COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Parliamentary Assembly
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Confidential

AS/Mon (1999) PV 02
10 February 1999
amonpv02_99

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

Draft minutes
of the meeting held in Strasbourg on 25, 27 and 28 January 1999

1. OPENING OF THE MEETING BY THE OLDEST MEMBER PRESENT

The meeting was opened by Mr Sinka, oldest member present, at 9 pm.

2. ELECTION OF THE CHAIR

On a proposal from Mr Schwimmer and Mrs Aytaman, Mr Mota Amaral was elected Chairman by acclamation.

The meeting continued with Mr Mota Amaral in the chair.

3. AGENDA

AS/Mon (1999) OJ 02

The draft agenda was adopted.

4. ELECTION OF THE FIRST VICE-CHAIR

On a proposal from Mr Gjellerod, Mr Sole Tura was re-elected First Vice-Chairperson by acclamation.

5. ELECTION OF THE SECOND VICE-CHAIR

On a proposal from Mrs Severinsen, Mrs Gelderblom-Lankhout was re-elected Second Vice-Chairperson by acclamation.

6. ELECTION OF THE THIRD VICE-CHAIR

On a proposal from Mr Atkinson, Mr Sinka was elected Third Vice-Chairperson by acclamation.

The Chairman thanked Mr Glotov for his work as Third Vice-Chairperson of the Committee.

7. MINUTES

AS/Mon (1999) PV 01

The draft minutes of the meeting held in Paris on 12 January 1998 were approved.

8. UKRAINE

co-rapporteurs: Mr Kelam and Mrs Severinsen

Doc. 8272 and amendments

On proposals by Mr Kelam and Mrs Severinsen, the Committee examined 20 amendments to the draft resolution and 17 amendments to the draft recommendation on the honouring of obligations and commitments by Ukraine and took position on each one of them, with a view to the Assembly debate to be held on 27 January 1999.

9. CROATIA

co-rapporteurs : Mr Jaskiernia and Mrs Stoyanova

AS/Mon (1998) 54 rev.

The Chairman recalled that at its last meeting, and in the absence of a representative of the Croatian opposition, the committee had decided, upon a written request by the Chairman of the Croatian delegation, to postpone the examination of the draft report to this meeting. The Croatian Assembly members belonging to the opposition had been invited to attend this meeting. By letter of 22 January 1999, Mr Stjepan Radic, deputy President of the Croatian Peasant Party, had been authorised by the two other members of the opposition to represent the opposition in the Committee's meeting of 27 and 28 January 1999.

Mr Jaskiernia and Mrs Stoyanova presented their draft report, including a preliminary draft resolution and recommendation. Electoral law, freedom of the media, local-self government, administration of justice and legislation on minorities were the main areas of concern. Croatia was invited to take concrete action to honour its commitments in these fields. At the same time, progress had been noted with regard to commitments linked to the consequences of the war, such as normalisation of relations with neighbouring countries and return of refugees. Croatia had also ratified all Council of Europe conventions it had committed itself to and had been consulting the Council of Europe on a series of draft laws.

Mr Domljan congratulated and thanked the rapporteurs for the balanced report they had prepared. Although critical, the report was drawn up in a good spirit of understanding. Count Eltz and himself had prepared a number of amendments suggesting minor changes to the preliminary draft resolution and recommendation.

Count Eltz informed the Committee that progress had been made on the previous day with regard to the problem of distribution of printed media, raised in the report. An agreement had been reached according to which distributor Tisak would be bought by a number of banks; Tisak's staff and its debts vis-à- vis a number of printed media would be paid off within the following two weeks (by 9 February 1999).

Mr Radic, member of the Peasants' Party representing the opposition, read out a statement made by the opposition on 12 November 1999 when members of six opposition parties, whilst keeping their mandate, resigned from their parliamentary functions (chairmanship, membership of committees etc), including membership of delegations to international organisations, such as the Parliamentary Assembly. The direct cause of their resignation had been the refusal of the opposition's request for the establishment of a commission of inquiry to explore into the possible misuse of intelligence services. The opposition also demanded the revision of the electoral law, notably its provisions regarding the special representation system of the Croatian Diaspora, as a condition to re-assume their full parliamentary functions.

Mr Moeller noted that the preliminary draft resolution was very critical but its conclusion was less severe than one would expect. A comparison of this text with that on Ukraine could give the impression that double standards were applied to different member states.

