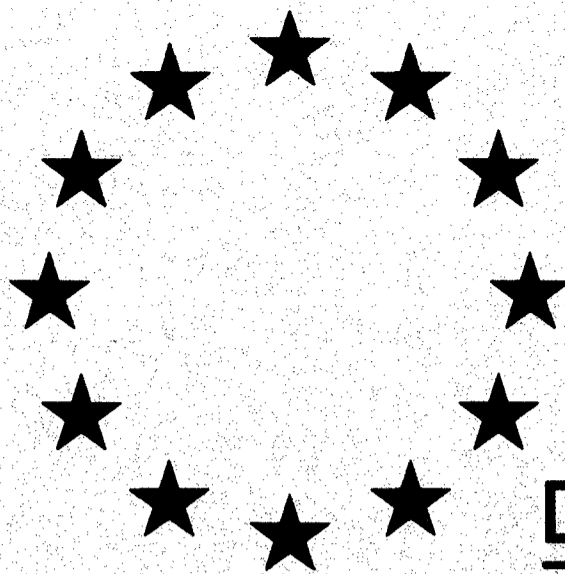


**COUNCIL  
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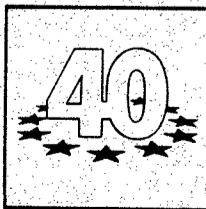
**Conclusions  
of the  
427th Meeting of the Ministers' Deputies**

held in Strasbourg from 12 to 15 June and on 19 June 1989

THE COUNCIL OF EUROPE

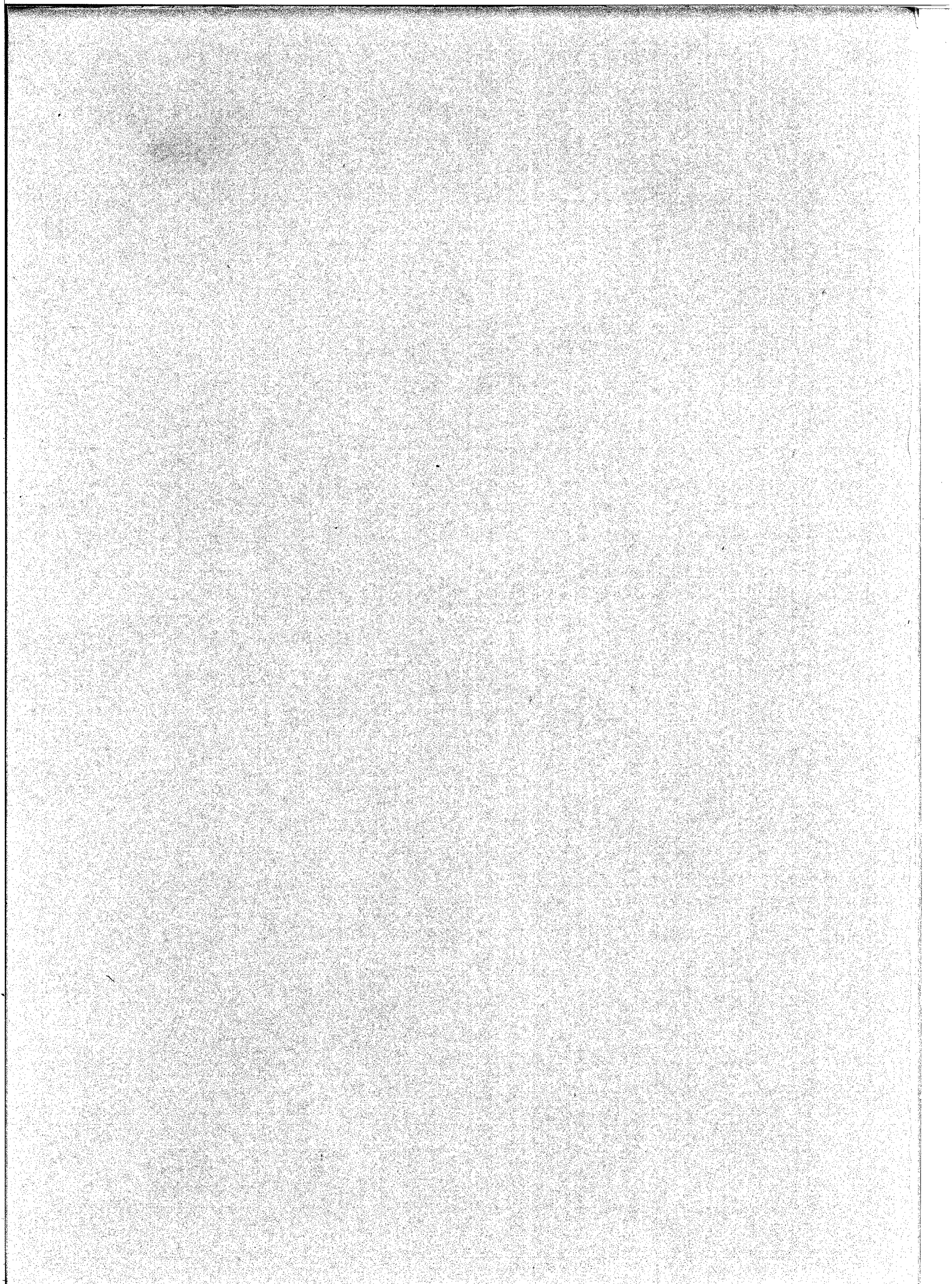


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Forty years  
Council of Europe

Strasbourg



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The 427th meeting of the Deputies opened at A level at 3 pm on Monday, 12 June 1989 under the Chairmanship of Mr R. Knoph, Deputy for the Minister for Foreign Affairs of Norway. It continued at B level at 3 pm on Monday, 19 June 1989 under the Chairmanship of Mr L.O. Roma de Albuquerque, Deputy for the Minister for Foreign Affairs of Portugal.

PRESENT

|                                |      |       |                    |
|--------------------------------|------|-------|--------------------|
| AUSTRIA                        | Mr   | W.    | Sautter            |
|                                | Mr   | E.    | Buttenhauser       |
|                                | Mrs  | U.    | Plassnik           |
| BELGIUM                        | Mr   | R.    | Van Crombrugge     |
|                                | Mr   | F.    | Branders           |
|                                | Miss | G.    | Van den Bergh      |
| CYPRUS                         | Mr   | P.    | Michaelides        |
|                                | Mr   | M.    | Hadjimichael       |
| DENMARK                        | Mr   | E.V.  | Quaade             |
|                                | Mrs  | K.    | Marcus             |
| FINLAND                        | Mr   | D.    | Vitzthum           |
|                                | Mrs  | U.    | Väistö-Melleri     |
| FRANCE                         | Mr   | P.    | de Boisdeffre      |
|                                | Mr   | S.    | Hofmann            |
| FEDERAL REPUBLIC<br>OF GERMANY | Mr   | C.    | von Schubert       |
|                                | Mr   | K.    | Praller            |
|                                | Mrs  | G.    | Steinacker         |
| GREECE                         | Mr   | S.    | Konstantopoulos    |
|                                | Mr   | J.    | Corantis           |
|                                | Mr   | N.    | Kanellos           |
|                                | Mr   | L.-A. | Ambatis            |
| ICELAND                        | -    |       |                    |
| IRELAND                        | Mr   | A.    | Mulloy             |
|                                | Mr   | P.A.  | Murray             |
| ITALY                          | Mr   | C.    | Colombo            |
|                                | Mrs  | C.    | Distefano          |
| LIECHTENSTEIN                  | Mr   | D.    | Ospelt             |
| LUXEMBOURG                     | Mr   | P.    | Faber              |
| MALTA                          | Mr   | N.    | Buttigieg Scicluna |
|                                | Mr   | I.    | De Barro           |

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|                |      |      |   |
|----------------|------|------|---|
| NETHERLANDS    | Mrs  | A.   | Nierman                                   |
|                | Mr   | W.   | Servatius                                 |
|                | Mr   | B.   | Veenendaal (item 2)                       |
| NORWAY         | Mr   | R.   | Knoph, <u>Chairman</u>                    |
|                | Mr   | D.M. | Halvorsen                                 |
|                | Mr   | O.P. | Kolby (item 2)                            |
| PORTUGAL       | Mr   | L.O. | Roma de Albuquerque, <u>Vice-Chairman</u> |
|                | Mr   | F.J. | Ramos Machado                             |
|                | Miss | M.J. | Morais Pires                              |
| SAN MARINO     | Mr   | P.G. | Guardigli                                 |
| SPAIN          | Mr   | J.M. | Lacleta                                   |
|                | Mr   | C.   | Diaz Valcarcel                            |
| SWEDEN         | Mrs  | I.   | Larsson                                   |
|                | Mr   | R.   | Sjöberg                                   |
| SWITZERLAND    | Mr   | Y.   | Moret                                     |
|                | Mr   | G.   | Stoudmann                                 |
| TURKEY         | Mr   | T.   | Firat                                     |
|                | Mr   | A.   | Özçer                                     |
|                | Miss | N.   | Berberoglu                                |
|                | Mrs  | D.   | Akçay                                     |
| UNITED KINGDOM | Mr   | C.   | McLean                                    |
|                | Mr   | J.   | Jamieson                                  |
|                | Mr   | R.   | Turner                                    |
|                | Mr   | C.   | Parker                                    |

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At the opening of the meeting at A level, the Chairman welcomed the new Secretary General, Madame Catherine Lalumière, who had taken up office on 1 June 1989. Her training and her experience as a member of Parliament and Government, and in particular in the area of intergovernmental affairs, augured well for close and fruitful co-operation between her and the Committee, in the interests of the Council of Europe and the furtherance of European construction, at a moment of historic importance for the continent of Europe.

Following the adoption of the Political Declaration and Resolution (89)40 on the role of the Council of Europe here, it was up to all to pool their efforts so that the political and practical guidelines laid down in the two texts could be put into effect. The Deputies knew that Madame Lalumière was ready to do so, and expected excellent co-operation with her, in the best interests of the Organisation.

The Chairman went on to refer to the declaration, which had been distributed to all delegations, put out by the Chairman of the Committee of Ministers, the President of the Parliamentary Assembly and the Secretary General of the Council of Europe in condemnation of the events in China.

He reported that Monsignor Carlo Maria Vigano had replaced Monsignor Luigi Bressan as representative of the Holy See to the Council of Europe.

The Chairman asked the Belgian delegation to convey the Committee's deepest sympathy to the family of Mr Maurice Boulanger, who between 1966 and 1972 had been the Deputy Permanent Representative of Belgium to the Council of Europe.

Mr Cornaille, Deputy to the Permanent Representative of France, was very shortly to leave Strasbourg to take up his duties with his Ministry in Paris, and the Chairman addressed his best wishes to him.

Lastly, the Chairman thanked the Ambassador of Portugal and his authorities for the excellent arrangements they had made for the recent meeting of the Resettlement Fund in Estoril. The few days that had been spent there had been extremely interesting and pleasant.

The Secretary General outlined her conception of the collaboration just beginning, which she trusted would continue in an atmosphere of great mutual trust. The Declaration and Resolution of 5 May provided the framework for the Council of Europe's future action. The two texts had laid down precise and clear objectives which now needed to be realised. Current developments in Europe gave the Council of Europe an opportunity to expand its action, and also a heavy responsibility, since the hopes placed in it must not be disappointed.

It was for this reason that her first concern would be to make sure that in-house affairs prospered, and here she would need the aid of the Deputies, and very close liaison with them. The best possible solutions should be found for staff problems so that the staff on hand were both motivated and mobilised.

The administrative organisation of the Council of Europe - whose function was that of a task force - ought in her view to be lightweight and have no truck with red tape. The running of the Organisation must be streamlined, and must be made more dynamic so that the Organisation's imagination and impetus could be given full rein. She would frequently be heard using management terminology, which she found more appropriate.

One of her major preoccupations here was how to modernise the functioning of the Organisation, providing it with up-to-date working tools enabling it to act more efficiently and also to spread the message about its achievements more effectively.

She hoped that relations between the Committee of Ministers and the Secretariat would be as close as possible. She would strive to bring down the partitions between the different bodies in order to shed light on the darkness which had struck her before she took up her duties as Secretary General.

Progress on the different points referred to above should make it possible to have a high-performance tool with which to realise the objectives outlined in the Declaration of 5 May.

The Council of Europe's action should first be concentrated, so as to make its image and its role more forceful, more vigorous. A selection of projects would have to be made, with pride of place going to certain domains. It would take time, and a thoroughly open-minded approach was essential.

At the same time communications with the outside world would have to be improved so that the man in the street - whose support was crucial - knew more about the Council of Europe. The Information Department had a special responsibility here, but the need for better communications must be in the forefront of the minds of every staff member as well.

The Council of Europe had a multitude of assets, in her view, which would stand it in good stead in the process of European construction. The current lack-lustre European election campaign was a pointer to the limits of economic consideration when it came to firing the imagination of the public at large. By way of contrast, the field of competences of the Council seemed to be arousing more interest. Human rights, cultural identity, democracy and problems confronting society were all issues that could inspire enthusiasm, provided that projects were lively and concrete. At the same time, a change of heart was beginning to appear at governmental level concerning the manner in which European construction needed to be tackled - and this change of heart was to be encouraged; the construction of an economic Europe, the principal objective of the European Community, must not cloak the need to develop the human, cultural and social dimensions of Europe, and it was these which made up the Council of Europe's field of action. The different political partners must be made to see that the second path - that of the Council of Europe - was indispensable.



Lastly, one of the special responsibilities which had just been entrusted to the Council of Europe was the development of relations with the countries of Eastern Europe. It represented a change for the Organisation, and there were grounds for satisfaction in the way in which the Council of Europe had begun to investigate the scope for developing those relations. It was necessary to realise, however, that the field was both important and tricky, one that demanded flawless professionalism and dedication on the part of the Council of Europe. What was needed was not nervous diplomacy but a set of decisions reached in full knowledge of the facts. Liaison between the Committee of Ministers and the Secretary General must be extremely close lest they give the impression of being divided. All these principles would have to be maintained when Mr Gorbachev paid his visit - an event of the utmost importance for all.

\*

\* \*

During the meeting at A level, the Chairman announced that the Bureau had agreed to the request from the Director General of Administration of the European Parliament to make use of the Committee of Ministers' Ante-Room to receive the newly elected members of the European Parliament during the week of 24 to 29 July 1989. He noted that there was no objection to this request.



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CM/Del/Concl(89)427  
Item 1

1.

ADOPTION OF THE AGENDA

The Director of Legal Affairs reported, with regard to item 31 on the agenda of the current meeting (Protocol to the Convention on Insider Trading), that he had been advised that day by the Commission of the European Communities that it was in a position to accept the inclusion of an Article 16 bis as proposed in the draft Protocol. This being so, did the Deputies wish to go ahead that day with their consideration of item 31 or did they prefer to hold it over to their 428th meeting (September 1989)?

Following a discussion (summarised under item 31 of these Conclusions), the Chairman noted that all delegations supported holding over consideration of this item to the Deputies' extraordinary meeting on 7 July 1989.

With regard to item 28a on the agenda (Election of members of the Committee of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), the Representative of the United Kingdom stressed how important and urgent it was to implement the said Convention. Recent press articles containing unfounded allegations had not been denied by the Secretariat. If the Deputies did not elect the members of the Committee of the Convention that day, there would inevitably be criticism. He accordingly could not understand why the Bureau of the Assembly had not yet transmitted the list of names presented by the Parties' national delegations. He would like the election to take place at the Deputies' extraordinary meeting on 7 July 1989.

The Secretary to the Committee reported that the Secretariat had just received a letter from the President of the Assembly transmitting a list of the names for 10 of the 15 Parties to the Convention. This list would be circulated to all the delegations as quickly as possible with the curricula vitae appended. The Bureau of the Assembly was to meet again on 5 July 1989.

After a discussion, the Chairman noted that a majority of the Deputies favoured holding over consideration of item 28a to their 428th meeting (September 1989).

The Representative of Turkey said that as far as item 9 of the agenda was concerned (Situation in Cyprus) the position of his delegation remained unchanged with regard to both the substance and the form.

Decision

The Deputies adopted the agenda for their 427th meeting (12-16 June 1989 - A level, 19 June 1989 - B level) as it appears at Appendix 1 to these Conclusions, subject to the postponement of item 31 (Protocol to the Convention on Insider Trading) to their extraordinary meeting on 7 July 1989, and of item 28a (Election of members of the Committee of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment) to their 428th meeting (September 1989, for consideration at A level).





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CM/Del/Concl(89)427  
Item 2

2.

POLITICAL ASPECTS OF EUROPEAN CO-OPERATION  
AND OF CURRENT INTERNATIONAL EVENTS  
(Resolution (84)21)  
(Concl(89)426/2)

1. Meeting of members of the Bureau of the Committee of Ministers with President Gorbachev, 6 July 1989

The Deputies held an informal exchange of views, attended by the Norwegian Political Director, Mr Kolby, and by Ambassador Veenendaal (Netherlands) on preparations for the meeting of members of the Bureau of the Committee of Ministers with President Gorbachev, on the occasion of his address before the Assembly on 6 July 1989.

2. Date of the next exchange of views on the CSCE with the participation of national experts

The Director of Political Affairs suggested as a possible date for the exchange of views either 8 or 15 September 1989, so as to allow for the schedules of other bodies.

The Representative of the United Kingdom said that he was in favour of Friday 15 September 1989.

The Representative of Denmark suggested Wednesday 27 September 1989.

The Chairman suggested that agreement should be reached on the final date at the extraordinary meeting of the Deputies on 7 July 1989.

3. Co-operation with Hungary and Poland  
Letter from the Permanent Representative of Italy  
of 9 June 1989

The Representative of Italy said that the Italian Minister for European Affairs, Mr Antonio La Pergola, had suggested at the 84th Session of the Committee of Ministers, in connection with relations between the Council of Europe and Hungary and Poland, that an ad hoc group should be set up to study, at political level, areas of intergovernmental co-operation with which those countries could be associated, so as to encourage closer participation on the part of Hungary and Poland in the Council of Europe (paragraph 37 of CM(89)PV1 prov). What had prompted this move had been a desire to respond to a new and unprecedented situation by an initiative at the level of the Organisation's internal structures.

The Representative of Austria, supported by the Representative of Denmark, drew the Deputies' attention to the existence of the Deputies' Working Group on relations with Eastern European countries, which had been given a political mandate by the Ministers' Deputies

to examine in detail the prospects for contacts and co-operation with Eastern European countries, and the way in which such contacts and co-operation were to be conducted. So far the Group had pursued this task successfully, as demonstrated by the decision submitted to the Deputies at the present meeting (item 52e). The question therefore arose of the danger with the Italian proposal of possible duplication of efforts. Further thought had to be given, however, as to the exact significance of the expression "at political level" used by the Italian delegation for the proposed ad hoc group.

The Representative of Italy said that it was in no case his delegation's intention to duplicate an existing structure through its initiative. He proposed reporting to his authorities, and suggested that the discussion should be resumed, if appropriate, at the Deputies' next meeting.

The Representative of Ireland also hoped that the discussion could be postponed, and possibly resumed after the matter had been examined in greater detail.

The Chairman noted that the Italian delegation hoped that consideration of his proposal could be resumed, if appropriate, under the same agenda item at the Deputies' 428th meeting (September 1989).

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Item 3

3.

JOINT COMMITTEE  
(Strasbourg, July 1989)  
(Concl(89)426/3)

The Chairman referred to the Addendum to the Notes on the Agenda No. 7378, which contained the letter dated 6 June 1989 from the President of the Assembly informing him that "it would be useful to hold a meeting of the Joint Committee during the 2nd part session of the 41st Ordinary Session of the Parliamentary Assembly". The President of the Assembly had proposed that the draft agenda of the proposed meeting include the following items:

- budgetary questions: index-linking of budgetary growth to the average GNP of member States,
- East/West relations: special guest status, and intergovernmental co-operation,
- other business: proposal to set up a working party of Ministers' Deputies/members of the Assembly, and the Quadripartite Meeting of 13 June.

The Chairman recalled that the Quadripartite Meeting which had been originally scheduled to take place on 13 June was postponed to a later date; therefore one could assume that at the meeting of the Joint Committee the representatives of the Assembly would wish to raise matters as regards the organisation of the first quadripartite meeting to be held later.

The Deputy Clerk of the Assembly, referring to the items proposed for the draft agenda of the meeting of the Joint Committee, informed the Deputies that as far as the budgetary questions were concerned, the intention of the Assembly was to have an exchange of views with the Deputies on the question of index-linking of budgetary growth to the average GNP of member States in view of the zero growth rate approach that had prevailed during the last years when the Committee of Ministers considered the draft budgets of the Organisation.

As far as East/West relations were concerned, the intention of the Assembly was to inform the Deputies of the recent developments concerning special guest status following the meeting of the Assembly Committee on Rules of Procedure which would be held on 3 July 1989.

As regards the proposal to set up a Working Party of Ministers' Deputies and representatives of the Assembly on relations between the two Organs, the Deputy Clerk informed the Deputies that the matter had not been discussed in depth at the last meeting of the Assembly Bureau on 8 June 1989. The President of the Assembly intended to raise this matter with the Chairman of the Deputies when he visited Strasbourg the following week (ie. the week beginning 19 June 1989), in particular the question of the composition of the joint Working Party, for which he was thinking of proposing, on the Assembly's side, a small delegation of the Bureau.

Referring to the first Quadripartite Meeting, the Deputy Clerk said that the Assembly wanted to be kept informed about the arrangements to be made for it.

Amendment of Article 33 of the Statute had not been taken up by the Assembly for discussion at the meeting of the Joint Committee. The Assembly considered that it would be appropriate to hold an exchange of views on the matter in a restricted group, ie. with the participation of the Chairman of the Assembly's Political Affairs Committee, Mr Steiner and the Rapporteur on the matter, Mr Tarschys. The matter could also be raised with the President of the Assembly the following week.

The Chairman, referring to the proposed Working Party of the Ministers' Deputies and Assembly representatives, said that he envisaged that the Ministers' Deputies could be represented in the Working Party by the Bureau of the Ministers' Deputies; this matter could be further considered at a later stage by the Deputies after the meeting of the Joint Committee on 5 July 1989.

The Representative of Belgium thought that the Assembly's proposal concerning index-linking of budgetary growth should not be the first item on the agenda of the Joint Committee. Indeed, the debate on the first item could become drawn out as was often the case in the Joint Committee and this would therefore be to the detriment of other important items. The Assembly's proposal would be better dealt with at a meeting of the proposed Working Party.

The Representative of the Netherlands agreed with the Representative of Belgium and proposed that at the meeting of the Joint Committee "East/West relations" be taken up before "budgetary questions".

The Representatives of Denmark and Luxembourg expressed their agreement with the Representative of the Netherlands.

The Representative of Ireland thought that it would be better to agree to the draft agenda of the Joint Committee meeting as well as the order of the items presented as they stood without changing their order.

The Representative of the United Kingdom recalled that the opinion of governments were well known on budgetary matters; this being so, one should not expect to go too far with the Assembly's idea of index-linking of budgetary growth to the average GNP of member States. In his opinion the proposed Working Party should concentrate its efforts and work on how to improve the procedure and relations between the two Organs of the Council of Europe without discussing the substance of matters such as index-linking.

