COUNCIL OF EUROPE
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Parliamentary Assembly
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confidential
AS/Mon (1997) PV 04

COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES

DRAFT MINUTES

of the meeting held on 3 September 1997 in Paris

Mr de Marco, Chairman, opened the meeting at 9.30 am.

1. AGENDA AS/Mon (1997) OJ 04 rev.2

The draft agenda was adopted.

2. MINUTES AS/Mon (1997) PV 03

Mr Sinka clarified that at the meeting of 25 June 1997 he had said that the citizenship law was passed in July 1995 and that, to date, nearly 6,000 applications for naturalisation had been approved.

The draft minutes of the meeting held on 22, 24 and 25 June 1997 in Strasbourg, with the corresponding corrigendum, were approved.

3. REPORTS FOR THE NEXT ASSEMBLY PART-SESSION (22 - 26 SEPTEMBER 1997)[1]

Mr Sorinas, Head of Department, informed the committee that, according to the draft order of business adopted by the Bureau of the Assembly, the two reports of the committee were to be debated by the Assembly on Monday afternoon, 22 September 1997.

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[1] Resolution 1115, paragraph 10: "...two members of the parliamentary delegation of the Member State concerned (to represent the governing majority and the opposition) shall be invited to take part, without the right to vote, in the relevant debates of the Committee, unless one or both are already represented on the Committee."

i. Lithuania Opinion No. 168 (1993)
co-rapporteurs: MM. Gross and Mota Amaral AS/Mon (1997) 20

Mr Gross said that the rapporteurs had noted clear progress in Lithuania as was reflected in the preliminary draft recommendation. Some problems of course still persisted mainly at the level of implementation of laws, a quite normal phenomenon in a period of transition. As regards the approach to be followed, rapporteurs for both Lithuania and the Czech Republic, in consultation also with the Chairman of the committee, proposed a common approach and the same formulation. Since the aim of the new committee was not to investigate or judge but to promote dialogue it did not make much sense to speak about "closing of procedure": dialogue would be pursued on one issue - different for each of the states concerned - and could be resumed on other issues; at the same time action was recommended to the Committee of Ministers. The Lithuanian delegation would prefer reference to closing of procedure for reasons of analogy with the resolution adopted in January last for Estonia. But he would advise the committee to approve the proposed formulation, making clear that the new committee had to adopt its own doctrine which would then be followed in all similar cases in future.

Mr Laurinkus, Chairman of the Lithuanian delegation, thanked the rapporteurs for their efforts to understand the specific situation of the country after totalitarianism. Lithuania faced problems but tried to solve them in respect of international law. He could understand the committee's wish to change approach. But in the concrete case, the overall assessment of rapporteurs was so positive that it would be normal to close procedure while, at the same time, pursuing dialogue and co-operation.

Mr Dagys, followed by Mr Berceanu and Mr Sceberras-Trigona, considered that a new approach should be applied to new cases but not to Lithuania for which procedure had been going on for some years under the old system.

Upon a question of the Chairman and following an intervention by Mr Barsony and Mr Jurgens, the committee decided not to give the floor to the Permanent Representative of Lithuania who had been allowed to be present at the meeting.

MM Barsony, Muehlemann, Tahiri, Brunetti, Bindig supported the approach adopted by the rapporteurs. Mr Barsony further said that such an approach - monitoring as an ongoing process - coincided with that of the Committee of Ministers. If procedure was to be closed, the committee could not pursue dialogue unless upon a new request and the Bureau's authorisation. The opening of monitoring should in future be made easier.

Mr Columberg, while also approving the new approach, queried the choice of proposing a recommendation rather than a resolution.

Mr Jurgens underlined that references to opening and closing of procedure should be avoided: if procedure was closed and problems arose in future, it should be re-opened. But such a decision would alone have very negative implications for the state concerned. It would be for the committee to explain the reasons for changing approach and ensure that this decision would not be perceived as discriminatory for Lithuania or the Czech Republic. For the purpose of clarity, the committee should take the initiative to amend accordingly Resolution 1115 (1997).

Mr Sole Tura - followed by Mr Martelli and Mr Tahiri - insisted on the concept that all member states be under monitoring so that such a procedure would not be seen as punitive.

Mr Sinka stressed the need for the new committee to differentiate its approach from that of the Legal or Political Affairs Committee: the new committee should be neither aggressive nor too didactic.

Mr Kelam and Mr Leoni agreed with the idea of having a procedure opened for all member states. Regarding Lithuania they found fair that procedure be closed. MM Domljan, Jaskiernia, Kostytsky, Sceberras-Trigona were of the same opinion.

Regarding the new approach proposed by the rapporteurs, MM Jaskiernia and Dagys said that, if the committee wished to change its approach, it should first inform the Assembly.

