the report. The

only issue which remained problematic was the abolition of the death penalty. In respect of all other commitments progress was to be noted.

Mr Barsony stressed that abolition of the death penalty was not the only commitment which had not been honoured. Concerning the moratorium, there was no official information by those who were responsible for executions in Ukraine. The Minister of Justice had no responsibility in this respect. Even if the parliament adopted some laws, they were not implemented by the government, nor by the President who ruled the country by decrees. In general, the most important question to discuss was whether the Ukrainian authorities were willing - be it by April or June 1999 - to honour all their remaining commitments: it was not the deadline but the principle which counted.

Mr Jaskiernia said that there should be equality of treatment among member states being monitored. For instance with Russia, the Committee had been less consequent. The most important commitments and obligations should be selected and a clear position by the Ukrainian authorities should be obtained. He considered, supported by Mr Muehlemann, that April 1999 was not a realistic deadline. At any event, it was better to have Ukraine inside than outside the Council of Europe.

Mr Schwimmer fully agreed with Mr Jaskiernia. The Committee should be very precise on what it expected from Ukrainian authorities. The Committee should wait for an answer by the Ukrainian delegation on a proposed timetable which would be realistic. At any event, no violation of the moratorium on executions could be tolerated. Mention should be made in the resolution that Ukraine had dismantled its nuclear weapons.

Mr Muehlemann regretted the report was not more explicit on the economic and political situation in Ukraine.

Mr Davis noted that, concerning the moratorium on executions, there was an information gap for the period running from 11 March 1997 – date of the last known execution – and 31 December 1997, since Ukrainian authorities had said that "no executions had taken place in 1998".

Mrs Gelderblom-Lankhout said that she had been approached by an Ukrainian Ambassador. It was probably true that Ukraine was the first country under monitoring for which sanctions were envisaged. She asked for clarifications on the exact responsibilities that had been transferred from the Ministry of Interior to the Ministry of Justice. In reality, nobody could be certain that no executions had taken place since 11 March 1997. She could not accept that discussions on the abolition of the death penalty had not even started.

Mr Kostytsky answered that it was the service on passports which had been transferred from the Ministry of Interior to the Ministry of Justice.

Mr Averchev suggested that the Committee should indicate whether commitments were not honoured for lack of resources or for lack of political will. The monitoring procedure should be linked to assistance programmes. For Ukraine and Russia, Council of Europe membership was essential and the very threat of suspending Ukraine's membership was not helping the country. Deadlines should be established.

Mrs Severinsen replied that reference to the inter-governmental assistance programmes was the main proposal in the preliminary draft recommendation.

Mr Sole Tura recalled that presidential elections in Ukraine would be held in October 1999. It would be too late to set a deadline after these elections.

Mr Kostystsky insisted that it was absolutely imperative to extend the deadline until the end of 1999. It was unlikely that the death penalty could be abolished before the presidential elections. He presented a written amendment to paragraph one of the preliminary draft resolution.

Following an oral sub-amendment by Mr Schwimmer and a discussion in which Mr Bindig, Count Eltz and Mrs Severinsen took part, paragraph 1 of the preliminary draft resolution was amended and subsequently adopted.

Following a discussion on a written proposal by MM Kostytsky and Marmazov, in which MM Schwimmer, Jaskiernia, Barsony, Marmazov, Kelam and Mrs Severinsen took part, paragraph 2 of the preliminary draft resolution was amended and adopted.

Paragraphs 3 to 8 of the preliminary draft resolution were adopted without any change.

Following a discussion on a written poposal by MM Kostytsky and Marmazov, in which Mr Schwimmer, Barsony, Marmazov, Kelam and Severinsen took part, paragraph 9 of the preliminary draft resolution was amended and adopted.

Paragraphs 10 to 12 of the preliminary draft resolution were adopted without any change.

A written amendment proposed by MM Kostytsky and Marmazov to paragraph 13 of the preliminary draft resolution was rejected and the paragraph adopted unchanged.

A written amendment proposed by MM Kostytsky and Marmazov to paragraph 14 of the preliminary draft resolution was rejected and instead a proposal by Mr Barsony to delete this paragraph was accepted.

On a proposal by Mr Schwimmer and following a discussion in which MM Barsony, Kelam and Count Eltz took part, a new paragraph 14 was added.

On proposals by MM Jaskiernia and Kelam, paragraph 15 of the preliminary draft resolution was amended and adopted.