The Deputy Clerk of the Assembly said that the intention of the Assembly was to raise the matter under "budgetary questions" at the forthcoming meeting of the Joint Committee in order to see the reaction of the Committee of Ministers. The precise order of the agenda of the meeting could also be discussed by the Chairman of the Ministers' Deputies and the President of the Assembly the following week when Mr Björck was present in Strasbourg.



Summing up discussions under this item, the Chairman noted that the Deputies could agree to the proposal of the Assembly to hold a meeting of the Joint Committee on 5 July 1989 at 5.30 pm, during the second part-session of the 41st Ordinary Session of the Assembly to be held in Strasbourg on 3-7 July 1989.

He further noted that the Deputies would accept the proposals presented by the Assembly set out in the letter dated 6 June 1989 from the President of the Assembly (see Addendum to the Notes on the Agenda No. 7378), concerning the items to be included in the draft Agenda of the meeting of the Joint Committee, namely:

- budgetary questions: index-linking of budgetary growth to the average GNP of member States,
- East-West relations: special guest status and intergovernmental co-operation,
- proposal to set up a working party of Ministers' Deputies/members of the Assembly, and the first Quadripartite Meeting.

The Chairman would contact the President of the Assembly to discuss with him certain outstanding questions such as the order in which the items proposed would be taken up, before addressing a letter to the Assembly where he would inform the latter that the Committee of Ministers accepted the proposal to hold a Joint Committee meeting on 5 July 1989 and the proposed items.



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CM/Del/Concl(89)427  
Item 4

4.

CONFERENCES OF SPECIALISED MINISTERS  
Follow-up to Chapter III of Resolution (89)40  
(Concl(89)426/3)

The Representative of Sweden said that although her authorities had not had time to consider the substance of this item, she felt that the Rapporteur Groups could be entrusted to give consideration to the implementation of the measures requested under Chapter III of Resolution (89)40, as proposed by the Secretariat in the Notes on the Agenda No. 7379.

The Secretary to the Committee recalled that paragraph 18b of the Declaration on the Future Role of the Council of Europe in European Construction stated inter alia "the new impetus and political direction we wish to give to the Council of Europe's action demands a strengthening of co-operation between all the organisations, organs and bodies. We are therefore resolved ... to integrate the Conferences of Specialised Ministers more fully into the Council of Europe's institutional framework and decision-making process".

He further recalled that Chapter III of Resolution (89)40 inter alia "instructs the Ministers' Deputies ... to ensure, with the assistance of the Secretary General - in consultation with the preparatory committee and the host country - that the work of the Conferences of Specialised Ministers is co-ordinated with that of the Council of Europe, particularly with regard to the choice of subjects dealt with and the convening and the preparation of each conference ...". Accordingly, in the opinion of the Secretariat, it would be appropriate to entrust the relevant Rapporteur Groups to give consideration to the implementation of each of the measures taken under Chapter III of Resolution (89)40 as regards the following Conferences to be held in 1990:

- Third Conference of European Ministers responsible for Youth (Autumn 1990, Portugal),
- Third European Conference of Ministers responsible for Architectural Heritage (Spring 1990, Bern),
- Sixth European Conference on the Environment (1990, Belgium),
- Sixth Conference of European Ministers responsible for Cultural Affairs, (1990, Italy),
- Fourth Conference of European Ministers of Health (Autumn 1990, Cyprus),
- Seventeenth Conference of European Ministers of Justice (1990, Turkey).

The rapporteur groups in question would consider for example the themes in consultation with the preparatory committees and/or their Chairmen, and subsequently report back to the Deputies.

It was worth noting that the themes of some of the Conferences he mentioned (see above) had not yet been defined.

The Representative of Italy, referring to the Notes on the Agenda No. 7379, noted that the Sixth Conference of European Ministers responsible for Cultural Affairs would be held in Italy in 1990 and that it would be prepared by a committee of senior officials. He recalled that the Deputies' Working Party on Conferences of Specialised Ministers had expressed the view that the preparation of Conferences of Specialised Ministers should be entrusted to steering committees rather than to committees of senior officials (see CM(88)226). He therefore wondered why the Council for Cultural Co-operation (CDCC) had not been entrusted with the preparation of the Sixth Conference.

The Secretary to the Committee underlined the importance of a flexible approach as regards the choice of the preparatory committee, a point which had already been made in various reports on the matter; however, the decision to entrust the preparation of any conference to either a steering committee or a committee of senior officials was within the competence of the Committee of Ministers.

The Representative of Ireland, also referring to the Sixth Conference of European Ministers responsible for Cultural Affairs, underlined the importance of associating certain Eastern European States with this Conference in view of the recent decision taken by the Committee of Ministers to invite Hungary and Poland to accede to the European Cultural Convention. The committee that would be responsible for the preparation of the Sixth Conference should bear this fact in mind.

The Representative of Denmark considered that it would be too early to take a decision, at this stage, to entrust Rapporteur Groups to give consideration to the implementation of Chapter III of Resolution (89)40. Such a decision, in his opinion, would constitute a "general authorisation" to the Rapporteur Groups to deal with the preparation of Conferences for Specialised Ministers.

The Chairman recalled that the Rapporteur Groups would only consider the implementation of each of the measures requested under Chapter III of Resolution (89)40 (a)-(d) and report back to the Deputies.

The Representatives of the Netherlands, Belgium and Spain expressed their agreement with the Chairman.

The Chairman noted that the Deputies agreed to the suggestions made by the Secretariat in the Notes on the Agenda No. 7379 (see also decisions below). Following the presentation to the Deputies of the reports by the Rapporteur Groups, and if there were any outstanding problems concerning the implementation of Chapter III of Resolution (89)40, the Deputies would give further consideration to this matter at one of their future meetings.

Decisions

## The Deputies

1. agreed to entrust the following Rapporteur Groups to give consideration to the implementation of each of the measures requested under Chapter III (a-d) of Resolution (89)40 as regards the Conferences mentioned below, it being understood that in so doing the Rapporteur Groups will be in contact with the preparatory bodies concerned and or their Chairmen, and to report to the Deputies:

Rapporteur GroupsConferences of Specialised Ministers

Rapporteur Group on Youth:

3rd Conference of European Ministers responsible for Youth (Autumn 1990, Portugal)

Rapporteur Group on Environment, Urban Policies, Regional Planning, and Local and Regional Authorities:

3rd European Conference of Ministers responsible for Architectural Heritage (Spring 1990, Bern), and 6th European Ministerial Conference on the Environment (1990, Belgium)

Rapporteur Group on Education, Culture and Sport:

6th Conference of European Ministers responsible for Cultural Affairs (1990, Italy)

Rapporteur Group on Social and Health questions:

4th Conference of European Ministers of Health (Autumn 1990, Cyprus)

Rapporteur Group on Legal Co-operation:

17th Conference of European Ministers of Justice (1990, Turkey);

2. agreed to revert to the consideration of this item at a future meeting in the light of the reports to be presented to them by the relevant Rapporteur Groups and with a view to examining further the implementation of Chapter III of Resolution (89)40.



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Item 5

5.

FUTURE ROLE OF THE COUNCIL OF EUROPE IN EUROPEAN CONSTRUCTION  
Assembly Recommendation 1103  
(Concl(89)426/5)

The Representative of the Netherlands suggested that the last phrase of paragraph 5 of the draft reply be amended in the following way:

"In organising the Organisation's activities in a way to carry out its tasks as effectively as possible, account has to be taken of the fact that the resources granted to the Council of Europe by the member governments are in line with the budgetary restraint being exercised in most of the member States".

The Representative of Sweden suggested adding to paragraphs 4 and 5 of the draft reply the appropriate references to the relevant paragraphs and chapters of the Political Declaration and Resolution (89)40.

Decision

The Deputies adopted the following reply to Assembly Recommendation 1103:

"1. The Committee of Ministers notes with satisfaction that there is extensive agreement on the Council of Europe's vocation between Assembly Recommendation 1103 on the future role of the Council of Europe in the process of European construction and the two texts adopted by the Committee of Ministers on the same subject on 5 May 1989 for its 40th anniversary, namely the Political Declaration and Resolution (89)40 on institutional aspects.

2. Anxious to share its thoughts on the future role of the Council of Europe, the Committee of Ministers informed the Assembly of the progress of its work during the third part of the Assembly's 40th session, on 1 February 1989. After adoption of Recommendation 1103 by the Assembly on 15 March 1989, it was placed in the file of the Committee of Ministers for the Committee's extraordinary meeting on 22 March 1989, which was intended to draw up the above-mentioned Political Declaration and Resolution.

3. The presentation of the statutory report to the Parliamentary Assembly on 10 May 1989 by the Chairman of the Committee of Ministers was devoted almost entirely to informing the Assembly in detail of the content of and thinking behind the texts adopted on 5 May 1989 by the Committee of Ministers on the future role of the Council of Europe.

4. The Committee of Ministers therefore confines this written reply to Recommendation 1103 to recall the extensive agreement that exists as regards:

- the Council of Europe's vocation (paragraph 35, (i), (vii) and (viii) of the Recommendation and paragraphs 4, 5 and 18 of the Political Declaration),

- greater rationalisation of the work of the various European organisations (paragraph 35, (vi) and (ix) of the Recommendation and paragraphs 6 to 9 of the Political Declaration and paragraphs 4 to 8 of Resolution (89)40), and
- European co-operation on a broader level, namely co-operation with Eastern European countries and the CSCE process (paragraph 35, (ii) and (v) of the Recommendation and paragraphs 10 to 13 of the Political Declaration and paragraphs 9 to 12 of Resolution (89)40).

5. Regarding the Council of Europe's intergovernmental action and budget resources (paragraph 35, (iii), (iv) and (x) of the Recommendation and paragraphs 15 and 16 of the Political Declaration and paragraph 18 of Resolution (89)40), the Committee of Ministers seeks to reinforce the effectiveness of this action by concentrating the Council of Europe's efforts and reallocation of resources around three major priorities. In organising the Organisation's activities in a way to carry out its tasks as effectively as possible, account has to be taken of the fact that the resources granted to the Council of Europe by the member governments are in line with the budgetary restraint being exercised in most of the member States."



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Item 6a

6.

NORTH-SOUTH

a.

Report on the deliberations of the enlarged Working Party  
of the Ministers' Deputies on the proposed European Centre  
for Global Interdependence and Solidarity  
(CM(89)106)

The Representative of Portugal referred to the work done by the Working Party on North-South which he had had the honour to chair (see CM(89)106), and said that the draft Resolution establishing a European Centre for Global Interdependence and Solidarity as well as the Statute of the European Centre for Global Interdependence and Solidarity appeared in the Appendix to CM(89)106.

These texts were in conformity with the spirit of the "Madrid Appeal". In its preamble the draft Resolution stated clearly that the aim of the European Centre would be "to raise public awareness of global interdependence and the ensuing need for solidarity, to prepare the public and politicians for acceptance of new policies regarding North-South relations and to promote North-South communication and contacts in a spirit of respect for human rights and in conformity with the aims and principles enshrined in the Statute of the Council of Europe".

The draft Resolution envisaged a framework which would provide for consultations among non-governmental organisations, parliamentarians, governments and local and regional authorities as well as the representatives from the South.

He drew the attention of the Deputies to certain matters, such as the composition of the Executive Committee and the question of participation from the South, which required further consideration by the Deputies.

He added that Hungary and the USSR had expressed an interest in the project. Furthermore, Japan and South Korea had also made known their interest.

As far as the financing of the Centre was concerned, the Representative of Portugal said that the functioning of the Centre would require approximately FF 3 million per annum - FF 1 million would be provided by the Portuguese Government which would also provide premises for the Centre in Lisbon. Financial arrangements were still being examined and they could be given further consideration by the Deputies at the 428th meeting in September.

Finally the Representative of Portugal expressed his gratitude to all delegations who had attended the meetings of the Working Party and shown interest in the project, and the Secretariat who had assisted the Portuguese authorities and his delegation in the preparation of the draft Resolution and the Statute of the Centre.

The Representative of Switzerland recalled that the proposal to establish a European Centre for Global Interdependence and Solidarity would be realised by means of a Partial Agreement by interested member States, following a unanimous decision to be taken by the Committee of Ministers to allow the creation of such a Partial Agreement. Although the draft Resolution mentioned in its preamble that the project would be a Partial Agreement, no further reference was made to this aspect in the text of the draft Resolution, in particular under Articles 6 and 9 of the Statute where he thought that reference should be made to the proposed Partial Agreement.

The Representative of the Federal Republic of Germany said that his delegation had followed carefully the work of the Working Party; no final decision had yet been taken by his authorities as the matter was still under consideration in Bonn. He expected that further explanations would be given as regards financial arrangements and that, as the Representative of Portugal had said, the Deputies would resume the consideration in particular of the outstanding administrative and financial questions.

He added that the proposed Centre should be considered as an auxiliary to the European Consultative Committee on Global Interdependence and Solidarity rather than a liaison office of United Nations Agencies or a "think-tank".

Finally he expressed his agreement with the Representative of Switzerland that reference should be made under Article 6 and 9 of the Statute of the Centre to the Partial Agreement aspect of the proposed Centre.

The Representative of Portugal agreed that a reference could be made to the Partial Agreement aspect under Articles 6 and 9 of the Statute.

As regards administrative and financial matters, he considered that a concise document explaining matters such as staff might be useful.

### Decisions

#### The Deputies

1. agreed to authorise the transmission of the draft Resolution establishing a European Centre for Global Interdependence and Solidarity (Appendix to CM(89)106) to:

- the Assembly;
- European Consultative Committee on Global Interdependence and Solidarity, which is due to hold its meeting before autumn 1989, composed of representatives of all bodies involved in the European Organising Committee of the North-South Campaign in 1988 (including non governmental organisations, local and regional authorities, governments and national administrations);
- the Commission of the European Communities and the Committee on Development of the European Parliament;

2. agreed to resume consideration of the draft Resolution at A level at their 428th meeting (September 1989), taking into account the views expressed on the draft Resolution by the governments of member States as well as the bodies referred to under decision 1 above.

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Item 6b

b.

Africa-Europe Encounter: Interdependence and Solidarity  
(Porto Novo, Benin)  
(31 August - 3 September 1989)  
(Misc(89)30)

The Director of Political Affairs drew the attention of the Deputies to the information note prepared by the Secretariat (Misc(89)30) on "Africa - Europe Encounter", to be held in Porto Novo, Benin on 31 August - 3 September 1989, which contained information concerning the objectives and the programme of the Encounter.

He recalled that the Deputies had been informed of this meeting at their 422nd meeting (November/December 1988, item 3) when they took note of the indications given by the Secretariat in CM(88)205, in particular concerning the financial contribution of 250,000 FF from the Special Fund for the North-South Campaign.

The Director of Political Affairs pointed out that during preparations of the Encounter, great importance had been attached to the public Forum "Human rights, democracy and development" organised in co-operation with the African Commission for Human Rights and Peoples' Rights, and in contact with judges of the European Court of Human Rights.

As far as the financing of the Encounter was concerned, he said that 1.1 million FF had been ear-marked for the budget of the Encounter; apart from 250,000 FF from the Special Fund for the North-South Campaign, financial contributions had been pledged or announced by several member States and the UNESCO. The Secretariat would inform the Deputies at one of their meetings in Autumn this year, following the Encounter, of the financial situation concerning both the meeting in Benin and the state of the Special Fund of the North-South Campaign.

Finally, he said that a number of important personalities would attend the Encounter (see Misc(89)30).

The Representative of Italy informed the Deputies that Mr Andreotti, Minister for Foreign Affairs of Italy, had accepted with pleasure to be a member of the Honorary Committee of the Encounter.

The Representative of Portugal informed the Deputies that he had attended the preparatory meetings of the Encounter. It was the sincere desire of all participants to make it a success.

The Representative of Norway said that his government had contributed 150,000 Norwegian Kroners towards the organisation of the Conference.

Decision

The Deputies took note of the information provided by the Secretariat set out in Misc(89)30, concerning "Africa-Europe Encounter" to be held in Porto Novo (Benin) on 31 August - 3 September 1989.



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Item 7

7.

COUNCIL OF EUROPE OBSERVER STATUS WITH THE UNITED NATIONS  
(Concl(88)422/3, Concl(89)426/6, CM(89)51)

The Chairman said that a majority of the Deputies had indicated at the last meeting (May 1989) that they were in favour of observer status for the Council of Europe with the United Nations, but that no formal decision has been taken because one delegation had asked for extra time in which to reflect on the matter.

The Representative of Sweden again said she was sceptical, for the reasons her delegation had indicated at the last meeting, but did not want to stand in the way of observer status being requested if a clear majority were in favour. When it came to the exercise of observer functions, she underlined the need for the Secretariat representative only to report on current activities in the Council of Europe and to refrain from expressing views on questions which came within the competence of member States' governments.

The Representatives of the United Kingdom, Denmark and Ireland endorsed the Swedish Representative's last point.

The Representative of Ireland also said that the Secretariat representative would probably be called on only infrequently to intervene at debates in the United Nations. Only debates in the Third Committee (Human Rights) could in his view provide scope for such declarations. He proposed that a report be drawn up for the Committee on the exercise of observer functions and that an assessment of such practice be made within two years.

The Director of Political Affairs said that the delegations' comments concerning observer functions were entirely in line with the Secretariat's thinking. The role of the Secretariat would have to centre on presenting the Organisation's activities and better two-way information. The manner in which Secretariat staff members fulfilled those functions would accord with their duties and obligations as laid down in the Council of Europe Staff Regulations.

The Chairman noted that the Committee gave its agreement to the proposed request for observer status for the Council of Europe with the United Nations General Assembly.

It had also emerged from the exchange of views that members of the Secretariat should exercise the functions as observer on behalf of the Council of Europe under the authority and responsibility of the Secretary General and in accordance with the Secretariat's duty to be loyal and conscientious and to respect the confidence placed in them as laid down in the Council's staff regulations. The role of the Secretariat would have to centre on presenting the Organisation's activities and better two-way information.

It was agreed that the request should be submitted to the Secretary-General of the United Nations by the governments (the Permanent Representatives to the United Nations) of the member States of the Bureau of the Committee of Ministers (Norway, Portugal, Netherlands) and of Luxembourg which put forward this proposal.

Decision

The Deputies expressed a favourable opinion on submitting the request for observer status for the Council of Europe within the United Nations General Assembly.



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Item 8

8.

CONFERENCES OF SPECIALISED MINISTERS  
State of preparation  
(Concl(89)426/8, CM(89)110, SG/D/Inf(89)5)

In connection with the 16th Session of the Conference of European Ministers of Education (Istanbul, 11-12 (morning) October 1989), which was the subject of CM(89)110, section 3, the Chairman suggested that the discussion should take place under item 52e of the present meeting (Relations with Eastern European countries - Communication by the Chairman of the Deputies' Working Party).

The Director of Social and Economic Affairs said that the following item had been added to the draft agenda and the programme for the second European Ministerial Conference on equality between women and men (Vienna, 4-5 (morning) July 1989): intervention by Mrs Vasso Papandreou, member of the Commission of the European Communities, at the close of the opening sitting.

The Representative of Cyprus recalled in connection with the XXIst Session of the Conference of European Ministers responsible for Family Affairs (Nicosia, 13-15 September 1989) that the Committee of Liaison Officers had agreed in April 1989 that "if no strong objections were received, the Cypriot Minister responsible for Family Affairs would invite a delegation from the Parliamentary Assembly". He said that as of present there remained an objection of a single Minister that had been notified to the Cypriot Minister.

The Representative of the Netherlands confirmed that the Netherlands Minister objected to participation by the Assembly. He hoped this objection could be lifted by means of direct contacts between the Ministers.

The Representative of Belgium said that the Ministers of both Belgian Communities had indicated that they agreed to an Assembly delegation being invited to attend in an observer capacity.

The Representative of Luxembourg said that his Minister agreed to the Assembly being invited by way of an exception although this should not pre-judge Assembly participation in future sessions of this Conference, which would have to be considered on a case-by-case basis.

The Representative of Switzerland agreed, recalling the sui generis character of this long-standing Conference which was not integrated within the Organisation. The Ministers were in the habit of exchanging views in camera, and the presence of parliamentarians would be liable to politicise the debates and mean that the already limited speaking time for Ministers was further shortened. An invitation to the Assembly presented the danger of creating a precedent.

The Representative of the Federal Republic of Germany agreed with the views expressed by the Representatives of Switzerland and Luxembourg.

The Representative of the United Kingdom said that the United Kingdom Minister had doubts about the advisability of inviting the Assembly, and that those doubts persisted even though he had lifted his objection for the Conference in Cyprus.

He raised the general question of the effective integration of the Conferences of Specialised Ministers in the activities of the Council of Europe. It would be a pity, in the light of Resolution (89)40 adopted by the Committee of Ministers on 5 May 1989, if a Conference were not integrated in the activities of the Council of Europe, notwithstanding its sui generis character. The Assembly participated in all the other Conferences of Specialised Ministers. Difficulties might stem from the fact that preparations for this Conference were not in the hands of a Steering Committee but a special Committee of Senior Officials set up by the Conference itself.

The Chairman said he was appreciative of the positive comments of the Representative of the Netherlands and hoped that a solution would be found.

The Director of Social and Economic Affairs said that, on the one hand, the decision to invite the Parliamentary Assembly to the Nicosia Conference had been reached with one reservation, and that on the other hand the attitude of the Conference did not entirely conform with the line taken by the Committee of Ministers itself concerning participation of the Assembly in Conferences of Specialised Ministers. He was of the opinion that the Ministers themselves would be sure to discuss this point among themselves in Cyprus in connection with the future.

The Chairman, summing up the discussions relating to the XXIst Session of the Conference of European Ministers responsible for Family Affairs (Nicosia, 13-15 September 1989), noted, at the end of the exchange of views of the Deputies during the present meeting on the question of the participation of the Assembly to the said Conference, that the Ministers responsible for Family Affairs of the Netherlands made objections in this respect. It was now up to the Ministers responsible for Family Affairs of the Netherlands and of Cyprus to hold consultations on this question and for the Minister of Cyprus to take a decision, in the light of these consultations, on the question of the invitation of the Assembly to the said Conference.

#### Decisions

##### The Deputies

- A. With regard to the 2nd European Ministerial Conference on Equality between Women and Men (Vienna, 4-5 (morning) July 1989)

took note of the draft agenda for the 2nd European Ministerial Conference on Equality between Women and Men (Vienna, 4-5 (morning) July 1989), as it appears in Appendix V to CM(89)100;



B. With regard to the XXIst Session of the Conference of European Ministers responsible for Family Affairs (Nicosia, 13-15 September 1989)

1. took note that the European Community will be invited to participate in the Conference;
2. established that there was general consent within the Committee of Ministers as to the advisability of inviting the Holy See and Yugoslavia to participate in the Conference as observers;

C. With regard to the 4th Conference of European Ministers of Labour (Copenhagen, 25-27 October 1989)

took note of the draft agenda and timetable of the 4th Conference of European Ministers of Labour, as they appear in Appendices III and IV to CM(89)99;

D. With regard to the 3rd Conference of European Ministers responsible for Youth (Lisbon, autumn 1990)

instructed their Working Party on Relations with Eastern European Countries to consider the question of the invitation of Hungary and Poland as observers to the 3rd Conference of European Ministers responsible for Youth.