Mr Schwimmer proposed that, instead of asking for the "abolition" of the special representation system for the Croatian Diaspora, the draft resolution should ask for its "revision", since it was not unusual that such a system existed in principle.

Mrs Gelderblom-Lankhout, followed also by Mr Gjellerod and Mr Averchev, suggested that the rapporteurs negotiate with the Croatian parliamentary delegation on concrete deadlines within which required action should be taken by the Croatian authorities. The Assembly could subsequently examine whether these deadlines were respected.

Mr Sinka considered that the report was very balanced and no change needed to be made.

Mr Jaskiernia thanked members for their comments and agreed that the co-rapporteurs would revise the preliminary draft resolution and recommendation for the next meeting, in the light of the proposals by the members of the Committee and the amendments by the Croatian delegation. In order to allow for wider consultations on the draft report, Mr Jaskiernia asked the Committee to authorise the declassification of the explanatory memorandum.

This was agreed.

10. ALBANIA

co-rapporteurs : Mr Sole Tura and Mr Smorawinski

The Chairman invited the members to propose candidates for rapporteurship on Albania and recalled the criteria for appointment of rapporteurs:

- no rapporteur should deal with more than one State at a time;
- no rapporteur should belong to a neighbouring State, or to one having a special relationship with the State being monitored;
- the two co-rapporteurs for each State should belong to different political groups, and their appointment should take into account regional and political balance as well as the other rapporteur appointments.

He also drew the attention of the members to two press releases which were in the files, one on the death penalty issued by the Bureau of the Assembly and one on a Conference on legal reforms in Albania held in Strasbourg.

On a proposal from Mr Schwimmer, Mr Smorawinski (Poland, EPP/CD) was appointed co-rapporteur for Albania.

The Committee authorised the co-rapporteurs to carry out a fact-finding visit to Albania in the near future.

11. PROGRESS REPORT (1998-1999)

On a proposal by the Chairman, the Committee appointed Mr Sole Tura as rapporteur for the progress report of the Committee to cover the period April 1998-March 1999 since he had been Acting Chairman of the Committee since September 1998.

12. EXCHANGE OF VIEWS WITH MR ESPERSEN, COMMISSIONER ON DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS OF THE COUNCIL OF THE BALTIC SEA STATES

The Chairman welcomed Mr Ole Espersen and recalled the Committee's first exchange of views with the Commissioner on 3 April 1998.

Mr Espersen recalled that the Council of the Baltic Sea States (CBSS) was 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.

Following interventions by MM Jaskiernia, Domljan, Gross and Mrs Poptodorova, Mr Espersen explained that all reports of the CBSS were available to the Council of Europe. The CBSS was a confidence-building institution, trying to support and follow up the resolutions and recommendations made by the Assembly on the various states in the Baltic region. Lack of sufficient resources was a very important problem.

The Chair thanked Mr Espersen.

13. OTHER BUSINESS

The Chairman asked members who would be interested to act as co-rapporteur for Slovakia to inform the Secretariat, with a view to appointment of two co-rapporteurs at the Committee's next meeting.

14. NEXT MEETINGS

The Committee decided to hold its next meeting on 10 March 1999 in Paris.

The meeting rose on Thursday, 28 January 1999, at 10 am.

LIST OF PARTICIPANTS

Members present :

Mr	MOTA AMARAL, Chair	Portugal
Mr	SOLE TURA, Vice-Chair	Spain
Ms	GELDERBLOM-LANKHOUT, Vice-Chair	Netherlands
MM.	SINKA, Vice-Chair	Latvia
	ATKINSON	United Kingdom
	AVERCHEV	Russia
Ms	AYTAMAN	Turkey
MM.	BARSONY	Hungary
	BINDIG	Germany
	BRUNETTI	Italy
	COLUMBERG	Switzerland
	DAGYS	Lithuania
	DAVIS	United Kingdom
	DOMLJAN	Croatia
	DUMITRESCU	Romania
Ms	DURRIEU	France
MM	ELTZ	Croatia
	FRUNDA	Romania
	GJELLEROD	Denmark
	GLOTOV	Russia
	GROSS	Switzerland
	GRUSENBAUER	Austria
	IRMER	Germany
	JANSSON	Finland
	JASKIERNIA	Poland
	JURGENS	Netherlands
Ms	KAUTTO	Finland
MM	KELAM	Estonia
	KOSTYTSKY	Ukraine
	KUZMICKAS	Lithuania
	MAGNUSSON	Sweden
	MARMAZOV	Ukraine
	MOELLER	Denmark
	MUEHLEMANN	Switzerland
	PAHOR	Slovenia
Ms	POPTODOROVA	Bulgaria
Mr	RAMIREZ PERY	Spain
Ms	RINGSTAD	Norway
Mr	SCHWIMMER	Austria
Ms	SEHNALOVA	Czech Republic
Ms	SEVERINSEN	Denmark
MM	SHISHLOV	Russia
	SMORAWINSKI	Poland
	STEOLEA	Romania
	SMORAWINSKI	Poland
	STEOLEA	Romania
Ms	STOYANOVA	Bulgaria
Mr	SURJAN	Hungary

