

Council of Europe

114th Session of the Committee of Ministers

Conclusions of the Chair Strasbourg, May 12-13, 2004

1. Under the successive chairmanships of Mr Bernard Bot, Minister of Foreign Affairs of the Netherlands, and Mr Jan Petersen, Minister of Foreign Affairs of Norway, the 114th Session of the Committee of Ministers focused on four main issues: reform of the European Court of Human Rights, the third Council of Europe summit, the Council of Europe's contribution to international action against terrorism, and current political topics on the Council's agenda.

2. The Ministers' decisions and conclusions relating to the first three issues are reproduced in the Session Communiqué. With regard to the current political topics on the Council of Europe's agenda, the Ministers first of all held an exchange of views on the achievements of the Netherlands' chairmanship with a presentation by the Chairman of the Committee of Ministers, and subsequently on the Council's priorities for the coming six months, with a presentation by the future Chairman on the programme of the Norwegian chairmanship. The Secretary General also informed them about a number of developments concerning the Organisation and the action to be taken in this respect.

The Ministers concentrated their attention on those parts of the continent – in particular the Caucasus and South-East Europe – where efforts are still necessary to consolidate democratic stability and to pursue European integration. They called for enhanced co-operation between European and transatlantic organisations (in particular the European Union, the OSCE and the Council of Europe) to this effect. Developments in countries of the Southern part of the Mediterranean, which are close neighbours of Europe and have expressed the wish to develop closer relations, were also mentioned.

In this context, the Chairman of the Committee of Ministers issued two statements, one on the recent terrorist attack in Chechnya, and the other on the medical staff recently sentenced to death in Libya.

During the discussion several Ministers expressed their concern at the almost complete breakdown in co-operation by Serbia and Montenegro with the International Criminal Tribunal for the former Yugoslavia, as explained by the President of the Tribunal, Judge Meron, a few days earlier in Strasbourg. They recalled that co-operation with ICTY was one of the fundamental commitments Serbia and Montenegro had accepted on joining the Council of Europe.

The Ministers welcomed the fact that Armenia and Azerbaijan have resumed their talks in parallel to the Session, under the aegis of the Co-Chairmen of the Minsk Group, with a view to finding a peaceful solution to the Nagorno Karabakh conflict. They recalled that this was a common commitment undertaken by both countries

on accession to the Council of Europe, thus deserving the Committee of Ministers' active interest.

The Ministers also strongly echoed the concerns recently expressed by the Parliamentary Assembly on the disappearance of persons in Belarus, and similarly asked for the situation to be clarified by an independent Commission. It was recalled in this context that Belarus would only be able to progress towards the accession to the Council of Europe if it puts an end to policies violating the Organisation's standards, in particular in the field of human rights.

3. In addition, the Ministers adopted a declaration on the code of good practice in electoral matters. They were informed about progress in Council of Europe activities on the following topics: the fight against trafficking in human beings, the fight against organised crime, the prospect of reforming the Committee of Ministers' thematic monitoring procedure, and the prospect of setting up a European Forum for Roma and travellers. Their conclusions on these issues are also reproduced in the Session Communiqué.

4. The 114th session was the first to be held in line with the new system for ministerial sessions adopted in 2003, which provides in principle for a single annual Committee of Ministers session, while maintaining the six-monthly rotation of chairmanships by alphabetical order. The Ministers welcomed the efforts made by the two co-chairs to encourage greater participation by member states at ministerial level and to give greater political value and a higher profile to the session. While pointing out that the organisational arrangements for this session were somewhat experimental in nature, they encouraged future chairs to pursue this same approach.

5. On the evening of 12 May an informal ministerial meeting was held at the invitation of the Secretary General, attended by Mr Harri Holkeri, the Special Representative of the Secretary General of the United Nations in Kosovo. At this meeting, Ministers wished the Council of Europe to contribute effectively to building a multi-ethnic Kosovo. In this connection, they specifically approved the idea of concluding agreements to ensure that European standards concerning protection of minorities and protection against torture were respected in Kosovo. They also hoped that the work being done on reform of local self-government would take extensive account of the recommendations of the Council of Europe experts. They welcomed the steps taken by the Secretary General to co-ordinate international action to protect and restore cultural heritage.

6. The 114th session was also the occasion for the Chairman of the Committee of Ministers, Mr Bernard Bot, to lay the foundation stone of the Council of Europe's new general building.