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Item 9

9.

SITUATION IN CYPRUS  
(Concl(89)426/7)

No delegation wished to make a statement under this item.



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Item 10

10.

DEPUTIES' RAPPORTEUR GROUPS

Composition  
(Concl(87)410/11)

The Chairman said that this item would be discussed by the Deputies at the present meeting, but no final decision would be taken on the composition of the Deputies' Rapporteur Groups before the 428th meeting in September 1989. At this stage, the Deputies might wish to fix a deadline by which the delegations would inform the Secretariat of their intentions as regards their membership of various Rapporteur Groups. In the light of this information, the Secretariat would submit proposals to the Deputies for consideration in September.

The Representative of Turkey referred to his letter of 12 June 1989 addressed to the Secretariat and confirmed the wish of his delegation to be a member of the Rapporteur Group on legal co-operation and the Rapporteur Group on environment, urban policies, regional planning and local and regional authorities. He added that his delegation wished to maintain its membership of the Rapporteur Group on social and health questions.

The Representative of the Netherlands welcomed the intention of the Turkish delegation to become a member of the Rapporteur Group on environment, urban policies, regional planning and local and regional authorities; Turkey was the only non-European Community State that would be represented in that Rapporteur Group.

The Representative of Liechtenstein wondered if the deadline referred to by the Chairman could be fixed for 15 July 1989 which would enable the new Permanent Representative of Liechtenstein to express his intentions as regards membership of the Rapporteur Groups.

The Chairman noted that the Deputies agreed to the request of the Representative of Liechtenstein.

The Representative of Luxembourg proposed that the Stimulating Committee on Information Policy at B level be transformed into a Deputies' Rapporteur Group comprising a representative of the Chairman and Vice-Chairman, one other Permanent Representative as well as members of the Private Office of the Secretary General, the Clerk of the Assembly and Information Service.

The Chairman noted that the Deputies could agree in principle to the proposal of the Representative of Luxembourg.

Furthermore, in reply to the Representative of Denmark, the Chairman said that the attitude as regards the composition of Rapporteur Groups was one that was based on flexibility; the consideration by the Deputies of the Fields with a view to the preparation of the 1990 Programme of Intergovernmental Activities would be taken up by the Rapporteur Groups, as agreed at the 426th meeting (under item 3), namely the Rapporteur Groups on education,

culture and sport, and on environment, urban policies, regional planning, local and regional authorities would be "open-ended", which meant that those delegations that were not members of these Rapporteur Groups would be welcomed to join them, if they so wished, for the assessment of these Fields.

Finally, the Chairman summed up discussions under this item by saying that those delegations who desired to change their membership of Rapporteur Groups should inform the Secretariat before 15 July 1989 of their intentions, it being understood that those who expressed no wish to change their membership would be considered as maintaining their present participation.

In the light of the information received, the Secretariat would present proposals for consideration at the 428th meeting of the Deputies in September.

#### Decisions

##### The Deputies

1. agreed in principle to set up a new Rapporteur Group on information policy to replace the Stimulating Committee at B level;
2. agreed to revert at their 428th meeting (September 1989) to the consideration of the composition of the Rapporteur Groups on the basis of the information to be provided by delegations and, where appropriate, of consultations which the Chair and the Secretariat will have had.

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CM/Del/Concl(89)427  
Item 11

11.

RECEPTION AND SETTLEMENT IN THE FEDERAL REPUBLIC OF GERMANY  
OF REFUGEES AND RESETTLERS OF GERMAN ORIGIN COMING FROM  
COUNTRIES IN CENTRAL AND EASTERN EUROPE  
Assembly Recommendation 1106  
(Concl(89)426/4a)

The Representative of the Federal Republic of Germany said that his authorities were in entire agreement with the contents of Assembly Recommendation 1106.

The Representative of Austria referred to the general problems set out in paragraph 13a of the Recommendation. The proposals concerning the influx of asylum seekers from East European countries, which Mr Mock, Austrian Minister for Foreign Affairs, had submitted at the 82nd Session of the Committee of Ministers in May 1988, had lost none of their topicality. It was her delegation's long-term objective that the member States' policies in this field should be harmonised. The Deputies had in fact agreed at that stage (417th meeting, May 1988, item 3) to the principle of an informal exchange of views on the matter. Her delegation suggested, on the basis of the different Assembly Recommendations (1088, 1105 and 1106) and the opinions of the relevant committees (CAHAR and CDDH) that the Deputies should in the autumn hold an exchange of views similar to the exchanges of views on the CSCE and the United Nations.

The Representative of Turkey referred to paragraph 13d of Recommendation 1105, noting that the policy pursued by the Bulgarian authorities vis-à-vis the Turkish minority in Bulgaria ran entirely counter to the Bulgarian Government's obligations arising out of the Helsinki Final Act and in particular of the concluding document of the Vienna meeting as well as of other international treaties.

In applying the guidelines adopted for its relations with East European countries, the Council of Europe must re-think any form whatever of co-operation with Bulgaria. The Assembly's attention should therefore be drawn to the fact that it was not enough merely to call on the governments of Eastern European countries to guarantee better living conditions for minorities inhabiting their territories: they must also be reminded of their obligations and the conditions which had to be met with a view to possible co-operation with the Council of Europe.

The Representative of Portugal, referring to paragraph 13b of Recommendation 1105, recalled what the President of the Governing Body of the Resettlement Fund had said at the Deputies' 425th meeting (April 1989, item 40a). Commenting on the possible enlargement of the categories of those benefiting from the Fund's activities, he had stressed that the problem was more one of resources than a statutory difficulty; it was up to the member States to submit applications, but it was also up to them to provide the Fund with the financial resources needed to cover those applications.

The Representative of Sweden said that most of those arriving in the Federal Republic of Germany could not be regarded as refugees, since their motives for going there were economic. The problem was a real one, however, which merited serious discussion. Examination of the social conditions of refugees came perfectly well within the area of activities, for example, of the Council of Europe and the European Committee on Migration (CDMG).

A problem arose in connection with paragraph 13c of the Recommendation (work in the sphere of culture and education for the benefit of minorities) because some of those minorities were in countries with which the Council of Europe did not have relations.

The Representative of Sweden drew attention, in connection with paragraph 13b of the Recommendation, to the social projects which had so far been financed by the Fund as an expression of solidarity in North-South relations. It was an approach to be maintained.

The Secretary to the Committee referred to a suggestion from the Representative of Austria that the Deputies should discuss the problems presented by the influx of persons seeking asylum. After considering Recommendation 1088 on the right to territorial asylum in a preliminary way (423rd meeting, January 1989, item 34, decision 5), the Deputies had agreed to resume their consideration of the matter at a later meeting, in the light of the opinions of the CDDH and CAHAR, plus a Secretariat memorandum concerning the paragraphs in the Recommendation which might be suitable for an exchange of views in the Committee of Ministers (see also the Notes on the Agenda for items 33 (CAHAR) and 35 (activities of the Office of the High Commissioner for Refugees) for the present meeting). A political exchange of views of this kind might take place after the Steering Committee for Human Rights (CDDH) had submitted its opinion on Assembly Recommendation 1088 on the right to territorial asylum (terms of reference extending to 31 October 1989).

### Decisions

#### The Deputies

1. agreed to transmit Assembly Recommendation 1106 on reception and settlement in the Federal Republic of Germany of refugees and resettlers of German origin coming from countries in Central and Eastern Europe to the governments of member States, drawing their particular attention to sub-paragraphs 13 (b) and (d);
2. asked their Working Party on relations with Eastern European countries to take sub-paragraph 13 (c) of Recommendation 1106 into account in their work;
3. confirmed their intention to hold in autumn 1989 (possibly November 1989), within the framework of their political dialogue, an exchange of views on a global approach to the question of the influx of asylum seekers raised in Assembly Recommendations 1088, 1105 and 1106 and based on the respective opinions of the Ad hoc Committee of experts on the legal aspects of territorial asylum, refugees and stateless persons (CAHAR) and the Steering Committee on Human Rights (CDDH);



4. adopted the following interim reply to Assembly Recommendation 1106:

"1. The Committee of Ministers held a first exchange of views on Assembly Recommendation 1106 on reception and settlement in the Federal Republic of Germany of refugees and resettlers of German origin coming from countries in Central and Eastern Europe. With regard to the problems faced by certain member States because of the arrival of a large number of refugees and resettlers from Eastern European countries, the Committee of Ministers will deal with them when it will consider a global approach to the question of the influx of asylum seekers also raised in Assembly Recommendation 1088 (right to territorial asylum) and 1105 (25th report of the UNHCR).

2. The request to make use of the work done within the Council of Europe in the sphere of culture and education for the benefit of the minorities which exists in certain Eastern European countries (sub-paragraph 13 (c)) has been transmitted to the Ministers' Deputies Working Party on the Council of Europe's relations with Eastern European countries.

3. Recommendation 1106 has also been transmitted to the governments of member States, drawing their particular attention to sub-paragraphs 13 (b) and (d)."



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Item 12

12.

CYPRUS AGAINST TURKEY  
Decision to be taken under Article 32  
of the European Convention on Human Rights  
(Concl(89)425/16, Letter HD/C12 of 1.2.84)

This item was discussed in restricted session (see the Addendum to these Conclusions, which has been distributed to Heads of Delegation only).

Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989).



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CM/Del/Concl(89)427  
Item 13

13.

BIONDO AGAINST ITALY  
Decision to be taken under Article 32  
of the European Convention on Human Rights  
(Concl(89)425/18, Letter HD/C34 of 18.4.84)

The Representative of Italy recalled that the sum provided for in the friendly settlement had been paid over to the applicant on 3 November 1987. He added that, as regards general measures, correspondence was currently being exchanged between the Italian authorities and the Director of Human Rights concerning the new Code of Criminal Procedure.

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.



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CM/Del/Concl(89)427  
Item 14

14.

L. AGAINST SWEDEN  
Decision to be taken under Article 32  
of the European Convention on Human Rights  
(Concl(89)425/21)

Decisions

The Deputies

1. adopted Resolution DH(89)16 concerning Application No. 10801/84 - L. against Sweden - as it appears at Appendix 3 to these Conclusions;
2. authorised publication of the Commission's Report.





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CM/Del/Concl(89)427  
Item 15

15.

ZENGIN AGAINST THE FEDERAL REPUBLIC OF GERMANY  
Decision to be taken under Article 32 of the  
European Convention on Human Rights

The Representative of the Federal Republic of Germany said that his authorities were able to accept the conclusions reached by the European Commission of Human Rights in its report on this case. The fee of an interpreter which had been borne by the applicant in the proceedings would be repaid to him by his authorities. The Commission had not taken the view that there should be any pecuniary compensation for the applicant. As regards general measures to be taken, the Court Costs Act was to be clarified by means of an additional provision which would come into force on 1 July 1989.

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights, on whether there had been a violation of Article 6, paragraph 3 (e), of the Convention and decided, by 21 votes for the violation to zero against, with no abstentions, that there had been a violation of that provision in this case.

The Director of Human Rights recalled that this case raised the same issues as had been raised in the Öztürk and Akdogan cases, namely the payment of interpreters' fees in proceedings concerning a regulatory offence. He added that in the present case the applicant had not requested pecuniary compensation. He noted with interest that the Government of the Federal Republic of Germany would repay the applicant the interpretation costs, and suggested that consideration of the case be resumed at the 429th meeting of the Deputies when they would resume consideration of the Akdogan case. He suggested that at the same meeting the Deputies also resume consideration of the Öztürk case, for which an Interim Resolution was adopted by the Deputies at their 424th meeting (February/March 1989).

Decision

The Deputies agreed to resume consideration of this item at A level at their 429th meeting (October 1989).



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CM/Del/Concl(89)427  
Item 16

16.

J. AGAINST THE UNITED KINGDOM  
Decision to be taken under Article 32  
of the European Convention on Human Rights

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights, on whether there had been a violation of Article 8 of the Convention and decided, by 0 votes for the violation to 21 votes against, with no abstentions, that there had been no violation of that provision in this case.

Decisions

The Deputies

1. adopted Resolution DH (89) 17 concerning Application No. 10622/83 - J. against the United Kingdom - as it appears at Appendix 4 to these Conclusions ;
2. authorised publication of the Commission's Report.



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CM/Del/Concl(89)427  
Item 17

17.

MLYNEK AGAINST AUSTRIA  
Decision to be taken under Article 32  
of the European Convention on Human Rights  
(Concl(88)420/17, CM(89)98)

The Representative of Austria said that her Government had no objection to the supplementary proposals of the European Commission of Human Rights set out in CM(89)98.

The Chairman noted that the Deputies recommended the Austrian Government to pay the applicant the sum of 275,000 Austrian Schillings as just satisfaction for material losses and non-pecuniary damage.

Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989) on the basis of a draft Resolution to be prepared by the Secretariat.



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Item 18

18.

KARNI AGAINST SWEDEN  
Decision to be taken under Article 32  
of the European Convention on Human Rights

The Chairman recalled that the Commission had reached the conclusion that Article 6, paragraph 1, of the Convention was not applicable in the present case and hence had expressed the opinion, by fourteen votes to one, that there had been no violation of that provision.

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights, on whether there had been a violation of the Convention and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of the Convention in this case.

Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989) on the basis of a draft Resolution to be prepared by the Secretariat.





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CM/Del/Concl(89)427  
Item 19

19.

GRACE AGAINST THE UNITED KINGDOM  
Decision to be taken under Article 32  
of the European Convention on Human Rights

The Representative of the United Kingdom said that his authorities accepted the conclusions of the European Commission of Human Rights and that he was ready for votes to be taken. The Commission had not made any suggestions about pecuniary compensation to be paid to the applicant. The case concerned a prisoner's correspondence. His Government took the view that in the present case no general measure was necessary, and that there was consequently no need to amend the laws and regulations in force.

The Deputies took ten separate votes, under Article 32, paragraph 1, of the European Convention on Human Rights:

1. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 1 and decided, by 21 votes for the violation to zero against, with no abstentions, that there had been a violation of that provision in this case;
2. on whether there had been a violation of Article 8 of the convention in respect of the applicant's letters 2 and 5 and decided, by 21 votes for the violation to zero against, with no abstentions, that there had been a violation of that provision in this case;
3. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letters 3, 6 and 9 and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of that provision in this case;
4. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 4 and decided, by 20 votes for the violation to zero against, with no abstentions, that there had been a violation of that provision in this case;
5. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 7 and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of that provision in this case;
6. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 8 and decided, by zero votes for the violation to 20 against, with no abstentions, that there had been no violation of that provision in this case;

7. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 10 and decided, by 21 votes for the violation to zero against, with no abstentions, that there had been a violation of that provision in this case;

8. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letters 11 and 12 and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of that provision in this case;

9. on whether there had been a violation of Article 8 of the Convention in respect of the applicant's letter 13 and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of that provision in this case;

10. on whether there had been a violation of Article 6, paragraph 1, of the Convention and decided, by zero votes for the violation to 21 against, with no abstentions, that there had been no violation of that provision in this case.

The Director of Human Rights said that it emerged from the Commission's report that the rules on the basis of which the applicant's letters 1 and 4 had been intercepted had been modified, and that this point should be indicated in the Resolution. In the case of letters 2 and 5, the problem lay not in the actual rules, but in the erroneous manner in which they had been applied. The same formula should consequently be adopted here as in the Boyle and Rice case. He felt in connection with letter 10 that in the light of paragraph 113 of the Commission's report it was up to the United Kingdom Government to state the practice it intended to follow in future when a letter from a prisoner was returned by the postal authorities as inadequately addressed. He added that the applicant had not requested compensation.

The Representative of the United Kingdom went along with the analysis of the Director of Human Rights. More particularly in connection with letter 10, he said that instructions had been given for the prisoner to have the possibility in future of correcting the address.

The Director of Human Rights proposed that the Secretariat prepare a draft Resolution for the 428th meeting of the Deputies.

#### Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989) on the basis of a draft Resolution to be prepared by the Secretariat.

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CM/Del/Concl(89)427  
Item 20

20.

JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE FELDBRUGGE CASE  
Application of Article 54  
of the European Convention on Human Rights  
(Concl(89)425/23)

The Representative of the Netherlands said that the judgment of the Court of 29 May 1986 had been brought to the notice of all appeals boards in his country and that daily practice was in conformity with the judgment.

His Government had submitted a Bill to Parliament in July 1988 for the amendment of the legislation in force; the Bill was still being examined by Parliament.

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.



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CM/Del/Concl(89)427  
Item 21

21.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE COLOZZA CASE  
Application of Article 54  
of the European Convention on Human Rights  
(Concl(89)425/28, Letter HD/C25 of 8.3.85)

The Representative of Italy said that the compensation provided for in the Court's judgment had been paid over to the applicant. Correspondence was currently being exchanged between the Secretariat and his delegation about general measures and more particularly concerning the new Italian Code of Criminal Procedure. His authorities had not yet been able to reply to the latest letter from the Director of Human Rights, dated 5 June 1989.

The Director of Human Rights confirmed that the Secretariat had asked the Italian authorities for more detailed information concerning certain provisions in the new Code of Criminal Procedure, especially in connection with the possibility of a fresh determination of the merits of a charge in the event of a person having been convicted following a trial by default.

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.



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CM/Del/Concl(89)427  
Item 22

22.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE MARTINS MOREIRA CASE  
Application of Article 54  
of the European Convention on Human Rights  
(Concl(89)425/29)

The Representative of Portugal recalled that he had submitted in a letter dated 17 May 1989 the information that the Committee of Ministers had asked to be sent in the context of the examination of this case. He had reaffirmed in the letter the position of his Government, which was that by paying the applicant the sums due, it had discharged all the obligations stipulated in the judgment of the European Court of Human Rights.

His delegation was currently in contact with the Secretariat and hoped that a formula acceptable to all would shortly be found.

The Director of Human Rights suggested that the Secretariat prepare a draft Resolution for the 428th meeting (September 1989).

Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989) on the basis of a draft Resolution to be prepared by the Secretariat.





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Item 23

23.

JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE WEEKS CASE  
Application of Article 54  
of the European Convention on Human Rights  
(Concl(89)425/30)

Decision

The Deputies adopted Resolution DH (89) 18 concerning the judgments of the European Court of Human Rights of 2 March 1987 and 5 October 1988 in the Weeks case, as it appears at Appendix 5 to these Conclusions.



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CM/Del/Concl(89)427  
Item 24

24.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE NORRIS CASE  
Application of Article 54  
of the European Convention on Human Rights  
(Concl(89)423/24)

The Representative of Ireland made the following statement:

"As regards the question of general measures to be taken following the Court's judgment, I cannot add to what I stated last January when I indicated that the matter was under consideration by the Irish Department of Justice."

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.



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Item 25

25.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN THE NEVES E SILVA CASE  
Application of Article 54 of the  
European Convention on Human Rights

The Representative of Portugal said that his authorities had adopted measures with a view to paying over to the applicant the sums provided for in the judgment of the Court of 27 April 1989.

The Director of Human Rights said that the question of taking general measures did not arise in this case. He referred to paragraphs 27 to 29 of the judgment of the Court, which concerned measures taken by the Portuguese authorities concerning administrative courts and tribunals. Paragraph 45 of the judgment of the Court stated that "The Court recognises the improvements made by the Portuguese State in particular with regard to the organisation of the administrative courts and tribunals ...". As regards just satisfaction, he hoped that the Secretariat would shortly receive confirmation of the payment having been made to the applicant, so enabling it to prepare a draft Resolution for the 428th meeting (September 1989).

Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989) on the basis of a draft Resolution to be prepared by the Secretariat.



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CM/Del/Concl(89)427  
Item 26

26.

TRANSFORMATION OF THE EUROPEAN COMMISSION OF HUMAN RIGHTS INTO  
A SEMI-PERMANENT OR PERMANENT COMMISSION  
(Concl(89)425/32, CM(89)55, CM(89)84, paragraphs 19-22)

The Representative of the Netherlands wished to know what developments there had been in the state of ratification of Protocol No 8 to the European Convention on Human Rights.

The Representative of Turkey said that his country's Parliament had ratified the Protocol and that Turkey would therefore soon be able to lodge the instrument of ratification.

The Representative of the Federal Republic of Germany said that the Federal Parliament had finished discussing the ratification of the Protocol. The corresponding Act would be passed within a few days and his country would therefore shortly be in a position to ratify the Protocol.

The Representative of Spain said that the procedure before the two houses of Parliament had virtually been completed and that his country was therefore on the point of ratifying the Protocol.

Referring to the retainer part of the remuneration of the members of the Commission, the Chairman recalled in particular that the majority of the Budget Committee had endorsed the estimate suggested by the Deputies' Enlarged Rapporteur Group on Human Rights.

The Representative of the United Kingdom said that there was not as yet unanimous agreement in the Rapporteur Group about a Protocol concerning tax exemption for the retainer. Practice in certain States was such that the retainer could not be made exempt from tax in the absence of such a Protocol.

As regards the current work of the Rapporteur Group, he said that it was considering the question of remuneration for the judges of the Court, and hoped to be able to submit a report on the subject in the autumn.

The Representative of Ireland said that, under his country's Constitution, a judge could not receive two salaries. It was therefore necessary to keep strictly to the concept of a retainer.

In reply to a question from the Representative of the United Kingdom, the Secretary to the European Commission of Human Rights said that on 12 May 1989, at the close of its Session, the Commission had received the request from the Committee of Ministers for an opinion on the question of the threshold giving right to the payment of the retainer. The Commission was to begin its next Session on 3 July 1989 and it would submit the requested opinion to the Committee of Ministers at the close of the session.

In the framework of the exchange of views that took place on the preparation of a document by the Secretariat, the Director of Human Rights suggested that the document in question include a draft Protocol concerning the question of tax exemption.

The Chairman, summing up the discussion on this item, noted that the Deputies agreed, with a view to enabling it to prepare a budgetary line in time for the debate on the budget for 1990, to instruct the Secretariat to prepare, between now and the end of June 1989, a document which would be submitted to the governments of member States. This document would indicate the amounts suggested as an estimate by the Enlarged Rapporteur Group on Human Rights for the retainer part of the remuneration of the members, as well as of the President and the Vice-Presidents of the European Commission of Human Rights, which appear in CM(89)55. This document would further indicate the views of the Budget Committee on the amount of the retainer as well as on the threshold giving right to the payment of the said retainer, it being understood that the opinion of the European Commission of Human Rights on the question of the threshold would be circulated as an Addendum to the said document later, i.e. after the next Session of the Commission (3-14 July 1989).

As regards the question of income tax exemption of the said retainer, he noted that the Deputies agreed to instruct the Secretariat to include in that document a draft Additional Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, it being understood that this did not imply that the Deputies had taken a decision on the question of income tax exemption.

#### Decision

The Deputies agreed to resume consideration of this item at A level at their 428th meeting (September 1989), in the light of the document to be prepared by the Secretariat and of the views expressed by the governments of member States.