Also present :

Mr RADIC Croatia

Office of the Clerk of the Assembly :

Mr Sorinas, Head of Department

Secretariat of the Committee :

Mr Ausems
Mr Dufour
Ms Chatzivassiliou
Ms Fritsch
Ms Wurtz

LIST OF DECISIONS

The Committee on the honouring of obligations and commitments by Member States, meeting in Strasbourg on 25, 27 and 28 January 1999 with Mr Sinka, oldest member present, then Mr Mota Amaral in the Chair :

- elected by acclamation Mr Mota Amaral (Portugal, EPP/CD) Chairman and Mr Sole Tura (Spain, SOC), Mrs Gelderblom-Lankhout (Netherlands, LDR) and Mr Sinka (Latvia, EDG) as first, second and third Vice-Chairpersons respectively;

- *Ukraine (co-rapporteurs: Mr Kelam, Estonia,EPP/CD, and Mrs Severinsen, Denmark, LDR):* took position on amendments to the draft resolution and draft recommendation on the honouring of obligations and commitments by Ukraine, with a view to the debate to be held on 27 January 1999;

- *Croatia (co-rapporteurs : Mr Jaskiernia, Poland, Soc, and Mrs Stoyanova, Bulgaria, EPP) :* considered a draft report on the honouring of obligations and commitments by Croatia, and decided to declassify the explanatory memorandum;

- *Albania (co-rapporteurs : Mr Sole Tura, Spain, Soc, and Mr Smorawinski, Poland, EPP/CD):* appointed Mr Smorawinski co-rapporteur and authorised the co-rapporteurs to make a fact-finding visit in the near future;

- *Progress report of the committee (1998-1999):* appointed Mr Sole Tura (Spain, Soc) rapporteur;

- had an exchange of views with Mr Espersen, Commissioner on Democratic Institutions and Human Rights of the Council of the Baltic Sea States;

- decided to hold its next meeting in Paris on 10 March 1999.

59.99.4

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Commissions (1999) 2
25 January/janvier 1999

Committee on the Honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee)
Commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (commission de suivi)

Mr	AKSELSEN	Olav	(Norway/Norvège)	SOC
Mr	AVERCHEV	Vladimir	(Russia/Russie)	SOC
Mr	BARSONY	Andras	(Hungary/Hongrie)	SOC
Mr	BINDIG	Rudolf	(Germany/Allemagne)	SOC
Mr	DAGYS	Rimantas	(Lithuania/Lituanie)	SOC
Mr	DAVIS	Terry	(UK/RU)	SOC
Mr	DINÇER	Ali	(Turkey/Turquie)	SOC
Mr	DUMITRESCU	Cristian	(Romania/Roumanie)	SOC
Mrs	DURRIEU	Josette	(France)	SOC
Mr	GJELLEROD	Henning	(Denmark/Danemark)	SOC
Mr	GROSS	Andreas	(Switzerland/Suisse)	SOC
Mr	GUSENBAUER	Alfred	(Austria/Autriche)	SOC
Mr	JASKIERNIA	Jerzy	(Poland/Pologne)	SOC
Mr	JURGENS	Erik	(Netherlands/Pays-Bas	SOC
Ms	KAUTTO	Tarja	(Finland/Finlande)	SOC
Mr	KOULOURIS	Kimon	(Greece/Grèce)	SOC
Mr	MAGNUSSON	Göran	(Sweden/Suède)	SOC
Mr	PAHOR	Borut	(Slovenia/Slovénie)	SOC
Mme	POPTODOROVA	Elena	(Bulgaria/Bulgarie)	SOC
Mrs	SEHNALOVA	Olga	(Czech Rep/Rép Tchèque)	SOC
Mr	SOLE TURA	Jordi	(Spain/Espagne)	SOC
Mr	URBAIN	Robert	(Belgium/Belgique)	SOC
Mr	BÜHLER	Klaus	(Germany/Allemagne)	PPE/DC/EPP/CD
Mr	COLUMBERG	Dumeni	(Switzerland/Suisse)	PPE/DC/EPP/CD
Mr	DIANA	Lino	(Italy/Italie)	PPE/DC/EPP/CD
Mr	DOMLJAN	Zarko	(Croatia/Croatie)	PPE/DC/EPP/CD
Mr	ENRIGHT	Thomas	(UK/RU)	PPE/DC/EPP/CD
Mr	EVERSDIJK	Huib	(Netherlands/Pays-Bas)	PPE/DC/EPP/CD
Mr	FRUNDA	György	(Romania/Roumanie)	PPE/DC/EPP/CD
Mr	KELAM	Tunne	(Estonia/Estonie)	PPE/DC/EPP/CD
Mr	KIRATLIOGLU	Esat	(Turkey/Turquie)	PPE/DC/EPP/CD
Mr	KOSTYTSKY	Vasyl	(Ukraine)	PPE/DC/EPP/CD
Mr	MOTA AMARAL	Joao	(Portugal)	PPE/DC/EPP/CD
Mr	RAMIREZ PERY	Carlos	(Spain/Espagne)	PPE/DC/EPP/CD