Mrs Gelderblom-Lankhout found it encouraging that the committee agreed for having monitoring going on for all member states. Parliamentary monitoring should be distinct from that carried out by non-governmental organisations. Media representatives should understand the new concept of such a monitoring. Regarding the draft order of business for the September part-session of the Assembly, she criticised the decision of holding the monitoring debates on the first afternoon since there would be little time to discuss amendments.

Mr Barsony - followed by Mr Atkinson - considered that it was appropriate that monitoring debates follow the Bureau's activity report.

Mr Glotov suggested that the criterion about supremacy of international law over domestic legislation be introduced in monitoring. Emphasis should be given on every-day implementation of legislation. Social issues, such as salaries, should also be looked at during monitoring. As a co-rapporteur for Western Thrace, he would pay particular attention to the use of minority languages, which is also the subject of a motion on Latvia to be tabled during the next part-session.

Mr Martelli considered that all procedures opened under Order 508 should be closed and reopened in the framework of Resolution 1115.

Mr Laurinkus observed that the discussion concerned more general methodological issues and less the situation in Lithuania. It would be difficult to explain to people and mass media why procedure would not be closed despite the fact that the assessment of the rapporteurs was positive. The new approach could be applied to new cases in future.

The Chairman explained that the only monitoring system that was now relevant was that set up by Resolution 1115 (1997) which, according to paragraph 14, applied also to cases pending under the previous system.

Mr Gross, in reply to Mr Columberg who had queried the choice of proposing a recommendation rather than a resolution, explained that in paragraph 9 of the proposed text, the Assembly addressed directly the Assembly and the authorities of the state concerned, as in a resolution. But at the same time, in paragraph 10, the Assembly suggested concrete measures to the Committee of Ministers - for which a recommendation was required. In reply to a request by Mrs Gelderblom-Lankhout, Mr Gross agreed to add in paragraph 7 that minority rights were "legally" secured in Lithuania, making thus clear that practical implementation could occasionally be problematic. As to the general approach, there was no question of imposing new rules, but of interpreting existing rules. He was willing to explain himself if necessary to people and media in Lithuania what this interpretation meant.

Proceeding to vote, paragraphs 1 to 6 of the draft recommendation were unanimously adopted. Paragraph 7, as amended on the above-mentioned proposal of Mrs Gelderblom-Lankhout, was also unanimously adopted.

Proceeding to vote, the committee rejected an amendment to paragraph 9 of the preliminary draft recommendation proposed by Mr Németh and adopted an amendment proposed by Mr Tahiri.

The draft recommendation as a whole was unanimously adopted.

ii. **Czech Republic** — Opinion No. 174 (1993)
co-rapporteurs: MM. Jurgens and Sinka — AS/Mon (1997) 21

Mr Jurgens referred to the results of the recent visit to the Czech Republic (27-28 August 1997). Discussions were open and frank. Lustration law was one of the main issues debated. Although there could be understanding for the reasons that dictated such a law, it was time that a law on civil service be adopted which would render the lustration law unnecessary. Implementation of citizenship legislation and expulsion of non-citizens were also discussed at length.

Mr Sinka reported on the situation of Roma/Gypsies and the visit of rapporteurs to Chanov - a neighbourhood almost exclusively inhabited by Roma people. Both the state and Roma people should still make efforts, the former to counter any form of discrimination or racism in society and the latter to actively participate in social and public life. It was not clear at all how many Roma lived in the Czech Republic since figures varied between 28,000 to 200,000 or even 300,000. A detailed account of the visit would be annexed to the final report which would be tabled for the Assembly debate.

MM Kalus and Melcak thanked the rapporteurs for their findings and understanding of the situation in the Czech Republic and expressed their readiness to pursue dialogue on the most difficult issues.

To a question by Mrs Wohlwend on the relations between the Czech Republic and Liechtenstein, Mr Jurgens answered that it was raised by the rapporteurs but not included in the preliminary draft recommendation since it was not an issue which concerned the monitoring procedure.

To a question by Mr Barsony about ratification of the Framework Convention for the Protection of National Minorities, Mr Kalus answered that the issue was submitted to parliament and ratification should be decided during the autumn part-session.

Upon the proposal of the rapporteurs the amendment tabled by Mr Tahiri to the text on Lithuania was also adopted to paragraph 9 of the preliminary draft recommendation on the Czech Republic.

Proceeding to vote, the draft recommendation was examined paragraph-by-paragraph and as a whole unanimously adopted.

4. PROPOSAL FOR THE OPENING OF A PROCEDURE

Latvia
co-rapporteurs for inquiry: MM. Davis and Németh

Mr Davis informed the committee that the rapporteurs had received information by Mr Sinka and the Secretariat and a draft proposal would accordingly be presented to the committee at its next meeting.