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Item 27

27.

IMPROVEMENT OF THE PROCEDURES OF THE EUROPEAN CONVENTION  
ON HUMAN RIGHTS

Written Question No. 307 by Mr Stoffelen  
(CM(89)104)

The Representative of the United Kingdom said that Mr Stoffelen ought to be able to discuss the matter with the Enlarged Deputies' Rapporteur Group on Human Rights, either when the Group held its next meeting (21 June 1989) or in September 1989. He also agreed to a reply being sent to Mr Stoffelen to the effect that the position of the Committee, as set out in paragraph 3 of the interim reply to Recommendation 1087 (1988), on the question of direct access to the Court by individual applicants, remained unchanged.

The Representative of Sweden endorsed what the Representative of the United Kingdom had said and considered that the introduction of the procedure of direct access would be liable to endanger the existing balance in the implementation of the Convention.

The Chairman, summing up the discussion on this item, noted that the Deputies asked the Chair to send a letter to Mr Stoffelen. This letter would indicate the wish, in view of Written Question No. 307 by Mr Stoffelen, of the Enlarged Rapporteur Group of the Deputies on Human Rights to invite the latter and/or the Rapporteur of the Assembly's Legal Committee to hold an exchange of views on the question of the improvement of the procedures of the European Convention on Human Rights at one of its forthcoming meetings. As regards more particularly the question of direct petition of the Court by individual applicants raised by Mr Stoffelen, the terms of the Chair's letter would, in substance, take up those of paragraph 3 of the interim reply to Assembly Recommendation 1087 (1988) on the improvement of the procedures of the European Convention on Human Rights, adopted at the 424th meeting of the Deputies (February/March 1989, item 34).



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Item 28a

28.

EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE  
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

a.

Election of members of the Committee  
(CM(89)102)

Decision

The Deputies agreed to postpone consideration of this item to their 428th meeting at A level (September 1989) (see item 1 above).



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CM/Del/Concl(89)427  
Item 28b

b.

Opening of a special account  
(Concl(89)426/19)

The Director of Human Rights made the following statement:

"I should perhaps begin by underlining that there is no legal objection to the opening of a special account to receive voluntary contributions for the purpose of the implementation of a Convention. Moreover, this would not be the first time that a special account has been opened in such a situation; for example, a special account was opened to receive voluntary contributions made by certain member States towards the implementation of the Convention on the conservation of European wildlife and natural habitats.

Of course, there would seem - at least at first sight - to be something of an overlap between such voluntary contributions and the credits opened in the ordinary Budget for the implementation of a Convention. Indeed, it might be argued that all the financial resources required for the implementation of a Convention should be provided by the Committee of Ministers, in the context of the ordinary Budget; in other words, there should be no need for voluntary contributions. In principle, I have considerable sympathy with that way of thinking; however, in the context of the present climate of budgetary restraint, it is surely a somewhat idealistic position. Of course, everything that is absolutely essential for the functioning of a Convention must be provided for in the ordinary Budget. However, there will inevitably be legitimate requirements that cannot be met - at least not immediately - in the context of the ordinary Budget. Voluntary contributions by member States willing to make an exceptional financial sacrifice should therefore be seized with both hands.

The Secretariat therefore hopes that this Committee can adopt the draft Decision appended to the Notes on the Agenda, and authorise the opening of a special account to receive the voluntary contribution for the purpose of the implementation of the European Convention for the prevention of torture so generously offered by the Government of Luxembourg. As regards the precise purpose to which this money should be put, this is a matter upon which it would be appropriate to consult the Committee to be established under the Convention. However, one obvious possibility would be to use the money to make a start on developing a documentation centre tailored to the needs of the Committee.

As regards any future voluntary contributions, no doubt it would be possible to determine in advance, in consultation with the State concerned, the precise use to which the money concerned should be put."

The Representative of Switzerland, supported by the Representatives of Italy and of the Federal Republic of Germany, considered that the Committee of Ministers ought to accept the Luxembourg Government's generous gesture. He was, however, uncertain whether it was advisable to open a special account in this case. While his

authorities set great store by the Convention, it might - especially in view of the public service provided by the Council of Europe - be damaging, in an area as essential as the protection of human rights, to resort to the device of a special account, which might give the impression of a sort of "à la carte" arrangement. It should be possible to incorporate the amount offered by the Luxembourg Government into the general budget.

The Representative of Luxembourg said that his delegation had not asked for a special account to be opened. He thoroughly understood the hesitations of some delegations with regard to the opening of a special account in the field of human rights. In his delegation's view the main point was that the sum offered by his Government should be used wisely, for instance to launch a documentation centre tailored to the needs of the Convention Committee.

The Representative of the United Kingdom asked the Director of Human Rights whether he considered the current budgetary appropriations for the implementation of the Convention adequate. He had been shocked to read allegations in the press suggesting that the governments were trying to nip the Convention in the bud by failing to provide the budgetary resources necessary for its implementation.

The Director of Human Rights said that, if the Committee of Ministers and the Luxembourg delegation so wished, the Secretariat was naturally prepared to remain in touch with the delegation in order to decide on the allocation of the sum offered by the Luxembourg Government. In proposing the opening of a special account, the Secretariat simply wished to prevent the sum reverting, if it remained unused under the 1989 budget, to the combined governments of the member States.

In reply to the question of the Representative of the United Kingdom, he said that the appropriations for 1989 were sufficient, particularly as the Committee of Ministers had agreed at the present meeting (item 28a) not to elect the members of the Convention Committee at this stage, which would mean setting it up at a later date. The Secretariat was also satisfied with the decisions on staff matters taken by the Committee at the 426th meeting of the Deputies (May 1989, item 23a). Lastly, at the latest meeting of the Steering Committee for Human Rights, the view had been expressed that a number of human rights activities should be cut back in order to finance the Convention Committee. That was, in his opinion, a dangerous approach which, he hoped, would not be shared by the Committee of Ministers.

The Secretary General thanked the Luxembourg Government for its generous gesture and hoped that others would follow suit.

Admittedly, opening special accounts raised difficulties in terms of public accounting. A marked increase in the number of special accounts would rapidly lead to the dismantling of the public service provided by the Council of Europe. It would be very tempting to reduce the Organisation's general budget and thereby weaken it. In tackling the problem it was also important to bear in mind the intentions of the donors, who did not wish the sums they offered to be diluted in the mass of the Organisation's budget.

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Item 28b

Resolution (89)40 adopted on 5 May 1989 referred to major projects to be completed by a specified date. It was highly probable that carrying out such projects would pose problems of a similar nature to that which had arisen over the implementation of the present Convention. It might prove necessary in such cases not to be restricted to financing under the general budget. It would therefore be advisable, in the spirit of the decisions taken on 5 May 1989, to work out satisfactory financial and accounting arrangements.

Decisions

The Deputies

1. authorised the Secretary General to accept the voluntary contribution of 500,000 Luxembourg francs from the Government of Luxembourg for the purpose of the implementation of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment;
2. noted that the Secretariat would consult with the Luxembourg delegation as regards the precise use to which this contribution should be put.





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29.

AD HOC COMMITTEE OF EXPERTS TO EXCHANGE VIEWS  
ON STANDARD-SETTING ACTIVITIES OF THE UNITED NATIONS  
IN THE FIELD OF HUMAN RIGHTS (CAHST)  
Specific terms of reference

Decision

The Deputies adopted Decision No. CM/468/190689 assigning specific terms of reference to the Ad Hoc Committee of Experts to exchange views on standard setting activities of the United Nations in the field of Human Rights (CAHST), as it appears at Appendix 6 to these Conclusions and authorised the Secretary General to convene a meeting of the Ad Hoc Committee in 1989, subject to finding financial resources within the budgetary appropriations already approved under Field I of Vote II of the 1989 budget.



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30.

DRAFT AGREEMENT ON RESPONSIBILITY FOR  
EXAMINING ASYLUM APPLICATIONS  
Report of the Enlarged Rapporteur Group  
of the Ministers' Deputies on Legal Co-operation  
(Strasbourg, 19 April 1989)  
(Concl(89)424/38, CM(89)12 and 92)

The Representative of Belgium, as Chairman of the Enlarged Rapporteur Group on Legal Co-operation, recalled that the Group had met on 19 April 1989 in the presence of several members of the CAHAR with a view to formulating proposed solutions concerning the draft Agreement on responsibility for examining asylum applications (CM(89)12). As could be seen from the Report of the meeting (CM(89)92) the delegations represented at the meeting reaffirmed the positions they had expressed on earlier occasions. The key articles of the draft text (Articles 2, 6 and 7) were unacceptable for some delegations and it made little sense to try and adopt a draft text without the support of these delegations. Nevertheless, all delegations had expressed a willingness to continue the negotiations with a view to finding a compromise. With respect to the timing of these negotiations, within the European Community the Schengen Group was also examining this issue and therefore European Community member States as well as the Rapporteur Group preferred to await the outcome of those deliberations. The Rapporteur Group was ready to resume the task entrusted to it at the 424th meeting (February/March 1989, item 38), with a next meeting possibly towards the end of 1989.

The Representatives of Spain and France supported what had been said by the previous speaker. The Representative of France added that it was desirable to have close co-operation on this item between the Council of Europe and the European Community.

The Representative of Turkey said that the Report of the meeting was acceptable to his delegation.

The Director of Legal Affairs strongly supported what had been said about the need for co-operation between the Council of Europe and the European Community. He informed the Deputies that on 12 May 1989 the Ministers responsible for Immigration of the twelve member States of the European Community had met in Madrid inter alia to define the criteria determining the member State responsible for examining an asylum application. These criteria were agreed upon with a view to the drawing up of an international convention on the matter. In order to help the Enlarged Rapporteur Group when it resumed its consideration of the draft Agreement, the Secretariat would submit to the Group a synoptic comparison between the above-mentioned criteria and the provisions of the draft Agreement.

### Decisions

The Deputies

1. took note of the report of the Enlarged Rapporteur Group on Legal Co-operation (CM(89)92);
2. invited the Enlarged Rapporteur Group to resume the task of formulating proposed solutions concerning the draft Agreement on responsibility for examining asylum applications at a later date after the summer of 1989.



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31.

PROTOCOL TO THE CONVENTION ON INSIDER TRADING  
(Concl(89)425/59h)

The Director of Legal Affairs recalled that, on the very day of the opening for signature of the Convention on Insider Trading, the European Community requested the Council of Europe to draw up a draft Protocol to the Convention which would deal with the application of Community law between member States of the European Community. During their 425th meeting (April 1989, item 59h), the Deputies instructed the Secretariat to draw up such a draft Protocol (Concl(89)425/59h). On 27 April 1989 the Director of Legal Affairs had accordingly sent the Protocol to the European Community for its consideration and a copy to all delegations of member States of the Council of Europe. He had today received notification from the Commission of the European Community that insertion of an Article 16bis was acceptable as proposed in the draft Protocol. He therefore asked whether the Deputies wanted to consider this item further today or would prefer to resume consideration at the 428th meeting (September 1989) when the draft Protocol would have been circulated as a CM document and the official written reply of the European Community received.

The Representative of the United Kingdom wanted at least to discuss, if not decide, this item at the present meeting, particularly in view of the fact that all delegations had been in possession of the draft text since 27 April 1989. He would therefore be very disappointed if consideration of this item were postponed to the next meeting.

The Representative of Switzerland preferred to postpone consideration of this item. It was possible that his delegation might want to circulate a document explaining its position on this item.

The Representative of Greece asked that consideration of this item be postponed in order to consult his authorities.

The Representative of the Netherlands proposed that the item be postponed until the extraordinary meeting of the Deputies to be held on 7 July 1989.

The Chairman noted that all delegations could agree to the proposal to postpone consideration of this item until 7 July 1989 with a view to adopting the draft Protocol at that meeting.

Decision

The Deputies agreed to postpone consideration of this item to their extraordinary meeting on 7 July 1989 (see item 1 above).



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32.

SELECT COMMITTEE OF EXPERTS ON  
COMPUTER-RELATED CRIME (PC-R-CC)  
Authorisation of the publication of the  
Final Activity Report  
(CM(89)95)

The Head of the Division of Crime Problems informed the Deputies that the Final Activity Report of the Select Committee of Experts on Computer-related Crime (PC-R-CC) had been adopted unanimously by the European Committee on Crime Problems (CDPC) on 16 June 1989 during its 38th meeting. The CDPC expressed a wish that the report be published and distributed as quickly and widely as possible, including to the members of the Parliamentary Assembly and, in particular, its Committee on Legal Affairs.

Decision

The Deputies authorised publication of the Final Activity Report of the Select Committee of Experts on Computer-Related Crime (PC-R-CC) (CM(89)95).





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33.

AD HOC COMMITTEE OF EXPERTS ON THE LEGAL ASPECTS OF  
TERRITORIAL ASYLUM, REFUGEES AND STATELESS PERSONS (CAHAR)  
Report of the 28th meeting  
(Strasbourg, 14-17 April 1989)  
(Concl(89)426/20, CM(89)83)

The Representative of Turkey made the following statement:

"We are asked to take note of the report of the CAHAR as a whole, that is to say of the opinion of the committee concerning paragraph 10, iii b to d of Assembly Recommendation 1088 as well.

The report before us was prepared in accordance with two sets of terms of reference, the first general terms of reference drawn up by our committee in 1987 at the 404th meeting of the Deputies, and the other on the strength of the specific terms of reference conferred at the 423rd meeting of the Deputies.

It is in this framework that we have tried to study the conclusions reached by the committee - conclusions on which we base ourselves and which in fact help us, and in any event influence us in the pursuit of our work.

Against this background, the CAHAR is deemed to have fulfilled its functions in accordance with the two sets of terms of reference. We have carefully examined the report (CM(89)83) and make the following comments:

Under paragraph 10.i, the committee expresses a general opinion about the action of the Committee of Ministers, doing no more than recall humanitarian and liberal values and the principle of solidarity guiding and steering its work.

What would in fact be preferable to the listing of abstract principles would be an assessment of practical measures adopted in conformity with those principles, including a frank statement of position from this point of view concerning the draft Agreement on responsibility for the examination of asylum applications. In this way the committee evades the real problem by referring to principles to be taken as a foundation, in an abstract manner.

Under paragraph 10.ii, the committee again contents itself with reaffirming its role as a body responsible for co-ordination among the European States, without in any way referring back to the co-ordination objective of the kind recommended by the Assembly, to the effect, among other things, that the Committee of Ministers should "set up a system of permanent consultation among European States ... to examine jointly the problems arising out of the growing number of refugees in certain countries, with a view to apportioning the burden on the basis of greater solidarity".

Under paragraph 10.iii b, after equating the expression "convention listing cases in which a person would be eligible for the granting of asylum" with "convention on territorial asylum", it lists three kinds of justification and rejects the Assembly proposal, namely that each application must be examined individually, that numerous kinds of persecution might well not be covered by a listing method necessitating the grant of asylum, and that such a list might be traded among those persons who wish to abuse asylum applications. Here too, we should, like the CAHAR, adopt a more constructive and positive attitude, discussing cases in which the right of asylum might have been applied; it could already have made use for that purpose of the framework of Recommendation No. R(81)16.

Section b concludes, what is more, with an enigmatic sentence designed to make the process of reflecting on the advisability or otherwise of preparing a draft convention on territorial asylum depend on whether an agreement on the responsibility for examining asylum applications is adopted or not.

In paragraph 10.iii c, the committee affirms that all member States apply the criteria governing the granting of refugee status.

If what is involved is the harmonisation of the ways in which each State applies the criteria, as the committee's opinion confirms, it would be difficult at the moment to claim that the different States' policies are moving in the direction of harmonisation by the so-called soft approach on the lines indicated in Recommendation No. R(81)16 of the Committee of Ministers.

The same CAHAR report already contains a long list, in the pages preceding the opinion, of new State regulations which reflect the States' preoccupation about any subsequent trend in the movement of refugees.

It would be hard to pretend at present that an attempt is being made to achieve harmonisation by the so-called soft approach when in fact harmonisation is being extended so far as to penalise air carriers transporting persons not in possession of the required travel documents, irrespective of any consideration of an application for asylum that is legitimate or not.

As for the single supreme jurisdiction with the power to guarantee absolute harmonisation, this is a maximalist idea which is an utter illusion as a result of the current lack of resolve on the part of the States.

Paragraph 10.iii.d of the opinion tells us that the very important question of de facto refugees is soon to be discussed: neither this section of the opinion nor paragraphs 36, 37, 38 and 39 of the report provide the slightest hint as to how the matter will be considered.

Paragraph 10.viii refers to the question of collective assistance for Turkey under the auspices of the UNHCR and with the participation of member States, designed to ease Turkey's burden, and precisely such assistance is apparently being considered.

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As we have already said, the cost of preliminary projects for receiving refugees from Irak in Turkey has been put at 85 million dollars, and we have already incurred expenditure of 25 million dollars without receiving any tangible suggestions about how this burden, which is out of all proportion for our national economy, is to be equitably shared out. Contacts with the UNHCR have not resulted in anything concrete. The only promises concern contributions of under 8 million dollars, and these have been made bilaterally.

When it comes to the CAHAR opinion, however, we note with regret that the committee is not venturing as far as indicated in much earlier texts, as in the precise case of sub-paragraph 4 of Resolution (67) 14 of the Committee of Ministers, in which it is stated that:

"Where difficulties arise for a member State in consequence of its action in accordance with the above recommendations, Governments of other member States should, IN A SPIRIT OF SOLIDARITY AND OF COMMON RESPONSIBILITY IN THIS FIELD, consider individually or in co-operation, particularly in the framework of the Council of Europe, appropriate measures to overcome such difficulties".

Lastly, it is worth mentioning a number of problems not referred to in the report with which we are currently confronted.

- The quest for legal and practical solutions so as to share out equitably the burden arising out of the gradual rise in the number of refugees;

- Examination of the specific problems which have to be faced by countries sharing a border with States liable to generate refugee movements;

- The observed progression of trends in legislation and regulations concerning a restriction not only of the limitation of the exercise of the right to asylum, but of all entry on the territory.

We should be glad if these points as well were considered in the report.

The initial terms of reference of the committee should have encouraged it to take the opportunity, thanks to the views set out in Recommendation 1088, either to suggest "the solution of practical and legal problems in a liberal and humanitarian spirit, aiming among other things to settle the question of the country of first asylum and of territorial asylum", or record that the lack of political determination displayed by its members prevented it from carrying out its terms of reference in the form initially laid down.

We accordingly take note of the present report with the comments I have just proffered".

Decision

The Deputies took note of the report of the 28th meeting of the CAHAR (CM(89)83) as whole.



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34.

AD HOC COMMITTEE OF EXPERTS ON PROGRESS IN THE  
BIOMEDICAL SCIENCES (CAHBI)  
Report of the 9th meeting  
(Strasbourg, 18-21 April 1989)  
(CM(89)93)

The Representatives of Belgium, France, Italy, Switzerland, and the United Kingdom supported the CAHBI's decision to convene a supplementary meeting to adopt the draft Recommendation on medical research on human beings.

The Chairman added that the Secretary General, in accordance with paragraph 35 of Resolution (76)3, had agreed to this meeting being held in Paris on 28 and 29 September.

The Representative of the United Kingdom said he could not agree to more than one supplementary meeting to finalise the draft Recommendation.

The Representative of Italy said that his delegation would pass on to the Secretariat the Italian expert's comments on the text of the draft Recommendation with a view to the CAHBI's supplementary meeting.

In reply to a request from the Representatives of Switzerland and the United Kingdom, the Secretary to the Committee said that delegations would receive a letter setting out the reasons for the invitation to the Standing Committee on the European Convention for the Protection of Animals Kept for Farming Purposes (T-AP) to be represented as an observer at the Symposium on bioethics (5-7 December 1989).

Decisions

The Deputies

1.       agreed to modify the title of the CAHBI from "Ad Hoc Committee of Experts on Progress in the Biomedical Sciences" to "Ad Hoc Committee of Experts on Bioethics", the abbreviation "CAHBI" to remain unchanged;
2.       agreed that the election of the CAHBI's new Bureau be postponed until the CAHBI's next meeting;
3.       subject to decisions 1 and 2 above, took note of the Report of the 9th meeting of the CAHBI (CM(89)93) as a whole.



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35.

25th REPORT ON THE ACTIVITIES OF THE OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR REFUGEES (UNHCR) (1987)  
Assembly Recommendation 1105  
(Concl(89)426/4a)

The Representative of Turkey made the following statement:

"We endorse paragraphs 12.i and 12.ii of the Assembly Recommendation.

We have already expressed our views on paragraphs 12.iii and 12.iv: we must wait until the CAHAR and the Rapporteur Group have completed their work.

Our delegation has also examined the 25th report on the activities of the Office of the United Nations High Commissioner for Refugees. The content is important and the approach of the authors and the issues that concern them strike us as different from those which prevail here.

We would simply draw attention to certain passages.

On page 4, paragraph 9, we find: 'Since 1980, the European States have adopted more and more restrictive measures including new national legislation and procedures, visa requirements, narrow interpretation of the refugee criteria, airport detention centres, sanctions against air carriers, rejection of asylum-seekers through summary procedures at the frontiers, and their forcible return to the countries where these persons were considered to have been in transit or to have enjoyed first asylum'.

Page 4, paragraph 11: 'The first relates to rejection of asylum-seekers at the frontier.'

Page 4, paragraph 12: 'Rejection at the frontier normally takes place in the context of summary procedures.'

Page 5, paragraph 13: 'States in the region have also continued to use the imposition of visas and airline sanctions.'

Page 5, paragraph 16: 'There was a discernible movement within the region to a more restrictive interpretation of the refugee definition in the 1951 United Nations Refugee Convention/1967 Protocol.'

Page 6, paragraph 19: 'The High Commissioner was forced to intervene with several European governments last year with respect to the refoulement or expulsion of refugees.'

Page 7, paragraph 22: 'The 1987 Gerzensee meeting concentrated on root causes, the resettlement programme for Iranian refugees out of Turkey, the return of rejectees, visa practices, abuse of asylum procedures and exchange of information on individual asylum-seekers.'

Page 7, paragraph 23: 'Europe seems to be very much at a crossroads with respect to its asylum practice.'

Our delegation considers that the Committee of Ministers should devise a coherent, effective policy with regard to refugees.

In any event, it is desirable that the CAHAR should take account of the points made in the report and not simply put forward opinions concerning the difficulties and impossibilities.

The UNHCR report specifically draws attention to the need for co-operation between all member States, on the grounds that it is a question of fairly sharing a very real and visible burden, and one that has serious humanitarian implications for which solutions must be found quickly.

It is in the light of these considerations that we endorse the decision."

The Representative of the United Kingdom said that Assembly Recommendation 1105 was broadly acceptable to the United Kingdom, subject to the following comments. In paragraph 5 of the Recommendation, the Assembly noted with concern that persons in need of protection had been expelled and refused asylum in some member countries, which seemed to point to a restrictive application of the criteria for determining refugee status. The source of this concern was not clear. It was for individual governments to apply the criteria in the 1951 United Nations Convention relating to the Status of Refugees and the related 1967 Protocol. He was not aware of any breaches of these instruments.