A written amendment proposed by MM Kostytsky and Marmazov to paragraph 16 of the preliminary draft resolution was rejected.

Mr Davis, supported by Mrs Fleetwood, Mr Jaskiernia and Mr Schwimmer, proposed to grant the Ukrainian authorities a 12-month period to respect the remaining commitments, that is up to the end of 1999, whereas an interim examination of progress should take place in June 1999.

Mr Bindig preferred that no specific date be fixed for honouring commitments but reference be made to "the near future". An interim report should be prepared for June 1999.

MM Kelam, Barsony and Mrs Severinsen proposed that the deadline should be June 1999. An interim report should be prepared for the Committee in April 1999.

Mr Jaskiernia proposed that the deadline should be extended until September 1999 whilst an interim report should be prepared for June 1999.

Following a vote, the proposal of MM Kelam, Barsony and Mrs Severinsen was adopted with 11 votes in favour, 4 against and 1 abstention. Paragraph 16 of the preliminary draft resolution, as amended, was adopted.

In reply to Mr Kostytsky who proposed to delete paragraph 17 of the preliminary draft resolution, Mr Kelam and Mrs Severinsen explained that the proposed transmission of the draft resolution to other international organisations aimed at helping Ukraine and proposed to amend the paragraph to show this intention.

This was agreed and paragraph 17, as amended, was adopted.

The draft resolution, as amended, was unanimously adopted.

Paragraphs 1, 2 and 14 of the preliminary draft recommendation were amended in accordance with the adopted draft resolution. Paragraphs 3 to 13 and 15 were adopted unchanged.

The draft recommendation, as amended, was unanimously adopted.

On a proposal by Mr Barsony, the Committee decided that a progress report on the honouring of obligations and commitments by Ukraine would be prepared for April 1999. There was no need for the committee to propose a draft order for this purpose.

6. MOLDOVA

co-rapporteurs : Mr Columberg and Mrs Durrieu

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In the absence of Mr Columberg, Mrs Durrieu presented a preliminary draft report on the honouring of obligations and commitments by Moldova, based *inter alia* on the rapporteurs' visit from 27 to 30 October 1998. Since the parliamentary elections of 1998, the country enjoyed a certain political stability. The economic situation was very critical. In the field of legal and judicial reforms, progress had been noted, but there were still a number of codes and laws to be adopted or amended and a need for implementation in day-to-day practice of adopted legal and judicial reforms. The situation in Transnistria was alarming. Concerning the withdrawal of the 14th Russian Army, there seemed to be a confusion on the terms of the agreement between Moldova and Russia, still not ratified by the latter, on whether the withdrawal should cover only the soldiers or – more important – the arms as well. Upon its accession to the Council of Europe, Russia had committed itself to ratify the agreement within six months and continue the withdrawal of the 14th Army "and its equipment" from the territory of Moldova. This "equipment" comprised some 42 000 tons of arms. Russia and Ukraine should play a more active role in the political settlement of the problem as guarantor states. A request of the rapporteurs during their last visit to meet a Moldovan member of parliament imprisoned in Transnistria, Mr Ilie Ilascu, had been rejected by Mr Smirnof, "President" of the self-proclaimed "Moldovan Republic of Transnistria" ("MRT", not recognised by the international community). Therefore, the rapporteurs wished to return to Transnistria on 4 December 1998 to meet Mr Ilascu.

The Committee authorised this second visit of the co-rapporteurs to Moldova and decided to resume examination of the preliminary draft report at its next meeting.

7. LATVIA

co-rapporteurs: MM. Davis and Jansson

press release

Mr Davis, co-rapporteur, said that the situation in Latvia was more serious than that in Ukraine or Croatia, which had joined the Organisation three and two years ago, respectively. Latvia had been a member for almost four years, but had not yet honoured its commitments. Protocol No 6 to the ECHR on the abolition of the death penalty had not yet been ratified by Latvia. The Protocol had been signed, but it had not yet been ratified as promised. Instead a new criminal code including the death penalty had been adopted during 1998. One fourth of the population remained non-citizens. He could understand that the events in the past were condemned, but Russians living today in Latvia should not be penalised for that reason. Although the referendum had abolished age windows, the history and other knowledge test was too long and required unnecessary knowledge in the opinion of the rapporteurs.

Mr Jansson, co-rapporteur, urged the Committee to approve the preliminary draft report and to transmit it to the Latvian parliamentary delegation for comments within three months.

This was agreed.

8. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

co-rapporteurs: Mr Dumitrescu and Mrs Gelderblom-Lankhout

On a proposal by Mrs Gelderblom-Lankhout, co-rapporteur, the Committee authorised the co-rapporteurs to carry out a fact-finding visit to the country on dates to be agreed.

9. ALBANIA

co-rapporteurs: Mr Sole Tura and ....

Mr Bindig, member of the *Ad hoc* committee, set up by the Bureau to observe the referendum on the new Albanian Constitution (22 November 1998), drew the attention of the committee to a joint preliminary statement by the Parliamentary Assembly, the European Parliament and the Parliamentary Assembly of the OSCE, on the referendum which had been distributed.

The Committee decided to resume discussion on this item at its next meeting.

10. OTHER BUSINESS

None.

11. NEXT MEETING

The Committee agreed to meet again in Paris, on 12 January 1999.

The meeting rose at 5 pm.

LIST OF PARTICIPANTS

Members present :

Mr	SOLE TURA, Vice-Chair	Spain
Ms	GELDERBLOM-LANKHOUT, Vice-Chair	Netherlands
MM.	ATKINSON	United Kingdom
	AVERCHEV	Russia
	BARSONY	Hungary[1]
	BINDIG	Germany
	DAGYS	Lithuania
	DAVIS	United Kingdom
Ms	DURRIEU	France
MM.	ELTZ	Croatia
	FICO	Slovakia
Ms	FLEETWOOD	Sweden
MM	GJELLEROD	Denmark
	GROSS	Switzerland
	HAGARD	Sweden[2]
	JANSSON	Finland
	JASKIERNIA	Poland
	JURGENS	Netherlands
	KELAM	Estonia
	KOSTYTSKY	Ukraine
	MARMAZOV	Ukraine
	MUEHLEMANN	Switzerland
Lord	RUSSELL-JOHNSTON	United Kingdom
Mr	SCHWIMMER	Austria
Ms	SEVERINSEN	Denmark
Mr	STEOLEA	Romania
Ms	STOYANOVA	Bulgaria
Mr	VALKENIERS	Belgium
Ms	WOHLWEND	Liechtenstein

Also present :

Mr	KIELY	Ireland

Office of the Clerk of the Assembly :

Mr Sorinas, Head of Department

Secretariat of the Committee :

Mr Ausems
Mr Dufour
Ms Chatzivassiliou
Ms Wurtz

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[1] In his capacity as Chair of the Political Affairs Committee.
[2] In his capacity as Chair of the Committee on Legal Affairs and Human Rights.

LIST OF DECISIONS

The Committee on the honouring of obligations and commitments by Member States, meeting in The Hague on 26 November 1998 with Mr Sole Tura and Ms Gelderblom-Lankhout in the Chair :

- held an exchange of views with Mr van der Stoel, High Commissioner of the OSCE on National Minorities;

- *Ukraine (co-rapporteurs : Mr Kelam, Estonia, EPP/CD, and Mrs Severinsen, Denmark, LDR) :* examined, amended and unanimously adopted a draft resolution and draft recommendation on the honouring of obligations and commitments by Ukraine;

- *Latvia (co-rapporteurs : Mr Davis, United Kingdom, SOC, and Mr Jansson, Finland, LDR) :* approved a preliminary draft report on the honouring of obligations and commitments and decided to transmit it to the Latvian parliamentary delegation for comments within three months ;

- *Moldova (co-rapporteurs : Mr Columberg, Switzerland, EPP/CD, and Mrs Durrieu, France, SOC) :* examined a preliminary draft report on the honouring of obligations and commitments and authorised the co-rapporteurs to carry out another fact-finding visit to the country ;

- *Croatia (co-rapporteurs : Mr Jaskiernia, Poland, SOC, and Mrs Stoyanova, Bulgaria, EPP/CD) :* took note of a statement by the co-rapporteurs on their fact-finding visit to Croatia from 10 to 13 November 1998 ;

- *Albania (co-rapporteurs : Mr Sole Tura, Spain, SOC, and ...) :* was informed by Mr Bindig, member of the *Ad hoc* committee of the Bureau, about the referendum on the draft constitution which took place on 22 November 1998 ;

- *the former Yugoslav Republic of Macedonia (co-rapporteurs : Mr Dumitrescu, Romania, SOC, and Mrs Gelderblom-Lankhout, Netherlands, LDR) :* authorised its co-rapporteurs to carry out a fact-finding visit to the country ;

- agreed to hold its next meeting in Paris on 12 January 1999.