Mr Sinka reiterated that he did not object Latvia being monitored. He had only objected to the reasons given in Mr Bindig's letter.

Mr Glotov urged the rapporteurs to also take into account Doc. 7855.

Upon the proposal of the Chairman, the committee asked the co-rapporteurs to prepare a draft "reasoned written application" on the proposal to open monitoring procedure for Latvia for its next meeting.

5. CONSULTATION ON THE OPENING OF A PROCEDURE

Greece: situation of the Muslim minority in Western Thrace
co-rapporteurs: Mrs Err and Mr Glotov

AS/Mon (1997) 06

Mr Glotov informed the committee that the visit to Greece would take place from 5 to 8 October 1997. Subsequently, the two rapporteurs would present to the committee a joint opinion on whether or not monitoring should be opened.

Mrs Aytaman suggested to give rapporteurs information on the basis of complaints the Turkish delegation received by minority members. The situation in the region had improved but still remained the problem of quotas to minority schools. Out of 1000 students who finished primary school, only 90 could join a secondary minority school.

Mr Barsony called upon the rapporteurs to treat the matter with the same seriousness as was done for Latvia, for instance. Upon his question, the Chairman explained that the visit to Greece had been decided at the previous meeting of the committee.

6. STATEMENTS BY RAPPORTEURS

AS/Mon (1997) O2 rev.

i. Albania

co-rapporteurs: MM. van der Linden and Sole Tura

Press Release

The Chairman read out a letter by Mr Pollo explaining the reasons for which non re-elected members of the Albanian delegation from the Democratic Party were not given the possibility to attend the meeting.

Mr Sorinas, Head of Department, informed the committee that a similar letter had been sent to the Political Affairs Committee. The Bureau addressed the issue at its meeting the previous day. It asked the Clerk to write a letter to the Albanian delegation to recall Article 7 of the Assembly's Rules of Procedure, according to which non re-elected members continued to be members of the delegation until a new one was appointed.

Mr Barsony said that Mrs Karamitro, non re-elected member of the Albanian delegation, had taken her seat at the meeting of the Political Affairs Committee and made a very critical statement on events in the country. Mr van der Linden would make a visit to Albania in mid-September in order to prepare an up-dated report on the political situation. It would be a good idea that Mr Sole Tura joined him during this visit.

Mr Schwimmer supported the idea of a joint visit so that the monitoring procedure for Albania would be pursued. He said that the former Speaker of the Albanian parliament, Mr Arbnori, was on a hunger strike.

Following a statement by Mr Sole Tura and a proposal by the Chairman, the committee authorised Mr Sole Tura to join Mr Van der Linden on his next visit to Albania.

ii. Croatia

AS/Mon (1997) 08 rev.

co-rapporteurs: M. Jansson and Mrs Suchocka

Mr Jansson and Ms Suchocka informed the committee that their visit to Croatia would take place in October 1997. The report prepared by the Venice Commission on co-operation with Croatia was most useful.

Mr Domljan said that most preparatory work for ratification of the European Convention on Human Rights had been completed by government. Parliament would soon be seized on the matter.

The committee authorised its Chairman to join the rapporteurs during the forthcoming visit to Croatia.

iii. Russia AS/Mon (1997) 11
co-rapporteurs: MM. Bindig and Muehlemann

Mr Muehlemann said that the rapporteurs would visit the country in November 1997. They would also look at free market conditions, foreign relations, Chechnya, relations with Belarus and Moldova etc.

Mr Marmazov asked the rapporteurs to also examine the issue of delayed salaries and pensions. Crime and corruption were linked to such delays. Attention should be given on how principles of the European Social Charter were followed.

Mr Atkinson asked the rapporteurs to add to section B, paragraph 5 (b) of the issues paper on Russia that an end should be put to "dedovchina" - the bullying and degradation of young conscripts in the armed services. He expressed satisfaction that President Yeltsin had vetoed the law on religious freedom, which was in contradiction with ECHR.

Mr Kostytsky considered that the rapporteurs should also pay attention to the treatment of national minorities in Russia, in particular the Ukrainian minority.

iv. Turkey AS/Mon (1997) 16
co-rapporteurs: MM. Barsony and Schwimmer EU Press Release

MM Barsony and Schwimmer said that they planned visiting Turkey in November 1997.

Mrs Aytaman said that important changes were in progress in Turkey regarding independence and freedom of the press, the rule of law etc. A High Committee on Human Rights was set up. Amendments to the Constitution were on the way. One of the priorities of the new government was also to bring to an end the extraordinary measures in the southern part of the country.

v. The former Yugoslav Republic of Macedonia Opinion No. 191 (1995)
co-rapporteurs: Mr Berceanu and Mrs Gelderblom-Lankhout

Following statements by Mrs Gelderblom-Lankhout, Mr Tahiri and Mr Berceanu, the committee authorised its co-rapporteurs to visit the country in the near future.