With respect to paragraphs 7 and 8 of the Recommendation, he pointed out that governments had to be able to take the necessary steps to limit abuse of their asylum procedures, particularly, for example, against "economic migrants". The imposition of visa requirements in certain circumstances could not be considered as cutting across the United Kingdom's obligations under the 1951 Convention.

As concerns paragraphs 10 and 12 (i) of the Recommendation, his authorities were not convinced of the need for improving the statistical basis for decisions concerning refugees and for standardising the methods of calculating the number of asylum-seekers.

As regards paragraph 11, the significance of the reference to Recommendation No. R(84)1 was not clear. In any case, the overriding consideration was that the criteria in the 1951 Convention should apply first and foremost. He particularly supported the recommendation contained in paragraph 12 (iii) that Turkey be invited to withdraw its geographical reservation to the Convention.

Concerning paragraph 12 (v) (a) it would be more appropriate to invite governments to continue their support for UNHCR's activities. Finally, he could see no particular need for improving information provided to the public on the situation of refugees and asylum seekers, their countries of origin, and the activities of the UNHCR as suggested in paragraph 12 (v) (b) of Assembly Recommendation 1105.



Decisions

The Deputies

1. adopted Decision No. CM/469/190689 assigning ad hoc terms of reference to the Ad hoc Committee of experts on legal aspects of territorial asylum, refugees and stateless persons (CAHAR) (to give an opinion on Assembly Recommendation 1105) as it appears at Appendix 7 to these Conclusions;
2. agreed to resume consideration of this item at one of their future meetings once they have received the opinion of the CAHAR on Assembly Recommendation 1105.



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36.

ROLE AND ACTIVITIES OF THE COUNCIL OF EUROPE  
RESETTLEMENT FUND FOR NATIONAL REFUGEES AND OVER-POPULATION  
Assembly Recommendation 1076  
(Concl(89)425/40b)

The Representative of Portugal said that his delegation agreed to the draft reply prepared by the Secretariat that appeared in the Appendix to the Notes on the Agenda No. 7367.

The Secretary General said that she had attended the meetings of the organs of the Resettlement Fund that had been held the previous week in Estoril (Portugal) which had enabled her to learn a lot about the Fund.

Paragraph 6 of the draft reply

The Representative of Sweden proposed the deletion of the second sentence under this paragraph.

The Chairman noted that the Deputies could agree to this proposal.

Paragraph 7 of the draft reply

The Director of the Resettlement Fund proposed that the first phrase under this paragraph read as follows:

"At present the Fund is financing projects of approximately US\$ 800 million thanks mainly ..."

The Representative of Sweden, supported by the Representative of Denmark, proposed the deletion of the second phrase under paragraph 7 so that the paragraph would read as follows:

"At present the Fund is financing projects of approximately US\$ 800 million thanks mainly to the last increase in its capital."

The Chairman noted that the Deputies could agree to these proposals.

Paragraph 8 of the draft reply

The Representative of Sweden proposed that this paragraph read as follows:

"The Committee of Ministers further notes with satisfaction that the Fund ..." (the rest unchanged).

The Secretary to the Committee recalled that Assembly Recommendation 1076 had not yet been brought to the attention of the governments of member States. The Deputies might therefore wish to take a decision to bring the Recommendation to the attention of governments of member States.

The Chairman noted that this was acceptable to the Deputies.

Decision

## The Deputies

1. agreed to bring Recommendation 1076 to the attention of their governments;
2. adopted the following reply to Assembly Recommendation 1076:

"1. The Committee of Ministers has carefully examined Recommendation 1076 on the role and activities of the Council of Europe Resettlement Fund for National Refugees and Overpopulation and it decided to bring it to the attention of the governments of member States. Like the Assembly the Committee of Ministers appreciates the work done by the Resettlement Fund since its creation to contribute to the welfare of people who are disadvantaged on account of economic, social and political trends in their country, or victims of natural disasters.

2. The Committee of Ministers wishes to inform the Assembly that Recommendation 1076 was immediately brought to the attention of the competent organs of the Resettlement Fund with a view, in particular, to seeking their views on paragraph 22. Furthermore, the Chairman of the Governing Body as well as the Governor of the Fund were invited to one of the recent meetings of the Ministers' Deputies for a hearing and an exchange of views.

3. Following these consultations, the Committee of Ministers wishes to formulate the following observations on Recommendation 1076.

4. The Committee of Ministers agrees that wider publicity should be given to the activities of the Fund; in the opinion of the Committee of Ministers, this is a matter that primarily concerns the countries which receive loans from the Resettlement Fund.

5. The Committee of Ministers notes that as it is proposed under paragraph 22b(i) of Recommendation 1076, the Governing Body of the Fund, at its meeting in January 1989, unanimously agreed to adapt the title of the Resettlement Fund to its present activities, namely 'Council of Europe Social Development Fund'. The Committee of Ministers notes that the modification introduced does not require any amendment to the Articles of Agreement of the Fund.

The Committee of Ministers further notes with satisfaction the recent decision of the Governing Body to adopt the 'ECU' as the unit of account, a decision which stresses the European vocation of the Fund.

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6. As regards paragraph 22b(ii)-(iv) the Committee of Ministers notes that the financial resources at the disposal of the Fund would make it rather difficult for it to discharge its usual responsibilities and to open up wide new fields of activity.
7. At present the Fund is financing projects of approximately US \$800 million thanks mainly to the last increase in its capital.
8. The Committee of Ministers further notes with satisfaction that the Fund has been given an AA+ rating in view of its rigorous management (1).
9. The Committee of Ministers wishes to inform the Assembly that on 27 April 1989 the Government of the Republic of San Marino acceded to the Fund.
10. Finally the Committee of Ministers wishes to express the hope that the success of the Fund, the unanimous appreciation expressed by the borrowing countries, the AA+ rating given to it, and the modification in its title will induce States that are not Parties to this Partial Agreement to join the Fund."

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(1) The rating reflects the quality of a financial institution, ie the risk for subscribers to loan issues. AA+ being one but the best qualification (the best being AAA) which in the case of the Fund reflects in particular the high debt ratio (the Funds borrowings are today approximately 12 times the Funds own resources, ie capital and reserves).



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37.

PARTICIPATION OF THE ASSEMBLY IN THE  
EUROPEAN POPULATION COMMITTEE (CDPO)  
Request from the Assembly

Decision

The Deputies expressed their agreement with the Assembly's request to be represented at the meetings of the European Population Committee (CDPO).





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38.

EUROPEAN COMMITTEE FOR EQUALITY BETWEEN WOMEN AND MEN (CEEG)  
Report of the 5th meeting  
(Strasbourg, 19-21 April 1989)  
(CM(89)100)

Decisions

The Deputies

1. took note of the comments, suggestions and requests made by the CEEG on current and forthcoming activities relating to the achievement of equality between women and men, and asked the Secretary General to bring them to the attention of the steering committees, ad hoc committees and other relevant bodies of the Council of Europe (CM(89)100, paragraphs 12-25);
2. took note of the theme and other arrangements for the seminar on "The democratic principle of equal representation - 40 years of Council of Europe activity" to be held on 6 and 7 November 1989 as part of the Council of Europe's 40th anniversary celebrations and to mark the 10th anniversary of the European Committee for Equality between Women and Men (item 9, paragraphs 63-81 of CM(89)100);
3. taking into account decisions 1 and 2 above, as well as the decisions taken under item 8 of the agenda for this meeting (Conferences of Specialised Ministers - State of preparation), took note of the report of the 5th meeting of the CEEG as a whole (CM(89)100).



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39.

EUROPEAN COMMITTEE ON MIGRATION (CDMG)

a.

Report of the 20th meeting  
(Strasbourg, 25-28 April 1989)  
(Concl(89)425/41, CM(89)97 and Addenda I and II)

The Representative of Sweden asked for two corrections to be made to the meeting report. In paragraph 81 of CM(89)97 the words "explanatory study on matters concerning the social condition of refugees" should be amended to read "exploratory study on matters concerning the social condition of refugees". Similarly, in paragraph 94 of CM(89)97 the word "preliminary" should be replaced by "exploratory".

The Chairman noted that these corrections were agreed to.

The Representative of Turkey said that her authorities strongly supported the CDMG's request to hold a second meeting in 1989, as had always been the case in the past. The CDMG was responsible for several activities which fell clearly within the priorities recently laid down by the Committee of Ministers.

Decisions

The Deputies

1. authorised the CDMG to hold a second meeting in autumn 1989, it being understood that this meeting would be financed from economies made in the use of the budgetary appropriations for 1989 and without prejudice to the other activities underway in the migration field;
2. took note of the report on the vocational training grants programmes for 1988 (Addendum II to CM(89)97);
3. noted that the CDMG has designated Cyprus, Greece, Ireland, Spain and Turkey as beneficiary countries for 1990 student instructors' course (CM(89)97, para. 67);
4. authorised the transmission of the interim report (MG-CR(89)3) concerning the Community relations project (Activity III.44) to the governments of member States and to interested persons and organisations (CM(89)97, para. 42);
5. agreed to bring to the attention of their governments the proposals for action on the Colloquy "Migrants, Media and Cultural Diversity" (document MG-CR/Coll. 1(88)12) (see CM(89)97, para. 38);
6. approved the modification of paragraph 8(b) of the specific terms of reference of the Committee of Experts on Community Relations (MG-CR) as proposed by the CDMG (CM(89)97, para. 55);

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7. took note of the opinion formulated by the CDMG on Assembly Recommendation 1089 on improving community relations, noted that Decision No. CM/454/051288 has been executed (Appendix IV of CM(89)97) and agreed to revert to the consideration of Assembly Recommendation 1089 at one of their future meetings;

8. agreed to extend the completion date of Decision No. CM/451/201088 concerning Assembly Recommendation 1082 on the right of permanent residence for migrant workers and members of their families (CM(89)97, para. 114) until the next meeting of the CDMG;

9. taking into account decisions 1-8 above, took note of the report of the 20th meeting of the CDMG as a whole (CM(89)97 and Addenda I and II).

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Item 39b

b.

Draft Recommendation No. R(89) ... on legal protection  
and assistance for migrants appealing against decisions  
concerning their work permits, residence permits or  
expulsion

(CM(89)58 Addendum and CM(89)97 Addendum I)

The Representative of the Federal Republic of Germany said that his authorities were opposed to the adoption of the draft Recommendation.

The Representatives of Portugal, Turkey, Luxembourg and the Netherlands said that they greatly regretted this situation. The draft Recommendation was a valuable text which had been carefully prepared.

The Representative of Turkey made the following statement:

"We are in favour of the adoption of the Recommendation on legal protection and assistance for migrants appealing against decisions concerning their work permits, residence permits or expulsion (Addendum to CM(89)58).

The draft Recommendation is a significant contribution to strengthening the legal situation of migrants, which could become precarious - considering their linguistic handicap, to take but one example - if all that was done were to apply laws and regulations to them mechanically.

The legal protection and assistance advocated by the Recommendation do not mean fresh appeals, even if in some cases provision for appeals were advisable and necessary. The legal bases referred to in paragraphs (ii) of the draft Recommendation are clearly cited: the European Convention on Human Rights, Article 19 of the European Social Charter (ETS No. 35) and Article 26 of the European Convention on the Legal Status of Migrant Workers (ETS No. 93).

Even if not all member States have ratified these two latter instruments, the European Convention on Human Rights, and more particularly Articles 3, 5, 6, 8, 13 and 14 provide the necessary legal sub-stratum warranting the adoption of the Recommendation.

The preoccupations lying behind the Recommendation can be classified in three main groups:

- guaranteeing better information for migrants about their rights which have already been recognised by the host country;
- ensuring that the discretionary power of administrative bodies does not result in undue discrimination against migrants;

- making sure that migrants can effectively exercise their right of appeal, something which is impossible in the absence of decisions that are clear and reasoned, and without the support of appropriate legal assistance.

We reaffirm our support for the draft Recommendation".

The Deputy Secretary General expressed the hope that the Federal German authorities would reconsider their position in the light of the views expressed by other delegations at the present meeting. The Deputies might wish to revert to the matter subsequently with a view to reaching a solution.

The Representative of the Federal Republic of Germany said that the expert of the Federal Republic of Germany in the CDMG had proposed numerous amendments to the text. It would be difficult for him to change his position if these amendments were not accepted.

The Chairman said that one should do everything possible to find a solution to this problem. He noted that there was agreement to resume consideration of the matter at the 429th meeting of the Deputies in October 1989.

Following a proposal by the Representative of Luxembourg, the Chairman noted that the item would be examined at A level at the 429th meeting.

#### Decision

The Deputies agreed to resume consideration of this item at A level at their 429th meeting (October 1989).

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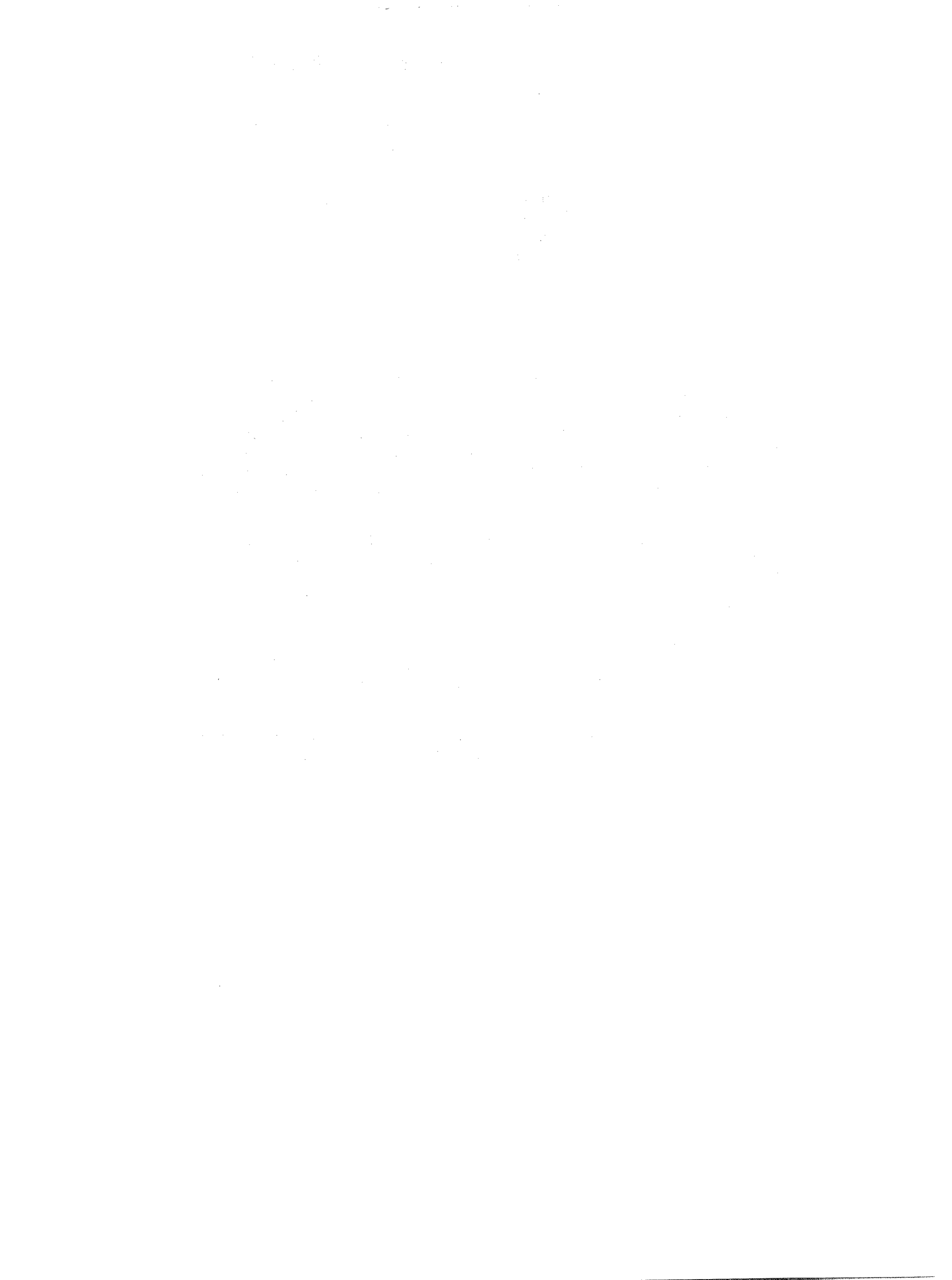
40.

STEERING COMMITTEE ON SOCIAL POLICY (CDPS)  
Report of the 3rd meeting  
(Strasbourg, 1-3 March 1989)  
(CM(89)101)

Decisions

The Deputies

1. took note of the wish expressed by the CDPS to set up a Working Party composed of seven members of the Committee, to be appointed in consultation with the Chairman of the CDPS, which will be responsible for co-operating with the Maltese Authorities in the organisation of the Conference on "Integrating Social and Family Policy for the 90s" to be held in Malta from 1-5 November 1989 within the framework of the 40th anniversary celebrations of the Council of Europe;
2. authorised the meeting in Malta of the Working Party during the Conference (1-5 November 1989), it being understood that the expenses to be incurred will be met from existing appropriations in Vote II of the Council of Europe budget for 1989 (see CM(89)101, paras. 7-12);
3. noted that Activity III.17, Element 1 of the 1988 Intergovernmental Programme of Activities ("Varieties of Welfare Provision for Single Parent Families") has been completed (see CM(89)101, paras. 22-27);
4. taking into account decisions 1 and 3 above, took note of the report of the 3rd meeting of the CDPS as a whole (CM(89)101).





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Item 41

41.

STEERING COMMITTEE FOR EMPLOYMENT AND LABOUR (CDEM)  
Report of the 5th meeting  
(Strasbourg, 18-21 April 1989)  
(CM(89)99)

Decisions

The Deputies

1. approved the modification of the specific terms of reference of the Committee of Experts on the Co-ordination of Services (EM-CS) to include Turkey to the list of States participating whose experts' travel and subsistence expenses would be borne by the Council of Europe's budget (i.e. point 8(b) of the specific terms of reference) (see CM(89)99, paras. 71-73);
2. taking into account decision 1 above, as well as the decisions taken under item 8 of the present meeting ("Conference of Specialised Ministers - State of preparation") concerning the preparation of the 4th Conference of European Ministers of Labour (Copenhagen, 25-27 October 1989) (see CM(89)-99, paras. 12-41), took note of the report of the 5th meeting of the CDEM as a whole (CM(89)99).



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Item 42

42.

EDUCATION OF MIGRANTS' CHILDREN  
Assembly Recommendation 1093  
(Concl(89)425/42)

The Representative of Turkey made the following statement:

"We wish to record our satisfaction with the reply to be given to the Assembly concerning Recommendation 1093 (see Notes on the Agenda No. 7371).

We have two desiderata, however, one concerning the actual decision and the other in the more general context of our future work. In the interests of more widespread dissemination, we should like our reply, accompanied by Recommendation 1093, to be communicated to the Steering Committee on Social Policy (CDPS) as well, since its terms of reference also include social protection for children.

In a broader context, and in line with our future preoccupations, we should like to look again at the terms of our reply and to go into them in greater detail, in the framework of a more binding instrument".

The Representative of the Federal Republic of Germany, whilst agreeing in general with the draft reply to Assembly Recommendation 1093 set out in the Notes on the Agenda No.7371, said that he had the following amendments to propose:

Paragraph 8 of the draft reply

The Representative of the Federal Republic of Germany proposed the deletion of the second sentence under this paragraph.

The Representative of Sweden recalled that when this Recommendation had been examined at the 425th meeting (April 1989, item 42) his delegation had referred to the difficulties encountered in a limited number of cases concerning immigrants who were political refugees. In view of the proposal of the Federal Republic of Germany, he thought that it would be appropriate to keep the second sentence under this paragraph whilst deleting the words "... mainly from outside Europe ...", so that it would read as follows:

" However, it is aware of certain difficulties encountered in a limited number of cases where the majority of immigrants are political refugees - a factor which renders the desired co-operation rather difficult".

The Representative of the Federal Republic of Germany agreed to the wording proposed.

Paragraph 11 of the draft reply

The Representative of the Federal Republic of Germany expressed doubts about the role played by the associations of teachers in the education of migrants' children; the subject matter of the Assembly

Recommendation concerned governmental and/or local authorities rather than such associations. Accordingly, he considered that the reference made to teachers' associations under this paragraph should be deleted.

Following a suggestion made by the Secretary to the Committee to delete the first sentence under this paragraph, the Representative of the Federal Republic of Germany expressed his agreement with the wording of paragraph 11 as amended (see decision below).

The Representative of the Federal Republic of Germany, referring to Paragraph 7 of Recommendation 1093 where it was stated " emphasising the need to shift away from the models of linguistic and cultural assimilation that have been prevalent in education so far", said that no such policies of assimilation had been (or were) pursued in the Federal Republic of Germany, and proposed that this fact should be clearly reflected in the reply to the Assembly.

The Secretary to the Committee drew the attention of the Deputies to the fact that the point made by the Representative of the Federal Republic of Germany was already made under paragraph 2 of the draft reply where it was stated that "educational policies should be based on an open-mindedness, mutual understanding, solidarity and acceptance of diversity and respect of other cultures ..."

He suggested that the following words be included at the beginning of paragraph 2 of the draft reply: "As regards paragraph 7 of Recommendation 1093, ..." (the rest unchanged).

The Representative of the Federal Republic of Germany expressed his agreement with the proposal.

### Decisions

#### The Deputies

1. agreed to bring Assembly Recommendation 1093 to the attention of their governments;
2. agreed to transmit Recommendation 1093 for information to the Commission of the European Communities;
3. agreed to bring Recommendation 1093 to the attention of the Council for Cultural Co-operation (CDCC), the European Committee on Migration (CDMG) and the Steering Committee on Social Policy (CDPS), asking them to bear it in mind when drawing up their future work programmes;

## 4. adopted the following reply to the Assembly:

"1. The Committee of Ministers has examined Recommendation 1093 on the education of migrants' children. It decided to bring it to the attention of the governments of member States. Furthermore it agreed to transmit it for information to the Commission of the European Communities. It also decided to bring it to the attention of the Council for Cultural Co-operation (CDCC), the European Committee on Migration (CDMG) and the Steering Committee on Social Policy (CDPS) asking them to bear the Recommendation in mind when drawing up their future work programmes.

2. As regards paragraph 7 of Recommendation 1093, the Committee of Ministers is of the opinion that educational policies should be based on an open-mindedness, mutual understanding, solidarity and acceptance of diversity and respect of other cultures and that education policies and structures should primarily aim to ensure an effective equality of opportunity for all.

3. With this in mind the Committee of Ministers has the following observations to formulate on paragraph 16 of Recommendation 1093:

Sub-paragraph 16a of Assembly Recommendation 1093

4. The Committee of Ministers welcomes the Assembly's suggestion concerning the development of proper curriculum and education materials, organisational training courses for teachers, continuing consultation and co-operation between education authorities of the host countries and the countries of origin as well as other appropriate actions designed for the success of migrants' children. The Committee of Ministers wishes to draw the attention of the Assembly to the fact that since 1977, the CDCC has consistently promoted consultation and co-ordination between education authorities in host countries and in countries of origin in order to develop education strategies which are more closely adapted to the needs of migrants' children. In particular, in both the first and the second Medium Term Plans, the CDCC set out to develop the intercultural approach in education, the goal of which was to prepare all children, native born and migrant for life in a multi-cultural society.