Mr	SCHWIMMER	Walter	(Austria/Autriche)	PPE/DC/EPP/CD
Mr	SMORAWINSKI	Jerzy	(Poland/Pologne)	PPE/DC/EPP/CD
Mrs	STOYANOVA	Maria	(Bulgaria/Bulgarie)	PPE/DC/EPP/CD
Mr	SURJAN	Laszlo	(Hungary/Hongrie)	PPE/DC/EPP/CD
Mr	WEYTS	Johan	(Belgium/Belgique)	PPE/DC/EPP/CD
Mrs	WOHLWEND	Renate	(Liechtenstein)	PPE/DC/EPP/CD
N...			...	PPE/DC/EPP/CD
Mr	ATKINSON	David	(UK/RU)	GDE/EDG
Mrs	AYTAMAN	Lale	(Turkey/Turquie)	GDE/EDG
Mr	BAUMEL	Jacques	(France)	GDE/EDG
Mr	DZAFERI	Arben	(the former Yugoslav Republic of Macedonia/l'ex-Rép yougoslave de Macédoine	GDE/EDG
Mr	ELTZ	Jacob	(Croatia/Croatie)	GDE/EDG
Mr	KUZMICKAS	Bronislavas	(Lithuania/Lituanie)	GDE/EDG
Mr	MOELLER	Per Stig	(Denmark/Danemark)	GDE/EDG
Mrs	NEMCOVA	Miroslava	(Czech Rep/Rép Tchèque)	GDE/EDG
Mr	SINKA	Juris	(Latvia/Lettonie)	GDE/EDG
Mr	STEOLEA	Petru	(Romania/Roumanie)	GDE/EDG
Mr	EÖRSI	Matyas	(Hungary/Hongrie)	LDR
Mrs	GELDERBLOM-LANKHOUT	Hanneke	(Netherlands/Pays-Bas)	LDR
Mr	IRMER	Ulrich	(Germany/Allemagne)	LDR
Mr	JANSSON	Gunnar	(Finland/Finlande)	LDR
Mr	MUEHLEMANN	Ernst	(Switzerland/Suisse)	LDR
Mrs	RINGSTAD	Jorunn	(Norway/Norvège)	LDR
Mme	SEVERINSEN	Hanne	(Denmark/Danemark)	LDR
Mr	SHISHLOV	Alexandre	(Russia/Russie)	LDR
Mr	VALKENIERS	Jef	(Belgium/Belgique)	LDR
Mr	BRUNETTI	Mario	(Italy/Italie)	GUE/UEL
Mr	GLOTOV	Serguei	(Russia/Russie)	GUE/UEL
Mr	KORAKAS	Efstratios	(Greece/Grèce)	GUE/UEL
Mr	MARMAZOV	Evgen	(Ukraine)	GUE/UEL
Mr	MYRVOLL	Inge	(Norway/Norvège)	GUE/UEL

Members ex officio : *V. RUFFY - Chairman of the Political Affairs Committee/*
Président de la commission des questions politiques

G. JANSSON - Chairman of the Legal Affairs Committee/
Président de la commission des questions juridiques et des droits de l'homme