7. Lastly, the Ministers were able to review the most significant developments in the Council of Europe's agenda over the past six months. In particular, the Ministers:

- re-asserted, in the wake of the enlargement of the European Union to 25 countries, all of which are Council of Europe member states, the fundamental importance they attach to co-operation between these two key

institutions in the process of European integration. They expressed satisfaction at progress made as reflected in the conclusions of the quadripartite meeting in Brussels on 22 March, and committed themselves to further efforts to reinforce the partnership between the Council of Europe and the European Union;

- noted the results of the implementation of the post-accession strategies drawn up for Serbia and Montenegro and Bosnia and Herzegovina, and expressed their wish to continue their close monitoring of developments in the region, encouraging the authorities of both countries to pursue and consolidate their democratic reforms;
- restated their support for the Council of Europe's efforts to promote democratic stability and dialogue in the southern Caucasus, in particular through implementation of the specific monitoring procedure for Armenia and Azerbaijan, and the continuation of the monitoring introduced for Georgia. In this connection, they welcomed the three successive pardons by President Aliyev (the latest as recently as 10 May) and the resulting release of prisoners – among whom a large number who had been identified by the Secretary General experts or by the Parliamentary Assembly – and encouraged him to pursue the path of reconciliation and democratic reform. They also welcomed the peaceful handing over of power which had been taking place in Georgia since November 2003, and encouraged the country's new authorities – first and foremost President Saakashvili – to draw on their indisputable democratic legitimacy to solve Georgia's problems through dialogue and a speeding up of reforms;
- reaffirmed the importance they attach to continuing co-operation between the Council of Europe and Ukraine, in particular with respect to the follow-up given by Ukrainian authorities to the recommendations contained in the report of the information and assistance mission carried out in the country by the Secretariat in March;
- welcomed the continuing high level of activity in co-operation between the Council of Europe and Moldova, following the Moldovan chairmanship of the Committee of Ministers, while stressing the importance of full compliance with the obligations deriving from membership of the Organisation for the country's further integration in the structures of European co-operation;
- noted with regret that, due to the outcome of the referenda in Cyprus on 24 April, the reunification of the island as proposed by the Secretary General of the United Nations was not possible. They expressed their determination to continue to support efforts to settle ;
- took note with satisfaction of the positive opinion on Monaco's accession to the Council of Europe adopted by the Parliamentary Assembly on 27 April, and instructed their Deputies to take the necessary measures – in consultation with the Monegasque authorities and the Parliamentary Assembly to ensure that the Principality can join the Council as soon as possible as the 46th member state;

- restated the importance they attach to guaranteeing execution by member states of the judgments of the European Court of Human Rights, stressing *inter alia* the significance of the positive decisions taken by the Committee of Ministers in the Loizidou case on 2 December 2003 after Turkish compliance, and supporting the position adopted by the Chairman of the Committee on 22 April 2004 in the Zadak, Zana, Dicle and Dogan case;
- reiterated their support for the Council of Europe's commitment to promoting the freedom of the media, referring to the Committee of Ministers' Declaration on freedom of political debate in the media, adopted on 12 February 2004;
- noted that three candidatures had been received by the Committee of Ministers for the post of Secretary General of the Council of Europe. These were Mr Terry Davis, Ms Kristiina Ojuland and Mr Walter Schwimmer, presented respectively by the governments of the United Kingdom, Estonia and Austria. These candidatures would shortly be forwarded to the Parliamentary Assembly so that it could elect the Secretary General at its June 2004 part-session;
- welcomed the support given by the Dutch Chairmanship to the activities of the Council of Europe, through the organisation of a number of seminars focusing on subjects such as fundamental rights and inter-cultural society (20-21 November 2003), reform of the European Court of Human Rights (8-9 December 2003), the function and structure of public libraries in the 21st century (18-19 March 2004), integrity and transparency in local and regional authorities and police ethics (31 March 2004), and the efficiency of justice in the Council of Europe member states (8-9 April 2004), as well as through the launching of a number of strategic initiatives in areas such as the drawing up of regulations for the effective application of human rights in the information society, public health as a key component of social cohesion, the educational value of physical education and sport, and the future development of the pan-European ecological network;
- reiterated their support for the efforts made by both sides to further develop co-operation between the Council of Europe and NGOs, welcoming the decisions of 19 November 2003 in which the Committee of Ministers granted "participatory" status to international NGOs to reflect more accurately their participation in the Council's activities and introduced a new partnership status for national NGOs;
- took note with satisfaction of the work undertaken in order to achieve the objective of relaunching the programme of cultural routes, i.a. through a more concrete definition of cultural routes. They asked the Secretary General, in cooperation with the Committee of Ministers and in support of the European Institute of Cultural Routes in Luxembourg, to pursue the work and to regularly report back.

8. At the close of the session, Norway took over the chairmanship from the Netherlands. The Norwegian chairmanship will run until mid-November 2004 when Poland will take over.

9. The Ministers instructed their Deputies to fix in good time the date and venue of their next session, on the basis of proposals from the future Polish and Portuguese chairmanships on the organisation of the Committee of Ministers' work in 2005, to be put forward by the end of the current year.