5. Since 1987 there have been two aspects to the CDCC's activities in this field:

- assistance to governments which are taking practical steps to bring about the socio-cultural integration of migrant communities;
- the intercultural approach as an essential part of the educational, cultural and social policies, both of governments and of the Council of Europe.

6. The Committee of Ministers recalls that the CDCC, in collaboration with the CDMG and the Committee of Experts for the promotion of education and information in the field of human rights (DH-ED), will hold a multi-disciplinary conference on educational and cultural aspects of community relations in December 1989.

Sub-paragraph 16b

7. The Committee of Ministers wishes to point out that the Council of Europe's contribution to experiments in the education of migrants' children derives from the wish to give practical form to Committee of Ministers' Recommendations in this field. Since 1986, it has appeared necessary to give the former experimental classes a fresh, intercultural aspect, in response to the recommendations of the Standing Conference of European Ministers of Education in the Resolution on migrants' education, adopted in Dublin in 1983. The experiments, which may be organised either in the host country or in the country of origin, aim particularly to foster the harmonious integration of children into the education system of the country in which they live.

Sub-paragraph 16c and d

8. The Committee of Ministers underlines the importance of the need to train teachers taking part in the experiments referred to above and to promote contact between teachers from the host country and the teachers of the language and culture of the country of origin. However it is aware of certain difficulties encountered in a limited number of cases where the majority of immigrants are political refugees - a factor which renders the desired co-operation rather difficult.

9. On the other hand the Committee of Ministers stresses the importance, from an intercultural point of view, of enabling as many parents as possible to take part in specific activities as partners in the education process and of promoting close co-operation with outside individuals and bodies (immigrants' associations, neighbourhood groups, social workers, theatres, museums etc.).

Sub-paragraph 16e

10. The Committee of Ministers is of the opinion that reliable information and a sound statistical data base are required to enable schools to help migrants' children and native children who need educational back-up. The Committee of Ministers is informed that the Organisation for Economic Co-operation and Development (OECD) and the European Community are working on education statistics, including statistics concerning the education of migrants' children.

Sub-paragraph 16f

11. The question of the participation of migrants' associations and teachers associations to be invited to the Conference on the educational and cultural aspects of Community relations will be further considered by the Organising Committee of the Conference.

Sub-paragraph 16g

12. The Committee of Ministers informs the Assembly that the CDCC's publications on migrants' education have been widely distributed in the Council of Europe member States. Moreover, the Conference on Educational and Cultural Aspects on Community Relations will provide the Council of Europe with an opportunity for widely disseminating information about all activities in this field to the various institutions and associations concerned with migrants' education.

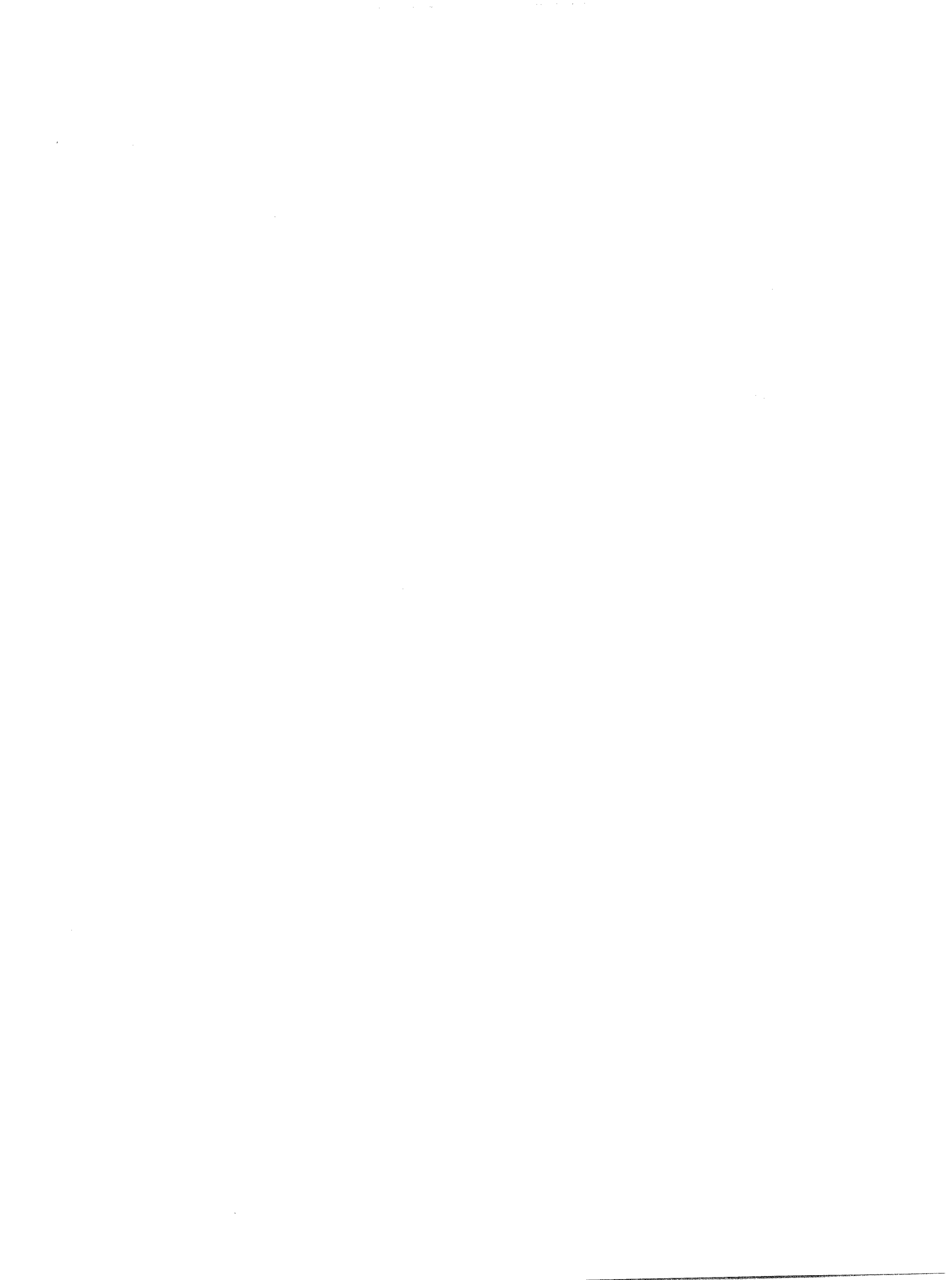
Sub-paragraph 16h

13. The Committee of Ministers wishes to point out that, during its work on migrants' education, the CDCC always upheld the view that it was necessary to aim for educational systems, curricula and materials that could be constantly adapted to the cultural contribution from migrants, so as to pave the way for education with an intercultural dimension. This view was reflected in the general policy advocated by the Standing Conference of European Ministers of Education in its Resolution on Migrants' Education adopted in Dublin in 1983.

For its part, the Committee of Ministers in its Recommendation R(84)18 recommended 'that the governments of member States take a series of novel teacher training measures designed to make education in intercultural understanding possible in schools'.

Sub-paragraph 16i

14. The Council of Europe has always maintained close links with the Commission of the European Communities in connection with all work on migrants' education; the Commission is represented at all the CDCC's meetings on the subject".





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Item 43

43.

LIAISON COMMITTEE BETWEEN THE COUNCIL OF EUROPE AND  
MANAGEMENT AND LABOUR (LCML)  
Report of the 6th meeting  
(Strasbourg, 10 March 1989)  
(CM(89)75)

Decisions

The Deputies

1. took note of the comments and proposals from management and labour concerning future Council of Europe activities in the fields covered by its terms of reference (see CM(89)75, item III);
2. took note of the wish of the European Trade Union Confederation (ETUC) to have hearings with the following Conferences in their plenary session (see CM(89)75, page 3 - decisions 5 and 6):
  - European Ministers of Labour (25-27 October 1989, Copenhagen)
  - European Ministers responsible for Social Security (12-14 April 1989, Lugano)
  - European Ministers responsible for Migration Affairs (1991, Luxembourg)
  - European Ministers on Equality between Women and Men (4-5 July 1989, Vienna)
  - Ministerial Conference on the Environment (1990, Belgium).
3. took note that the LCML proposes to hold its next meeting in February/March 1990 (see CM(89)75, item VII) ;
4. taking into account decisions 1-3 above, took note of the report of the 6th meeting of the LCML as a whole (CM(89)75).



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Item 44

44.

PROTECTION OF NON-SMOKERS  
Assembly Recommendation 1101  
(Concl(89)425/43)

The Representative of the United Kingdom said that his authorities were of the opinion that in the fight against smoking voluntary rather than compulsory measures should be used. The Draft Reply which referred to the prohibition of smoking in certain places as a useful measure should therefore be amended by inserting the following sentence after the words "useful measures" in the first paragraph:

"However, the Committee of Ministers is of the view that member States should adopt a flexible and voluntary approach to this matter including where appropriate the provision of designated smoking areas in line with the joint Resolution of 16 May 1989 of the Council of the European Community Ministers."

Furthermore, if the drawing-up of a European Charter on Tobacco was envisaged, this Charter should not be a binding legal instrument.

The Representatives of Sweden, the Federal Republic of Germany and Finland indicated that it was difficult for them to accept this amendment.

The Representative of the United Kingdom thought that the aim of Recommendation No. R(82)5 of the Committee of Ministers, ie "generally to encourage individuals to assume responsibility for their health as they grow up, by becoming adequately aware of health risks and benefits, and of what kind of lifestyle they should adopt to suit their personality", was more in line with a voluntary than with a compulsory approach. Furthermore, the United Kingdom amendment did not prevent other governments from taking compulsory measures.

The Representative of Sweden pointed out that the ban on smoking in certain places was already envisaged in Recommendation No. R(86)14. The United Kingdom amendment therefore could not be accepted by him, not even ad referendum.

Decisions

The Deputies

1. decided to bring Assembly Recommendation 1101 on the protection of non-smokers to the attention of their governments;
2. adopted Decision No. CM/470/190689 assigning ad hoc terms of reference to the European Health Committee (CDSP) (to give an opinion on paragraph 14B of Assembly Recommendation 1101) as it appears at Appendix 8 to these Conclusions;
3. agreed to resume consideration of this item at B level at their 428th meeting (September 1989) with a view to the adoption of an interim reply to Assembly Recommendation 1101.



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Item 45

45.

SITUATION OF DANCE  
Assembly Recommendation 1104  
(Concl(89)425/13)

The Representative of the Netherlands said that Assembly Recommendation 1104 contained many aspects which were of interest for his country which had an active policy in the field of non-professional dance. His authorities had not yet had sufficient time to study the content of Recommendation 1104 in detail. As they wished, however, to make a substantial contribution to the debate, the Representative of the Netherlands proposed to resume consideration of this item at the 428th meeting of Deputies (September 1989).

Decision

The Deputies agreed to resume consideration of this item at B level at their 428th meeting (September 1989).



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Item 46

46.

STEERING COMMITTEE FOR THE CONSERVATION AND  
MANAGEMENT OF THE ENVIRONMENT AND NATURAL HABITATS (CDPE)  
Report of the 4th meeting  
(Strasbourg, 11-14 April 1989)  
(CM(89)96)

Referring to the proposed draft decisions on the admission of the International Council for Bird Preservation and the Foundation for Environmental Education in Europe as observers to the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE), the Representative of the United Kingdom said that these organisations should not be able to attend all meetings of the CDPE, but only meetings of particular interest to themselves.

The Director of Environment and Local Authorities said that the CDPE had given technical advice. In practice, it was very difficult to distinguish which parts of the meetings were of interest to a given organisation. For instance, with regard to the International Council for Bird Preservation, it was not easy to say if they were interested in whole or in part when the CDPE discussed matters such as habitat conservation or rehabilitation of land for nature conservation purposes. For this reason, the CDPE thought that it would be useful to invite these two organisations to all its meetings.

The Representative of Denmark thought that the Representative of the United Kingdom had raised a very important point. Non-governmental organisations should only be admitted to specific meetings of a committee which concerned them more particularly, and not to all meetings. This general question deserved close examination when the Deputies were reviewing the structures of intergovernmental co-operation within the Council of Europe.

The Secretary to the Committee pointed out that the Deputies had discussed this general question several times fairly recently and had adopted a Message at their 420th meeting (October 1988, item 12) from the Committee of Ministers to Steering and Ad hoc Committees of Experts concerning the admission of observers. He recalled that the Deputies had decided to seek the advice of the CDPE when they had first discussed the two applications for observer status at their 419th meeting (September 1989, item 68c). The CDPE was in favour of admitting the two organisations to all its meetings. Of course, it was within the competences of the Committee of Ministers to decide.

Having heard these explanations, the Representative of the United Kingdom suggested the admission of the two organisations to "appropriate meetings" of the CDPE.

Decisions

## The Deputies

1. adopted Resolutions (89)7 to (89)9 on renewal of the European Diploma awarded to the following sites:
  - Samaria National Park (Greece)  
(Appendix 9 to these Conclusions);
  - Purbeck Heritage Coast (United Kingdom)  
(Appendix 10 to these Conclusions)
  - Minsmere Nature Reserve (United Kingdom)  
(Appendix 11 to these Conclusions)
2. adopted Resolutions (89)10 and (89)11 on the award of the European Diploma to the following sites
  - Teide National Park (Spain)  
(Appendix 12 to these Conclusions)
  - Wurzacher Ried Nature Reserve (Federal Republic of Germany)  
(Appendix 13 to these Conclusions)
3. adopted Resolution (89)12 amending Resolution (73)4 on the regulations for the European Diploma as it appears at Appendix 14 to these Conclusions;
4. noted that the CDPE has fulfilled the following ad hoc terms of reference:
  - (i) Decision No. CM/446/290988 on the possibility of international co-operation within the Council of Europe in the wake of Assembly Recommendation 1079 (1988) on protection of the North Sea against pollution and, more particularly, in the light of recent pollution phenomena (see CM(89)96, item 8c);
  - (ii) Decision No. CM/449/290988 on the requests for admission as observers to the CDPE of the International Council for Bird Preservation and the Foundation for Environmental Education in Europe (see CM(89)96, item 8d);
5. adopted Decision No. CM /471/190689 on admission of the International Council for Bird Preservation as an observer to the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE), as it appears at Appendix 15 to these Conclusions;
6. adopted Decision No. CM/472/190689 on admission of the Foundation for Environmental Education in Europe as an observer to the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE), as it appears at Appendix 16 to these Conclusions;
7. having regard to decisions 1-6 above, took note of the report of the CDPE's fourth meeting (CM(89)96) as a whole.



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Item 47

47.

STANDING CONFERENCE OF LOCAL AND REGIONAL  
AUTORITIES OF EUROPE (CLRAE)  
Date of the 25th session

Decision

The Deputies approved the date of 6-8 March 1990 for the 25th session of the CLRAE.



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Item 48

48.

COUNCIL OF EUROPE BUDGETS  
General outline of prospects for the 1990 budget  
(Concl(89)426/23b, CM(89)54, CM(89)84)

The Chairman, having detailed the documents concerned and having recalled the decision of the Deputies at their 426th meeting (May 1989, item 23b) to defer consideration of this item until Mme Lalumière had taken office as Secretary General, invited delegations to comment upon the prospects for the 1990 budget.

The Representative of Sweden observed that all documents concerning the budget were studied with the closest attention by his authorities, and that in consequence he would appreciate the earliest possible distribution of such documents, which should be drafted with clarity. He also considered that it would be helpful to have a Secretariat estimate of staffing needs and overall costs at longer term than had hitherto been indicated in the draft budget. A projection over five years, for example, would put annual budget decisions in a clearer context. As for the 1990 budget, his authorities would adopt a restrictive attitude generally, but were not opposed to granting budget increases to fund new activities. He was therefore able to support the increases proposed in CM(89)54.

The Representative of the United Kingdom stated that as he had indicated at the 426th meeting, he would have preferred that the present budget discussions take place in a restricted and informal session which would allow a detailed and frank review of the proposed Intergovernment Programme of Activities for 1990. Nonetheless, he had several specific points to raise in the context of the proposals contained in CM(89)54. As concerned the technical abatement applied to appropriations for the remuneration of staff on permanent posts, he considered that this question had been considered exhaustively during discussions of both the 1988 and 1989 budgets and saw no justification for further review of the 2.6% abatement currently applied. With regard to the proposals detailed at paragraph 12 of CM(89)54 for staffing changes, he recalled that during the course of 1989, the Deputies had approved the creation of six new posts, and in consequence his delegation would not react favourably to upgrading or creation proposals in the 1990 draft budget. He also questioned whether the sale, rather than free distribution, of a larger part of the Council's catalogue of publications might not obviate the need for at least part of the increase proposed in CM(89)54 for Head IV of the budget - Conferences, Documentation, Publications, Informatics and communications.

Concerning Vote IV - operational expenditure of the European Court and Commission of Human Rights and the European Tribunal in matters of State Immunity - the Rapporteur Group on Human Rights Questions was currently considering proposals for adjustment to the remuneration of Judges of the Court, and the recommendation of the Rapporteur Group on this matter was likely to be influenced by the decisions of the Deputies to be taken in relation to the remuneration of members of the Commission. In consequence, the proposed increase under Vote IV of FF 3.76 million detailed in document CM(89)54 looked rather conservative.

It was clear, he continued, that an increase in appropriations for the implementation of the European Convention on Human Rights and of the Torture Convention would need to be accorded in 1990, and his authorities would support such proposals. In contrast, however, it would be necessary to achieve economies in other spheres of activity, and an increase in staff or resources in these other spheres could not be countenanced.

With regard to the Secretariat proposals for Vote VIII, his delegation fully endorsed the need for investment expenditure on equipment and maintenance. Again, however, if resources were to be allocated to investment in new technology, designed to alleviate the task of the Secretariat, the Secretariat should refrain from seeking increases in staff.

In sum, the Representative of the United Kingdom said that, whilst certain of the Secretariat proposals for increases appeared justifiable, the overall real increase of 2.04% detailed in CM(89)54 was rather higher than his authorities could envisage. Furthermore he felt that, in relation to the prevailing rate of inflation in the host country, the Secretariat proposal for a 4.85% provision for price increases was somewhat excessive.

The Representative of the Federal Republic of Germany stated that he had no detailed comments to make at that stage, but that he hoped that the review of priorities currently in hand would obviate significant budget increases. He also hoped that definitive proposals for the 1990 draft budget and Intergovernmental Programme of Activities would be made available as soon as possible.

In reply to this last point the Deputy Secretary General confirmed that the requests of the steering committees had been collated and a document would shortly be distributed.

The Representatives of Switzerland and France stated that they shared their United Kingdom colleague's preference for preliminary discussion of the 1990 budget in restricted, informal session. The Representative of France added that, although he had no detailed comments at that time, he saw some increases in expenditure as unavoidable, for example, contractual increases in staff expenditure, expenditure for the implementation of the European Convention of Human Rights and of the Torture Convention. In addition, his authorities would regard favourably proposals for further investment, maintenance and improvement of the Council's facilities, particularly in respect of the buildings and the continued introduction of new technology. He was anxious, however, that Secretariat proposals for new technology investment should not implicitly require ever-increasing investment expenditure.

The Representative of the Netherlands stated that his delegation found the overall increase proposed in CM(89)54 rather too high. In particular, he was in agreement with his United Kingdom colleague that the suggested provision of 4.85% for the effect of price increases was exaggerated, and his authorities too could not countenance establishment changes entailing a real increase in expenditure. He had doubts also about increases connected with travel and paper costs.

In line with the views already expressed by other delegations he was also in favour of discussing the 1990 budget in outline in a restricted session of the Deputies. However he wondered if the Deputies would have sufficient information upon which to base decisions for the restructuring of the Council's activities envisaged by both the Political Declaration and the Resolution on the future role of the Council adopted by the Committee of Ministers on 5 May 1989. He was aware that proposals for the restructuring of certain fields of activity - Culture, Environment, Local and Regional Government - were in preparation, but hoped that those concerning other fields would soon be available too.

The Representative of Norway stated that he supported much that had already been said. In particular, he thought that a provision was necessary for increased expenditure of the Court of Human Rights, that the Secretariat proposals in respect of investment expenditure were warranted, that establishment changes involving real increase were to be restricted to an absolute minimum and that there should be no further adjustment to the 2.6% technical abatement applied to appropriations for the remuneration of staff on permanent posts. Serious consideration should be given to the savings that could be achieved by shortening the length of meetings of committees of governmental experts.

The Director of Administration and Finance, responding to points raised during the discussion, assured the Representative of Sweden that all documents relating to the 1990 budget would be distributed within the agreed time-limits and undertook to include where possible a projection of expenditure at longer term. Responding to the Representative of the United Kingdom, he stated that the Secretariat would take note of his observations about expenditure of the European Court of Human Rights and about the sale of the Council's publications.

Several delegations, the Director of Administration and Finance continued, had referred to the fact that in the course of 1989 the Deputies had approved the creation of six new posts and that in consequence proposals within the 1990 budget for further establishment changes would not be warmly received. The Secretariat, whilst attentive to the views expressed by the Deputies, would nonetheless find it necessary to submit a small number of staffing proposals within the 1990 draft budget.

Replying to the Representative of France, the Director of Administration and Finance recalled that, after the Deputies had made increased provision for investment expenditure in the 1989 budget, the hope had been expressed that the Secretariat would in the future keep proposals for appropriations under Vote VIII - Investment expenditure - at the existing level, adjusted for the effect of price increases. This remained the intention of the Secretariat, subject however to the new Secretary General's view.

In reply to the Representative of the Netherlands, he explained that despite every effort by the Secretariat to contain paper consumption, an increase in the price of paper of some 12% meant that some increase in appropriations for this purpose was inevitable. With regard to travel costs, the Budget Committee had made a number of suggestions for economies but clearly these required decisions of a political nature beyond the competence of the Secretariat.

The Chairman, in the light of the request expressed by a number of delegations for a meeting of the Deputies in restricted session, proposed that such a meeting to discuss the 1990 budget should take place on 28 June at 10 am. This proposal met with the approval of the Deputies.

The Secretary General said that she would be very happy to attend such an informal meeting. She would welcome, naturally, the guidance of the Deputies on a number of questions posed by the elaboration of the 1990 draft budget, and her objective for this meeting was a frank and open discussion of the issues involved, coupled with a pragmatic approach to possible solutions.

