Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1213 (2000)[1]

Honouring of obligations and commitments by "the former Yugoslav Republic of Macedonia"

Parliamentary Assembly

1. The Assembly congratulates the Macedonian nation for its hospitality towards refugees all through the Kosovo crisis, for its restraint and its determination to maintain democratic stability, as well as for its co-operation with the international community, all of which have contributed to easing the dangerous situation in the Balkans. In doing so, Macedonia has honoured in an exemplary way important obligations as a member state of the Council of Europe and its commitment to seek settlement of international disputes by peaceful means.

2. The Assembly commends Macedonia on having preserved the fragile equilibrium between the Macedonian majority and the ethnic Albanian minority and encourages both sides to continue striving for full integration of this and the other minorities, within one state that is respectful of all citizens' rights and freedoms.

3. The Macedonian authorities have undertaken many creditable legislative initiatives, not only to meet commitments made to the Council of Europe but also to implement a policy of rapprochement with the European Union and Nato. These initiatives, if they have been interrupted during the Kosovo crisis, should be re-launched and where necessary accelerated.

4. The Assembly observes that, following a delicate compromise reached within the framework of the United Nations, the country in question has to be referred to as "the former Yugoslav Republic of Macedonia" and encourages both parties to reach an equitable solution in the near future.

5. In accordance with its commitments, Macedonia has signed and ratified the European Convention on Human Rights and the required Protocols, as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities, the General Agreement on Privileges and Immunities and its Additional Protocol, the European Charter of Local Self-Government, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and the Convention on the Transfer of Sentenced Persons. Macedonia has also signed and ratified the Criminal Law Convention on Corruption.

6. Macedonia has signed, with a view to ratification, the European Charter for Regional or Minority Languages, the European Convention on Nationality, the European Social Charter and its Protocols and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

7. The Assembly of the Republic of Macedonia has adopted a Code of Criminal Procedure.

8. The right to a fair trial has been included in Article 13 of the constitution.

9. Legislation is being prepared in the fields of higher education, citizenship and public media.

10. Moreover, the Macedonian authorities have honoured their commitment to co-operate fully with the Monitoring Committee and its co-rapporteurs in the framework of the monitoring procedure.

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1. Assembly debate on 5 April 2000 (12th Sitting) (see Doc. 8669, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: MM. Dumitrescu and Sinka). Text adopted by the Assembly on 5 April 2000 (12thSitting).

11. The Assembly understands and accepts that, during the conflict in Kosovo and in the aftermath of the crisis, among the commitments listed in Opinion No. 191 (1995), priority was given by the Macedonian authorities to Macedonia's humanitarian obligations towards the refugees and displaced persons from Kosovo and that action to honour other commitments was temporarily interrupted.

12. Within the Stability Pact for Southeastern Europe, which the Assembly welcomes as an appeal by the international community to the states in the Balkan region to work together to ensure the stability and economic development of the region, Macedonia should now continue its efforts to honour its outstanding obligations and commitments as a member state of the Council of Europe.

13. In this respect, the Assembly encourages the Macedonian authorities to bring to a successful conclusion the initiatives they have taken on the issues listed hereafter:

13.1. The primary focus of any government action should be the integration of the ethnic minorities, in particular the Albanian minority, in accordance with the provisions of the Framework Convention for the Protection of National Minorities, which Macedonia has ratified, and the principles set forth in Parliamentary Assembly Recommendation 1201 (1993). For this purpose:

a. facilities for the education and training of the Albanian and other minorities in their own language should be improved and provision for such improvements should be made in the new laws on further education;

b. the use of the Albanian language in the courts, in social and welfare institutions and elsewhere in public life should be facilitated in accordance with the European Charter for Regional or Minority Languages – which Macedonia should ratify;

c. incidents involving ethnic groups, such as the killing of three Macedonian police officers in Arachinovo in January 2000, should be settled in an objective, efficient and transparent way, so as to avoid these incidents being used to disturb the ethnic equilibrium.

13.2. Legislative work to reform the judiciary and, if necessary, to improve the efficiency of the legal system should be accelerated, in co-operation with the Council of Europe, and in particular:

a. laws to improve the organisation and functioning of the courts and the independence of the judiciary should be adopted and implemented;

b. laws corresponding to a civil code and a code of civil procedure should be revised in accordance with the constitution;

c. measures should be taken to ensure that the role and functioning of the Public Prosecutor's Office are in accordance with the rule of law and Council of Europe standards.

13.3. Legislation to ensure implementation of the rule of law should be improved to achieve the following objectives:

a. full respect, by the police forces in the exercise of their duties, for human rights and fundamental freedoms;

b. an increase in the proportion of Macedonians of Albanian origin, and of other minorities, serving in the police forces;

c. adoption and implementation of an efficient anti-corruption law and a law on money laundering, as well as implementation of the Criminal Law Convention on Corruption and ratification of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

13.4. The Macedonian authorities should, in co-operation with the Council of Europe, accelerate the reform of the education system, and in particular take the following measures:

a. encourage the training of Albanian language teachers in secondary education and give careful consideration to the proposal by the OSCE High Commissioner on National Minorities to create an Albanian State University College for teacher training;

b. increase the opportunities for official higher education conducted in the Albanian language, and start a dialogue with the governors of the so-called "University of Tetovo" with a view to establishing formal relations in accordance with the relevant provisions in the constitution;

c. provide adequate training facilities to enable Macedonians of Albanian origin, or other minorities, to find employment in the public sector, for example by considering the proposal of the OSCE High Commissioner on National Minorities to create a privately funded higher education centre for public administration.

13.5. The relevant laws should reflect the vital importance of freedom of expression for a properly functioning democracy and protect independence in broadcasting and in the print media by guaranteeing complete editorial freedom, an equitable taxation system, the availability of newsprint and equal access to broadcasting and printing facilities and to distribution outlets. For this purpose:

a. preparation of a law on the public media should be accelerated, in co-operation with the Council of Europe, taking account of the principles outlined above;

b. the influence of the government and of the parliament on the media should be restricted and the independence and transparency of the Broadcasting Council should be guaranteed;

c. the near-monopoly in advertising of the Nova Makedonia Agency should be curbed.

13.6. Work on the draft asylum law should be accelerated.

13.7. The Macedonian authorities should, in close co-operation with the Congress of Local and Regional Authorities of Europe, work towards implementation of the European Charter of Local Self-Government, which Macedonia has ratified.

13.8. In the meantime, the central Macedonian authorities should improve implementation of the 1995 Law on Local Government in order to increase local autonomy.

14. In conclusion, the Assembly is of the opinion that Macedonia has honoured its obligations and most of its commitments, and that the remaining commitments are in the process of being fulfilled. The Assembly therefore considers the current procedure as closed. It will pursue its dialogue with the Macedonian authorities on the issues referred to in paragraph 13 above, or any other issue arising from the obligations of Macedonia as a member state of the Council of Europe, with a view to reopening the procedure in accordance with Resolution 1115 (1997), if further clarification or enhanced co-operation should seem desirable.