7. OTHER BUSINESS

The Chairman informed the committee that the visit of the rapporteurs to Moldova would take place from 15 to 18 October 1997.

Upon the proposal of the Chairman, the committee agreed to hold exchanges of views during the next part-session of the Assembly with delegations from the former Yugoslav Republic of Macedonia, Moldova, Turkey and Ukraine.

8. NEXT MEETING

The committee decided to hold its next meeting during the part-session in Strasbourg (22 to 26 September 1997).

LIST OF PARTICIPANTS

Members present:

MM.	DE MARCO, Chair	Malta
	SOLE TURA, Vice-Chair	Spain
	GLOTOV, Vice-Chair	Russia
Ms	GELDERBLOM-LANKHOUT, Vice-Chair	Netherlands
Mr	ATKINSON	United Kingdom
Ms	AYTAMAN	Turkey
MM.	BARSONY	Hungary (ex officio)[2]
	BERCEANU	Romania
	BINDIG	Germany
	BRUNETTI	Italy
	BÜHLER	Germany
	COLUMBERG	Switzerland
	DAGYS	Lithuania
	DOMLJAN	Croatia
Ms	DURRIEU	France
MM.	FICO	Slovakia
	FIGEL	Slovakia
	GABRIELESCU	Romania
	GROSS	Switzerland
	JANSSON	Finland
	JASKIERNIA	Poland
Lord	RUSSELL-JOHNSTON	United Kingdom
MM.	JURGENS	Netherlands
	KALUS	Czech Republic
	KELAM	Estonia
	KOSTYTSKY	Ukraine
	LAURINKUS	Lithuania
	LEONI	Italy
	MAGNUSSON	Sweden
	MARMAZOV	Ukraine
	MARTELLI	Italy
	MELCÁK	Czech Republic
	MUEHLEMANN	Switzerland
	NÉMETH	Hungary
	RAMIREZ PERY	Spain
	SCEBERRAS TRIGONA	Malta
	SCHWIMMER	Austria
	SINKA	Latvia
Ms	SUCHOCKA	Poland
MM.	TAHIRI	The former Yugoslav Republic of Macedonia
	URBAIN	Belgium
Ms	WOHLWEND	Liechtenstein

[2] As Chairman of the Political Affairs Committee.

Office of the Clerk

Mr Sorinas

Secretariat of the Committee:
Mr Hartland
Mr Dufour
Ms Chatzivassiliou
Ms Fritsch
Ms Wurtz

LIST OF DECISONS

The Committee on the Honouring of Obligations and Commitments by Member States, meeting in Paris on 3 September 1997 with Mr de Marco in the Chair:

- *Lithuania* (co-rapporteurs: MM. Gross and Mota Amaral)

  unanimously adopted a draft recommendation on the honouring of obligations and commitments;

- *Czech Republic*: (co-rapporteurs: MM. Jurgens et Sinka)

  unanimously adopted a draft recommendation on the honouring of obligations and commitments;

- *Albania* (co-rapporteurs: MM. van der Linden et Sole Tura)

  asked Mr Sole Tura to accompany Mr van der Linden, rapporteur of the Political Affairs Committee on the situation in Albania, during his next visit to the country;

- *Greece*: consultation on the opening of a procedure (Western Thrace) (co-rapporteurs for inquiry: Mrs Err and Mr Glotov)

  took note that the two co-rapporteurs would visit the region from 5 to 8 October 1997 and asked them to prepare a draft written opinion for the Bureau;

- *Latvia*: proposal for the opening of a procedure (co-rapporteurs for inquiry: MM. Davis and Németh)

  asked the co-rapporteurs to prepare a draft "reasoned written application" on the proposal to open monitoring procedure concerning Latvia;

- *Croatia*: authorised the Chairman to join the co-rapporteurs (Mr Jansson and Ms Suchocka) during their next visit to the country;

- *the former Yugoslav Republic of Macedonia* (co-rapporteurs: Mr Berceanu and Mrs Gelderblom-Lankhout)

  authorised its co-rapporteurs to visit the country in the near future;

- *Moldova* (co-rapporteurs: M. Columberg and Mrs Durrieu)

  authorised its co-rapporteurs to visit the country from 15 to 18 October 1997;

- held an exchange of views on the honouring of obligations and commitments by Croatia, Russia and Turkey;

- agreed to hold exchanges of views during the next Part Session of the Assembly with delegations from the former Yugoslav Republic of Macedonia, Moldova, Turkey and Ukraine;

- decided to hold its next meeting during the part-session in Strasbourg (22 to 26 September 1997).