She had taken careful note of the opinions expressed by the Deputies during discussion of this item. She wished to point out, however, that she did not think full impetus to the Political Declaration and Resolution of 5 May would be provided by changes introduced in the 1990 budget. It was realistic, she believed, that the 1991 budget be regarded as the vehicle for implementing the re-structuring and re-orientation envisaged by the Committee of Ministers. The 1990 budget might therefore be seen as a transition budget; such restructuring as could be implemented within the relatively limited margin for manoeuvre would be proposed, but it should be recognised that each such change had a proportionately significant effect upon the budget as a whole which, in comparative terms, was not large. The Deputies should not therefore expect the meeting on 28 June to result in the entire restructuring envisaged by the Political Declaration; restructuring and reorganisation required careful consideration and detailed knowledge, and only transitional progress towards this end was to be expected within the framework of the 1990 budget.

With regard to establishment changes, she noted the attitude of a number of delegations but urged the Deputies to recognise the career situation prevailing at the Council. The 1960's and 70's had seen an expansion in the size of the Secretariat, and subsequent slowing of growth had severely limited the career possibilities of personnel recruited at that time. Some flexibility with regard to the establishment was therefore necessary to accommodate the legitimate career aspirations of a number of members of the Secretariat. She had taken careful note, however, of the willingness of the Deputies to support investment in new technology, which she welcomed, but equally she could understand their reluctance to envisage establishment increase at the same time.

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In the light of these remarks concerning the pace of change to be expected, the Chairman suggested that the objective of the informal session on 28 June might not only be to agree on the overall direction of the 1990 budget but also to agree on an action plan for the full implementation of the restructuring consequent upon the Political Declaration.

In response to the Representative of the Netherlands, the Head of Plan and Programme Division confirmed that discussion in the informal session on the 28 June would be based, as in the two previous years, on a document containing steering committee requests, together with details of the steering committee vote on individual activities wherever these were available.

Decision

The Deputies agreed to hold a restricted informal meeting at 10 am on Wednesday, 28 June 1989 to pursue their consideration of the prospects for the 1990 budget, with particular regard to the draft Intergovernmental Programme of Activities.





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Item 49

49.

ARRANGEMENTS FOR THE EXTERNAL AUDIT OF THE ACCOUNTS OF  
OF THE "EURIMAGES" PARTIAL AGREEMENT  
Supervisory Board  
(CM(89)94)

The Representatives of Belgium, France, the Federal Republic of Germany, the Netherlands and Switzerland expressed a preference for the "EURIMAGES" support fund accounts to be audited by three rather than five auditors, thereby aligning the "EURIMAGES" Partial Agreement on the arrangements in force for all the other Partial Agreements.

The Deputy Secretary General said that when the rules governing the fund (Resolution (88)15) were being negotiated he had argued strongly in favour of three auditors, but had been in a minority. The matter had been raised at the most recent meeting of the "EURIMAGES" Board of Management, and while it had not really been discussed there had been a preference not to change the present arrangement which provided for a Supervisory Board of five auditors as defined in Article 3 of Resolution (88)15.

A 5-member Supervisory Board would cost money, which would be better devoted to projects.

He was confident that if a decision were taken at the level of the Committee of Ministers to modify the arrangements for auditing the "EURIMAGES" accounts it would not lead to lengthy discussions in the Board of Management.

During the ensuing discussion, it was pointed out that the Board of Auditors of the Council of Europe audited the accounts of all the other Partial Agreements, regardless of whether the auditors were themselves nationals of the member States of each Partial Agreement. The nationality of the auditors was not a relevant factor in the matter of their objectivity.

At the conclusion of the discussion, the Chairman noted that the Deputies concerned were in favour of entrusting the audit of the "EURIMAGES" support fund to the Board of Auditors of the Council of Europe, and of modifying the terms of Article 3 of Resolution (88)15 to that effect.

Decision

The Representative on the Committee of Ministers of the member States of the "EURIMAGES" Partial Agreement (1) adopted Resolution (89)6 amending Resolution (88)15 setting up a European support Fund for the co-production and distribution of creative cinematographic and audiovisual works ("EURIMAGES"), as it appears at Appendix 17 to these Conclusions.

The Representatives of Greece and Spain approved the foregoing decision ad referendum.

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(1) Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, Norway, the Netherlands, Portugal, Spain, Sweden and Switzerland.



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Item 50

50.

NEW PURCHASING POWER PARITIES FOR THE CALCULATION OF  
SALARY SCALES IN NORWAY, SWEDEN (CANADA AND AUSTRALIA)  
244th report of the Co-ordinating Committee of  
Government Budget Experts  
(CM(89)103)

Decision

The Deputies approved the 244th Report of the Co-ordinating Committee of Government Budget Experts (CM(89)103, Appendix II) and the salary scales appended thereto (1) with effect from 1 July 1989.

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- (1) Pursuant to the decision of the Appeals Board in the appeals of Ausems and Others v. Secretary General, pensions paid by the Council of Europe on the basis of the new scales will not take into account the special Netherlands deduction ("inhouding") included in the calculation of the basic salary scales.



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Item 51

51.

PREPARATION OF FORTHCOMING MEETINGS

Decision

The Deputies approved the draft agenda for their 428th meeting (11-12 and 18-19 September 1989 - A level, 13-14 September 1989 - B level), as it appears at Appendix 2 to these Conclusions.

1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

3. The third part of the document is a list of names and addresses.

4. The fourth part of the document is a list of names and addresses.

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Item 52a

52.

OTHER BUSINESS

a.

Communication from the Secretary General

1. 23rd joint meeting of the Governing Body and Administrative Council of the Resettlement Fund  
(Estoril, 5-7 June 1989)

The Secretary General's first official business trip had been to Portugal, to attend the 23rd joint meeting of the Resettlement Fund bodies. The Resettlement Fund's new style was the Council of Europe Social Development Fund, which was indicative of the extension of its area of action.

It was a very long time since a Secretary General had attended a meeting of the Fund, but her presence struck her as right and proper given the importance of the Fund and the worthiness of the projects it financed.

This would be her working method, where her work schedule permitted: short visits focussing on precise themes. In particular, she hoped to be present at meetings of a variety of bodies coming under the Council of Europe, or close to it, so as to maintain as close links as possible with all the bodies in question.

Her impression from this brief contact with the Fund was very good; it was both reliable and efficient. She was sorry, however, that too little had been done to develop its policy of communication and information. The Fund was a valuable card for the Council of Europe, because it demonstrated that the Organisation was also able to contribute practically to social development. She mentioned the current operation to reconstruct the Chiado district of Lisbon, following the recent ravages by fire; this could be an opportunity for making the action of the Fund better known, and she hoped that the public would be made to realise that a Fund which was a part of the Council of Europe was helping finance the operation.

The Secretary General emphasised the concentration of loans granted in a restricted geographical area. Although it was true that the Fund must accord priority to helping the most under-privileged regions, most of which were situated around the Mediterranean, Europe's necessary solidarity and its economic and social cohesion should not have the effect of discouraging the different countries from contributing to the development of the Fund's action. There was a strong case, in her view, for expanding the geographical area within which the Fund intervened.

The Secretary General had had a meeting on the occasion of her visit with the Minister for Foreign Affairs of Portugal, Mr Joao de Deus Pinheiro, discussing with him the prospects for the Portuguese term of office as Chairman of the Committee of Ministers, follow-up to the North-South Campaign and notably the creation of the Centre in Lisbon,

as well as the pattern of East-West relations in the context of the forthcoming visit to Strasbourg by President Gorbachev. She had also met the Minister responsible for Youth, who was thoroughly familiar with the Council of Europe and in particular the European Youth Centre, where he had worked. She had felt that co-operation in the youth field might well lend itself to specific action on the part of Portugal while that country was in the Chair of the Committee of Ministers.

Lastly, the Secretary General thanked the Portuguese authorities for their delightful welcome and hospitality.

The Representative of Portugal thanked the Secretary General and said he would pass on her cordial remarks to his authorities. He had been much impressed by the charm, dynamism and perspicacity of the Secretary General, which confirmed his theory that Madame Lalumière was the right person for injecting new life into the Council of Europe. He subscribed to her analysis of the role and functioning of the Fund, which was a fine example of efficiency and solidarity. He added that the Fund organs were relying on her interest in the Fund, which would certainly be highly beneficial to it.

2. 6th Conference of European Ministers responsible for Sport  
(Reykjavik, 30 May - 1 June 1989)

The Deputy Secretary General had attended the 6th Conference of European Ministers responsible for Sport in Reykjavik.

All the member States of the Council of Europe had been represented, with the exception of Malta, as had the Holy See and Yugoslavia, which were Parties to the European Cultural Convention. Canada, Hungary and Poland had also been present as observers.

15 participant delegations had been headed by Ministers or State Secretaries. The Hungarian delegation had been led by Mr Gabor Deak, State Secretary, President of the Office of State for Youth and Sport, and the Polish delegation by Mr Zbigniew Glapa, Deputy Minister.

The Conference had been opened in the presence of Mrs Vigdis Finbogadottir, President of the Republic of Iceland, and had been chaired by Mr Svavar Gestsson, Minister of Culture and Education of Iceland.

Two themes had been on the Conference agenda:

- progress in European sports co-operation 1986-1989  
(sub-themes: the economic significance of sport; sport for all; injuries and their prevention; traditional games; sport for disabled persons);
- items of current political concern: spectator violence; draft anti-doping Convention; youth and sport; apartheid in sport.



The principal outcome of the Conference had been the approval of the text of the draft anti-doping Convention, which would be circulated to delegations without delay. The Ministers had laid considerable stress on the urgency of the question, and the need for the Council of Europe to adopt the text at the earliest possible moment and then to open it for signature by non-member States. For the sake of saving time, the Deputy Secretary General suggested that the Deputies should forward the text of the draft Convention as soon as they received it to their capitals for detailed examination of its provisions, the aim being that adoption of the draft should appear as an item on the agenda for the September meeting of the Deputies.

In addition to the draft Convention, the Ministers had adopted a number of resolutions on: progress in European sports co-operation, containing certain proposals for fresh action on the part of the Council of Europe, spectator violence and safety at sports grounds, apartheid in sport, preservation of the ethical values in sport and the 1992 Olympic Games.

The Conference had taken note of a statement by the Turkish Minister concerning the 1st International Youth and Sports Festival, to be held in Turkey in May 1990. The 7th Ministerial Conference would be held in Greece in 1992.

The Deputy Secretary General said that the Conference had been extensively covered in the press, in particular in connection with the anti-doping Convention. The media had also shown considerable interest in the fact that it was the first time that delegations from Eastern European countries had attended a Ministerial Conference of the Council of Europe.

The report on the Conference would be published very shortly and sent to all delegations.

In conclusion, he thanked the Icelandic authorities for the splendid arrangements they had made for this first Ministerial Conference to be held in Iceland, and for the very generous welcome extended to all delegations and the Secretariat.

The Representative of Ireland, supported by the Representative of Spain, hoped that it would be possible to receive the draft anti-doping Convention very rapidly. The urgency of the problem was such that the Deputies would do well to consider it at their extraordinary meeting on 7 July.

In reply to a question from the Representative of Italy, the Deputy Secretary General said that the Ministers had considered several amendments to the draft anti-doping Convention, and that a consensus had been reached on the final draft which did away with all previous difficulties.

Replying to the Representatives of Italy and Belgium, the Deputy Secretary General said that the Hungarian Minister had delivered a positive address to the Convention, saying that his country hoped to make speedy progress towards acceding to the Cultural Convention, and at a later stage become a full member of the Council of Europe. The Polish Minister had expressed an interest in the continuation of the co-operation initiated at the Conference.

In reply to the Representative of Belgium, the Deputy Secretary General said that there had been no controversy at the Conference over the fact that the Supreme Council for Sport in Africa had not been invited to attend. At the end of protracted discussion in the drafting committee, it had been possible to submit a draft Resolution on apartheid which had been unanimously backed by the Ministers.

The Representatives of Ireland and Turkey said that they hoped to receive the text of the Resolution on apartheid, which they regarded as highly important, at a very early date.

At a later point in the meeting, the Chairman noted that it was agreed that the draft anti-doping Convention should be considered at the Deputies' extraordinary meeting on 7 July 1989.

### 3. Finnish gift to the Council of Europe

The Deputy Secretary General said that the Finnish Permanent Representation had informed him, as Chairman of the Gifts Committee, that the Finnish Government was thinking of presenting an electronic visual display system for the meeting room of the Committee of Ministers, to mark Finland's accession.

He had not convened a meeting of the Gifts Committee, as the proposed Finnish gifts was not a work of art, but an item of technical equipment. But before making the necessary arrangements he was anxious to know the views of the Deputies on the matter.

The system consisted of 30 screens linked to a computer, positioned in front of each permanent Representative, thanks to which texts could be displayed instantly.

The Representatives of Denmark, Portugal and Ireland looked forward to the system being installed in the meeting room for the Committee of Ministers; it would be an immense asset when the budget was being discussed, but also when other subjects were being dealt with. They thanked the Finnish Government for its generous action.

The Representative of France wished to be associated with the expression of gratitude on the part of his colleagues to the Finnish authorities, which would in this way help improve and speed up proceedings at meetings of the Deputies. He hoped that the Deputies could have a minimum of training to enable them to make the best possible use of the equipment, which might have negative effects if it gave rise to duplication; careful consideration would have to be given to the way in which it was installed, so that proceedings were simplified and not actually complicated.

Replying to the Representative of Portugal, the Head of Technical Services Division said that the screens would be mounted on an articulated lever, and could be dismantled at any stage. The screens were linked to a computer plugged in in the meeting room of the Committee of Ministers, which could itself be linked with a central computer giving access to more extensive services.

Having secured the approval of the Deputies, the Deputy Secretary General thanked the Finnish Government for the gift it was contemplating making to the Council of Europe.

The Chairman also thanked the Finnish authorities on behalf of all the Deputies.

The Representative of Finland said he appreciated his colleagues' comments and would do what was necessary so that the system could be set up in the course of the summer. Manipulation of the screens would not be very complicated, and the system should be extremely useful for discussions on the budget, Conventions, Recommendations or Resolutions. It could also make staff economies possible.

The Secretary General said she was very pleased with the decisions just reached, which chimed perfectly with the hopes she had expressed for modernising the Organisation.

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The Chairman then raised the question of Vacancy Notice No. 44/89, dated 25 May 1989, relating to the post of Director of Administration and Finance. He was sorry that Mr Hunt was retiring and would miss his extraordinary competence and never-failing spirit of co-operation. He had been surprised by a certain contradiction in the wording of the Vacancy Notice, the opening section of which included the sentence "It is intended to fill the vacancy by transfer or promotion within the Secretariat", while "Qualifications" called for "thorough knowledge and sound experience of administrative and financial problems, gained at senior level either in a national government department or in an international organisation." He had already indicated repeatedly that his country, like other countries, hoped that vacancies would be more extensively opened for applications also from outside candidates, even when they were at a senior level.

The Deputy Secretary General said that the sentence in the opening section referred to by the Chairman was a general purpose formula which appeared in Vacancy Notices as a general indication, but that it did not rule out an external recruitment. While it was true that it was current practice to give preference to a Secretariat staff member, provided that there was equality of ability, this did not exclude the occasional possibility of taking on an external applicant, the latest example being the external recruitment to fill the A5 post of Eurimages Executive Secretary.

The Representative of Greece was in favour of enlarging the choice of candidates, as what mattered was that the most capable candidates be appointed. He did, however, recognise the advantage of being able to choose from candidates who were already known and who had been able to demonstrate their ability.

The Representative of Denmark said it would be reasonable to republish the Vacancy Notice in question, omitting the offending sentence from the opening section. This would be clearer, although it was possible that the best candidate for the vacancy was a serving Council of Europe official.

The Representative of Portugal agreed with the Chairman. His country also was below the nationality quotas for staff. Experience acquired in the Council of Europe was important, but not fundamentally so for the post in question, for which management experience was vital.

The Representative of France paid tribute to Mr Hunt, who successfully combined ability, authority, a pleasant and courteous disposition and bonhomie. He wondered whether there was anything in the Statute that prevented a Director who had reached retirement age from continuing in office.

He realised that there was a case for making the most of scope for transfers and promotion, but hoped that the Council of Europe would not become locked in rigid formulae, but would on occasion draw on the staff resources of government departments and even big companies. It was important to devise more flexible and broader formulae to be applied on a case-by-case when it came to Vacancy Notices.

The Representative of Sweden agreed that the Vacancy Notice should be re-worded, and hoped that a formula would be found in the future that was clearer and was utilised uniformly, so as to rule out any ambiguity.

The Representative of Ireland noted with interest the information provided by the Deputy Secretary General and welcomed the recent example in the shape of the recruitment of an outside candidate for the A5 Eurimages post. His authorities had always taken the view that international and national administrations stood to gain from exchanges of staff.

The Representative of Spain said that he too regretted the departure of Mr Hunt. In his view the general problem of quotas for the geographical distribution of staff members was serious and its application was essential to the proper functioning of the Organisation. In the case in point, he favoured a reformulation of the Vacancy Notice. In a general way, he could imagine that certain posts should be reserved for external recruitment.

The Representative of the United Kingdom agreed with the views expressed by the Chairman and wished to be associated with the tribute paid to Mr Hunt. He too would like the wording of the Vacancy Notice in question to be modified, and emphasised the difficulty of striking a balance between experience inside the Organisation, geographical distribution, and a longer list of candidates.

Ultimately, it was up to the Secretary General to decide who was to be taken on, which was why it was important that she should report to them on how she envisaged coping with the problem. He was convinced that she would succeed in making a good choice, which took account of all the factors raised at the meeting by the Deputies.

The Representative of Finland agreed that it was important to have external candidates and for that reason hoped that the Vacancy Notice would be changed.

The Chairman said that the formula in the second paragraph of the opening section was a bad choice if it did not mean that external candidates were excluded. He referred to a variety of Vacancy Notices, each employing widely differing formulae. The different shades of meaning were numerous, which was why he hoped that the wording used in Vacancy Notices would be harmonised. It was clear from the discussion that the Deputies wanted Vacancy Notice No. 44/89 to be withdrawn and a new version published. He hoped that the Organisation would open up more to the outside world but without excluding the idea of an internal appointment.

The Director of Administration and Finance thanked the Deputies. Having been one of the opponents of allowing staff to continue to serve after the age of 65, he would certainly not agree to continue after the limit laid down in the Statute.

The sentence queried by the Deputies had been introduced some time ago at the request of several delegations. The aim was to spell out the Secretariat's intentions and to avoid wasting time by indicating to Ambassadors that they were not to encourage external candidatures. The Secretariat had made it known for his post that it was intended to fill the vacancy by internal recruitment, although an external appointment was not ruled out. The standpoint for other posts was the reverse. The differences were often subtle, and the whole question might be looked at again, with a view to better harmonisation.

The Secretary General noted the importance attached to this question by the Deputies. The post of Director of Administration and Finance was one of key importance, and it would not be easy to replace Mr Hunt, whose ability, dedication and strength of character had marked the Organisation.

She realised that the Deputies' objections were justified, since the terms in which the Vacancy Notice was couched were ambiguous. The Vacancy Notice would accordingly be amended.

When it came to making a choice among the candidates, she would take a whole series of criteria into consideration with the utmost care. Staff members' career prospects must not be overlooked, as otherwise their motivation would suffer. She would be mindful of geographic balance, but also of the balance between the sexes. When the time came she would be very vigilant and attentive, with a view to making the best choice.



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Item 52b

b.

King Baudouin International Development Prize 1990  
(CM(89)109)

The representative of Belgium ventured to recall that, in the past, the members of the Assembly and the Committee of Ministers had transmitted the names of candidates, but the Secretary General in Office had never yet submitted a nomination.

In regard to the nomination of candidates by the members of the Committee of Ministers, the Representative of Belgium drew attention to the fact that the nominations of the member States were submitted bilaterally, without going through the Council of Europe. During the debate on the 1988 Prize, some colleagues abstained from voting on the candidates already proposed bilaterally on the grounds that it was not the task of the Council of Europe to act as a letter box. This criticism was the reason why the Belgian delegation took the liberty of insisting on a nomination submitted by the Secretary General. So far the Secretary General had never made any proposal on his own initiative, since the Council of Europe had little experience in development matters.

But since the European public campaign on North South Interdependence and Solidarity, which was highly successful, the Council of Europe had commenced activities in the field of development and was in a position to make proposals itself. Belgium therefore proposed that the Secretary General, after consultation with the President of the Assembly, should submit one or more nominations before 31 August. This would serve to emphasise not only the activities of the Council of Europe in the field of development, but also its 40 years of experience in various fields. At the 428th meeting in September next, the Committee of Ministers would make its choice from the candidates submitted by the Secretary General.

The Director of Political Affairs, thanking the Representative of Belgium for her praise of the North-South Campaign, agreed that the Secretary General could eventually formulate proposals on the basis of knowledge acquired during the Campaign, and after consulting the European Consultative Committee on Global Interdependence and Solidarity, which, in addition to Representatives of Governments, included parliamentarians and representatives of non-governmental organisations, local and regional authorities, national north-south committees and organisations of management and labour, youth and women as well as the churches. The Secretary General could contact this committee which is due to meet in early September.

The Representative of Belgium pointed out that nominations would have to be submitted to the Foundation no later than 30 September 1989. Replying to a question put forward by the Representative of the Netherlands, she thought that it would not be possible to extend that deadline.

Decisions

The Deputies

1. invited the Secretary General to formulate, in contact with the President of the Assembly and the European Consultative Committee on Global Interdependence and Solidarity, for the 428th meeting of the Deputies (September 1989) suggestions concerning the nomination of one or several candidates for the 1990 King Baudouin International Development Prize;
2. agreed to examine the suggestions at their 428th meeting (September 1989).



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Item 52c

c.

Nomination of candidates for the election of a Judge  
to the European Court of Human Rights in respect of Finland

Decision

The Deputies agreed to forward to the President of the Assembly the list of candidates below and their curricula vitae submitted by the Government of Finland (set out in Notes on the Agenda No. 7399 and Addendum):

- (1)      Mr Raimo PEKKANEN
- (2)      Mr Allan ROSAS
- (3)      Mr Per-Johan LINDHOLM



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Item 52d

d.

Construction of the new Human Rights Building  
(Concl(89)425/59e and 426/24)

The Chairman distributed copies (dated 5 June 1989) of a letter that the Mayor of Strasbourg had sent to the Chairman of the Committee of Ministers on 12 June 1989 in reply to the letter that the Chairman of the Ministers' Deputies had sent her on 27 April 1989.

In her letter the Mayor had announced that she had asked five architects of repute, from five Council of Europe member countries, to submit design proposals within the deadline indicated by the Committee of Ministers, ie before the end of June. The five architects were:

- Mr Dominique Perrault (Paris)
- Mr Oswald Ungers (Cologne)
- Mr José-Raphaël Moneo (Madrid)
- Mr Giancarlo De Carlo (Milan)
- Mr Richard Rogers (London)

The Mayor had gone on to stress that the Committee of Ministers' stated requirements concerning functionality, floor area and costs had been strictly re-stated in the documentation provided to the five architects. The design proposals received by the City of Strasbourg would be made available to the Secretariat of the Council of Europe at the beginning of the morning of 26 June.

The Director of Administration and Finance said that no work based on the existing design had been carried out since 13 March, when the CAHLO had last met. This meant that there was already a three month's delay in implementing the work planning timetable as shown at Appendix II to the CAHLO meeting report, CM(89)77.

Vibrocompaction of the soil had been due to start on 24 April but the operation had been suspended. The suspension had not cost the Council of Europe extra money so far.

Advertisements had been placed some months previously inviting interested firms to apply to tender for works contracts. The selective tendering process had gone on but the procedure for tendering on specific lots was obviously being delayed.

On the other hand, the Secretariat had felt it its duty, in the absence of any decision of the Committee of Ministers to the contrary, to continue the procedure for obtaining the building licence. The licence itself had not yet been delivered.

With regard to the loan contracted to finance the construction, he said that it had been envisaged in the loan agreement that the first tranche should be drawn in March and the second in June 1989. The Budget Committee had expressed its areement with that arrangement at its meeting in April 1989 (see CM(89)84, paragraph 36). Accordingly, the money had now been banked, and in fact at a higher rate of interest than was payable in the loan itself. The interest thus being earned belonged to governments and would prove useful to them when the time came to make up for inflation since October 1987.

On the question of the new design proposals, he said that the Secretariat had stood strictly by the terms of the letter sent to the Mayor of Strasbourg on 27 April 1989. It had been regularly in touch with the Mayor and with the Deputy Mayor with responsibility for architecture, Mr Jean Klotz.

Of the five architects mentioned above, he had been informed that two would certainly be submitting designs, a third would probably do so, and a fourth might. The City of Strasbourg had not yet been able to contact the fifth. The design proposals would be new ones and would not be taking the present design as their point of departure. It had been made clear to the architects that they must remain within the defined financial limits, floor area and time scale, and must be mindful of the question of functionality.

The CAHLO had been convened for 27 and 28 June 1989, and as stated in the letter from the Mayor, the new design proposals should be available for inspection throughout the previous day, 26 June. The idea was that the CAHLO would be making recommendations for consideration by the Deputies at their extraordinary meeting on 7 July 1989. If all went according to plan, and a final decision on a design was taken on 7 July, Mr Klotz had indicated that the project would be delayed by about six months by comparison with the original schedule. The Director of Administration and Finance felt personally that at least three months should be added to that figure to take into account that all work on the project had stopped in mid-March. With all due caution, it might be fair to say at that stage the building would be about a year late. However, the CAHLO would be indicating a new time scale.

Lastly, he suggested that the Deputies should address an appropriate message or terms of reference to the CAHLO asking it to consider the new design proposals.

The Representative of the United Kingdom supported the proposal that the CAHLO should give an opinion on the new proposals. It should in particular state whether they represented an aesthetic improvement over the present design; if any of the new designs would cost more to construct, there should be no question of paying more to obtain less in aesthetic terms.

The CAHLO should also be asked to indicate how long it would be, if one of the new designs was adopted, before the Court and Commission of Human Rights could be installed in the new building. The President of the Court had said to the Deputies' Rapporteur Group on Human Rights that, apart from such matters as remuneration, etc, the single most important thing that could speed up the handling of cases brought under the Convention was to get the new building into service.

He felt that the Secretariat should remind the Strasbourg municipal authorities that there would be only one public area in the new Human Rights Building, namely the Court Room. The Commission always sat in camera, and the lawyers and counsel worked under conditions of confidentiality. In sum, the building would very largely be no more than an assemblage of perfectly normal offices.

The Representative of Ireland recalled that, following the submission of the first CAHLO report (CM(85)260) in December 1985, very careful consideration had been given, notably by the Deputies' Working Party on the new Human Rights Building, to the possibility of organising an international competition, but the idea had been abandoned as it would in particular have taken too long. Instead, in the interests of speed, the Committee of Ministers had decided to place its trust in the City of Strasbourg to come up with a design that would be considered by the CAHLO and then approved by the Committee of Ministers. That was the way things had gone, even up to the fixing of 5 May 1989 as the date for the foundation stone ceremony.

He had been impressed by the list of the five architects selected by the Mayor of Strasbourg, and he hoped that they would be able to submit suitable design proposals. The preoccupations expressed by the Mayor had concerned only the symbolic aspect of the present design. That it met user needs as defined in the first CAHLO report had never been called into question. That being so, all that was now needed from the City of Strasbourg were proposals for modifying the symbolism of the design, and he felt that that could be achieved through only a few small adjustments. The Mayor had said that if the carceral aspect of the design could be eliminated, the problem of symbolism would disappear.

Lastly, he said that it should be made clear to the CAHLO, for its meeting on 27-28 June, that there was no departure from the functional needs as defined in the first CAHLO report.

The Representative of Belgium said that he had been reassured to learn that the City of Strasbourg had insisted that the five selected architects must respect the four imperatives of functionality, floor area, cost and time scale. He asked whether it would be possible to have an idea as to whether they would in fact manage to do so.

The Representative of France said that it was evidently not possible to take a position with regard to design proposals that were as yet unknown. It was equally clear that all delegations were looking forward to there being a functional building as soon as possible, whose construction cost would be within the ceiling laid down. It could not be expected that the building would be in service before two or three years.

Given the quality of the architects chosen by the Mayor of Strasbourg, it was probable that they would come up with viable new design proposals, which the CAHLO would be considering with greater technical competence than the Deputies would be able to do. Provided that the four imperatives that had been mentioned were met, he felt that it was quite likely that the result would be a design entirely satisfactory to all.

The Representative of Switzerland reported on contacts he had had with the Swiss member of the CAHLO. The Swiss expert had informed him that the interior of the present design was fully functional and could be modified only slightly. On the other hand, modification of the façades would present no problem. On the question of the delays he had

been more optimistic than the Director of Administration and Finance, and felt that they could amount to less than a year if the Committee of Ministers was able to take the relevant decision on 7 July. The present design had been costed at less than the ceiling laid down, so there was a margin in that respect, and if only the façades were modified the cost could still be within the ceiling.

The Representative of Ireland said that the CAHLO should be reminded that symbolism was a very special aspect, and one that had been carried through in a number of buildings housing international organisations. This had been done not at the level of façades, but of interior decoration by means of murals, etc, which could provide valuable photographic backdrops for visitors' cameras.

He took it that it would be the City of Strasbourg and not the Council of Europe that would be paying for the design proposals to be submitted by the five architects.

The Representative of Norway said that as far as his delegation was concerned its preoccupation had always been with functionality, and it had preferred to leave matters of aesthetics to the CAHLO.

The Secretary General said that the file under consideration was an important one; it was not every day that the Council of Europe had responsibility for constructing a building that would last a great many years.

The Secretariat had faithfully stood by the conditions fixed by the Committee of Ministers for the new building, the four imperatives, and had insisted on them in its contacts with the Strasbourg municipal authorities. Those four imperatives had been called into question by nobody.

There was however a fifth imperative that had not been mentioned as such. It could be recognised from the fact that when the model of the present design for the building had been seen, it had elicited strong negative reactions in certain quarters, not the least President Mitterrand who had been due to lay the foundation stone on 5 May.

The word "symbolism" needed to be explained. The new Human Rights Building should not resemble a prison. It must have a certain aesthetic quality, beauty even. It had been felt that this aspect was not one for decision by the Committee of Ministers, which was why the Deputies had tended to leave it to the CAHLO. It was a fact, though, that the beauty of a major building frequently resulted from decisions taken by politicians, the reason being that choices needed to be made at the highest level.

The Council of Europe was faced with an opportunity to construct a building that would look good in the eyes of the public. This was not just a question of interior decoration, the external appearance must also have a certain aesthetic value.

She hoped that the five architects could come up with something that would meet this fifth imperative.

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The Chairman was confident that the CAHLO was mindful of the fifth imperative. However, questions of aesthetics always left room for divergencies of views. He agreed that the Deputies should address a message to the CAHLO in an appropriate form.

The Director of Administration and Finance, replying to points made by delegations during the discussion, said first that it had already been explained to the Strasbourg municipal authorities that the Court Room would be the only public part of the building, but he would put it to them again.

He confirmed that there was no intention of departing from the definition of basic needs as laid down by the Committee of Ministers in the light of the first CAHLO report. The five architects had been provided with the same documentation as Mr Sauer, the Chief Architect of the City of Strasbourg.

In the report of its March 1989 meeting (CM(89)77) the CAHLO had indicated that the building should be ready for occupation in autumn 1991. He had suggested in his earlier statement that about a year should now be added to that estimate. However, if the City of Strasbourg were to come up with a new design proposal that met with the approval of the Committee of Ministers, it would naturally be in the interests of the City to see the construction work completed as soon as possible.

Lastly, he made a proposal for the terms of reference to be assigned to the CAHLO, which the Deputies adopted after a brief discussion (see Appendix 18 to these Conclusions).

Decision

The Deputies adopted Decision No. CM/467/150689 assigning ad hoc terms of reference to the Ad Hoc Committee of Experts on Accommodation Needs in the Human Rights Sector (CAHLO), as it appears at Appendix 18 to these Conclusions.





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Item 52e

e.

Relations with Eastern European countries -  
Communication from the Chairman of the Deputies' Working Group

The Representative of Austria, speaking as Chairman of the working group on relations with Eastern European Countries, made a brief oral report on the group's meeting the previous day (14 June 1989).

The group had:

- held an informal exchange of views by way of preparation for the meeting on 6 July 1989 of the Bureau of the Committee of Ministers with President Gorbachev;
- heard an oral report from the Director of Human Rights on his encounter in Poland with experts - from the government side and the opposition alike - concerning human rights;
- heard an oral report from the Director of the European Youth Centre on a fact-finding mission to the Soviet Union.

The group had also prepared a series of decisions for the Deputies' consideration in readiness for the present meeting; these concerned co-operation with Hungary and Poland in various areas (culture, education, sport and youth, environment, social matters, the media, local and regional authorities).

The group would give further consideration at a later stage, and before the Deputies' 428th meeting (September 1988), to the possible accession of Hungary and Poland to a number of other Conventions and Agreements concluded within the Council of Europe.

Decisions

The Deputies, following the opinion of their Working Party on relations with Eastern European countries, agreed

1. to invite Hungary and Poland, pending their actual accession to the European Cultural Convention,
  - a. to be represented by observers at the meetings of the following steering and expert committees (as well as their subordinate committees):
    - Council for Cultural Co-operation (CDCC)
    - Standing Conference on University Problems (CC-PU)
    - Committee for the Development of Sport (CDDS)
    - European Steering Committee for Intergovernmental Co-operation in the Youth Field (CDEJ);
  - b. to participate as observers at the 16th Session of the Standing Conference of European Ministers of Education (Istanbul, 11-12 October 1989) (see also item 8 of the agenda for the present meeting);

2. to invite Hungary and Poland to participate as observers in the activities of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (T-PVS);
3. to invite Hungary and Poland to participate as observers in the activities of the Committee on the Rehabilitation and Resettlement of the Disabled (Partial Agreement) (CD-P-RR);
4. to note that the Steering Committee on the Mass Media (CDMM) will hold, on the occasion of its 22nd meeting (November 1989), a round table discussion on East-West audiovisual co-operation and to authorise the invitation to this round table of experts from Hungary and Poland;
5. to authorise the Bureau of the Standing Conference of Local and Regional Authorities of Europe (CLRAE) to get in contact, with a view to discussing possible future co-operation, with the Hungarian National Association of local and regional authorities;
6. to authorise the invitation of Hungary and Poland to participate in the European Symposium on Historic Towns (Cambridge, September 1989) organised by the Standing Conference of Local and Regional Authorities of Europe (CLRAE);
7. to resume, at their 428th meeting (September 1989), consideration of the accession of Hungary and Poland to Conventions and Agreements concluded within the Council of Europe.

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APPENDIX 1

427th MEETING OF THE MINISTERS' DEPUTIES  
(Strasbourg, 12 (3 pm) - 16 June 1989 - A level  
19 (3 pm) - 20 June 1989 - B level)

AGENDA

1. Adoption of the Agenda  
(Notes No. 7376 of 9.6.89)

Political and General Policy Questions (1)

2. Political aspects of European co-operation and of current international events (Resolution (84)21)  
(Concl(89)426/2)  
(Notes No. 7377 of 7.6.89)
3. Joint Committee (Strasbourg, July 1989)  
(Concl(89)426/3)  
(Notes No. 7378 of 2.6.89)
4. Conferences of Specialised Ministers - Follow-up to Chapter III of Resolution (89)40  
(Concl(89)426/3)  
(Notes No. 7379 of 7.6.89)

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(1) See also Item 52b below

5. Future role of the Council of Europe in European construction - Assembly Recommendation 1103 (Concl(89)426/5) (Notes No. 7380 of 5.6.89)
6. North-South
  - a. Report on the deliberations of the enlarged Working Party of the Ministers' Deputies on the proposed European Centre for Global Interdependence and Solidarity (CM(89)106 of 29.5.89) (Notes No. 7368 of 31.5.89)
  - b. Africa-Europe Encounter : Interdependence and Solidarity (Porto Novo, Benin) (31 August - 3 September 1989) (CM(89)...) (Notes No. 7381 of ...)
7. Council of Europe observer status with the United Nations (Concl(89)426/6, CM(89)51) (Notes No. 7382 of 5.6.89)
8. Conferences of Specialised Ministers - State of preparation (Concl(89)426/8, CM(89)110 of 7.6.89, SG/D/inf(89)6 of 7.6.89) (Notes No. 7383 of 8.6.89)
9. Situation in Cyprus (Concl(89)426/7) (Notes No. 7375 of 30.5.89)
10. Deputies' Rapporteur Groups - Composition (Concl(87)410/11) (Notes No. 7370 of 26.5.89)
- \*11. Reception and Settlement in the Federal Republic of Germany of refugees and resettlers of German origin coming from countries in Central and Eastern Europe - Assembly Recommendation 1106 (Concl(89)426/4a) (Notes No. 7384 of 5.6.89)

Human Rights and Mass Media (1)

Decision to be taken under Article 32  
of the European Convention on Human Rights

12. Cyprus against Turkey (Concl(89)425/16) (Notes No. 7345 of 11.5.89)

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\*- B level

(1) See also Item 52c below

13. Biondo against Italy  
(Concl(89)425/18)  
(Notes No. 7355 of 22.5.89)
14. L. against Sweden  
(Concl(89)425/21)  
(Notes No. 7385 of 31.5.89)
15. Zengin against the Federal Republic of Germany  
(Notes No. 7350 of 18.5.89)
16. J. against the United Kingdom (Application No 10622/83)  
(Notes No. 7349 of 18.5.89)
17. Mlynek against Austria  
(CM(89)98)  
(Notes No. 7352 of 22.5.89)
18. Karni against Sweden  
(Notes No. 7356 of 22.5.89)
19. Grace against the United Kingdom  
(Notes No. 7360 of 22.5.89)

Application of Article 54  
of the European Convention on Human Rights

20. Judgments of the European Court of Human Rights  
in the Feldbrugge case  
(Concl(89)425/23)  
(Notes No. 7357 of 22.5.89)
21. Judgment of the European Court of Human Rights  
in the Colozza case  
(Concl(89)425/28)  
(Notes No. 7353 of 22.5.89)
22. Judgment of the European Court of Human Rights  
in the Martins Moreira case  
(Concl(89)425/29)  
(Notes No. 7351 of 20.5.89)
23. Judgments of the European Court of Human Rights  
in the Weeks case  
(Concl(89)425/30)  
(Notes No. 7386 of 31.5.89)
24. Judgment of the European Court of Human Rights  
in the Norris case  
(Notes No. 7354 of 22.5.89)
25. Judgment of the European Court of Human Rights  
in the Neves e Silva case  
(Notes No. 7358 of 22.5.89)

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26. Transformation of the European Commission of Human Rights into a semi-permanent or permanent Commission  
(Concl(89)425/32, CM(89)55, CM(89)84 paragraphs 19-22)  
(Notes No. 7361 of 24.5.89)
27. Improvement of the procedures of the European Convention on Human Rights - Written Question No 307 by Mr Stoffelen  
(CM(89)104)  
(Notes No. 7387 of 1.6.89)
28. European Convention for the prevention of torture and inhuman or degrading treatment or punishment
- a. Election of members of the Committee  
(CM(89)102)  
(Notes No. 7388 of 2.6.89)
- b. Opening of a special account  
(Concl(89)426/19)  
(Notes No. 7397 of 2.6.89)
- \*29. Ad hoc Committee of Experts to exchange views on standard-setting activities of the United Nations in the field of human rights (CAHST) - Specific terms of reference  
(Notes No. 7389 of 1.6.89)

Legal Questions

30. Draft Agreement on responsibility for examining asylum applications - Report of the enlarged Rapporteur Group of the Ministers' Deputies on Legal Co-operation (Strasbourg, 19 April 1989)  
(Concl(89)424/38, CM(89)12 and 92)  
(Notes No. 7343 of 19.5.89)
31. Protocol to the Convention on Insider Trading  
(Concl(89)425/59h, CM(89)...)  
(Notes No. 7344 of 12.5.89)
- \*32. Select Committee of experts on Computer-Related Crime (PC-R-CC) - Authorisation of the publication of the Final Activity Report  
(CM(89)95)  
(Notes No. 7346 of 24.5.89)
- \*33. Ad hoc Committee of experts on the legal aspects of territorial asylum, refugees and stateless persons (CAHAR) - Report of the 28th meeting (Strasbourg, 14-17 April 1989)  
(Concl(89)426/20, CM(89)83)  
(Notes No. 7372 of 30.5.89)
- \*34. Ad hoc Committee of Experts on Progress in the Bio-medical Sciences (CAHBI) - Report of the 9th meeting (Strasbourg, 18-21 April 1989)  
(CM(89)93)  
(Notes No. 7342 of 31.5.89)

- \*35. 25th Report on the Activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) (1987) - Assembly Recommendation 1105 (Concl(89)426/4a) (Notes No. 7369 of 1.6.89)

Social and Economic Questions

36. Role and activities of the Council of Europe Resettlement Fund for national refugees and over-population - Assembly Recommendation 1076 (Concl(89)425/40b) (Notes No. 7367 of 30.5.89)
37. Participation of the Assembly in the European Population Committee (CDPO) - Request from the Assembly (Notes No. 7390 of 30.5.89)
- \*38. European Committee for equality between women and men (CEEG) - Report of the 5th meeting (Strasbourg, 19-21 April 1989) (CM(89)100) (Notes No. 7391 of 1.6.89)
- \*39. European Committee on Migration (CDMG) -
- a. Report of the 20th meeting (Strasbourg, 25-28 April 1989) (CM(89)97 and Addenda I and II)
- b. Draft Recommendation No R(89)... on legal protection and assistance for migrants appealing against decisions concerning their work permits, residence permits or expulsion (CM(89)58 Addendum and CM(89)97 Addendum I)
- (Notes No. 7362 of 26.5.89)
- \*40. Steering Committee on Social Policy (CDPS) - Report of the 3rd meeting (Strasbourg, 1-3 March 1989) (CM(89)101) (Notes No. 7366 of 26.5.89)
- \*41. Steering Committee for Employment and Labour (CDEM) - Report of the 5th meeting (Strasbourg, 18-21 April 1989) (CM(89)99) (Notes No. 7363 of 26.5.89)
- \*42. Education of migrants' children - Assembly Recommendation 1093 (Concl(89)425/42) (Notes No. 7371 of 2.6.89)

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- \*43. Liaison Committee between the Council of Europe and Management and Labour (LCML) - Report of the 6th meeting (Strasbourg, 10 March 1989)  
(CM(89)75)  
(Notes No. 7393 of 2.6.89)
- \*44. Protection of non-smokers - Assembly Recommendation 1101  
(Concl(89)425/43)  
(Notes No. 7348 of 19.5.89)

#### Education, Culture and Sport

- \*45. Situation of dance - Assembly Recommendation 1104  
(Concl(89)425/13)  
(Notes No. 7373 of 31.5.89)

#### Environment and Local Authorities

- \*46. Steering Committee for the conservation and management of the environment and natural habitats (CDPE) - Report of the 4th meeting (Strasbourg, 11-14 April 1989)  
(CM(89)96)  
(Notes No. 7347 of 23.5.89)
- #\*47. Standing Conference of Local and Regional Authorities of Europe - Date of the next session  
(Notes No. 7374 of 31.5.89)

#### Administrative Questions (1)

- 48. Council of Europe budgets - General outline of prospects for the 1990 budget  
(Concl(89)426/23b, CM(89)54 and 84)  
(Notes No. 7395 of 2.6.89)
- 49. Arrangements for the external audit of the accounts of the "Eurimages" Partial Agreement - Supervisory board  
(CM(89)94)  
(Notes No. 7364 of 24.5.89)
- #\*50. New purchasing power parities for the calculation of salary scales in Norway, Sweden, (Canada and Australia) - 244th report of the Co-ordinating Committee of Government budget experts  
(CM(89)103)  
(Notes No. 7394 of 30.5.89)
- 51. Preparation of forthcoming meetings  
(Notes No. 7376 of 14.6.89)

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#- No debate envisaged

\*- B level

(1) See also Item 52d below



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52. Other business
- a. Communication from the Secretary General
  - \*b. King Baudouin International Development Prize  
(CM(89)109 of 5.6.89)  
(Notes No. 7398 of 5.6.89)
  - c. Nomination of candidats for the election of a Judge to the European Court of Human Rights in respect of Finland  
(Notes No. 7399 of 5.6.89 and Add. of 9.6.89)
  - d. Construction of the new Human Rights Building  
(Concl(89)425/59e and 426/24)  
(Notes No. 7400 of 7.6.89)
  - e. Relations with Eastern European countries - Communication from the Chairman of the Deputies' Working Party

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\*- B level



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APPENDIX 2

428th MEETING OF THE MINISTERS' DEPUTIES  
(Strasbourg, 11 (3 pm) - 12 September 1989 - A level  
13 (3 pm) - 14 September 1989 - B level  
18 (10.15 am) - 19 September 1989 - A level)

DRAFT AGENDA

1. Adoption of the Agenda  
(Notes No. 7410 of ...)

Political and General Policy Questions

2. Political aspects of European co-operation and of current international events (Resolution (84)21)  
(Notes No. 7411 of ...)
3. Committee of Ministers - Preparation of the 85th Session  
(16 November 1989)  
(CM(89)...) (Notes No. 7412 of ...)
4. Consultative Assembly
  - a. Texts adopted by the Standing Committee during the 2nd part of the 41st Session  
(Strasbourg, 3-7 July 1989)  
(Notes No. 7413 of ...)
  - b. Preparation of the 3rd part of the 41st Session  
(Strasbourg, 21 September 1989 to 28 September 1989)  
(Notes No. 7414 of ...)

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N.B. In accordance with the deadline rules for the dispatch of reference documents and Notes on the Agenda, the date limits are:

|         |       |                |
|---------|-------|----------------|
| A level | CM    | 11 August 1989 |
|         | Notes | 25 August 1989 |
| B level | CM    | 16 August 1989 |
|         | Notes | 25 August 1989 |

5. CSCE - Exchange of views with the participation of national experts  
(Notes No. 7415 of ...)
6. Accession of Hungary and Poland to Convention and Agreements concluded within the Council of Europe  
(Concl(89)427/52e)  
(Notes No.7416 of ...)
7. North-South - Report of the deliberations of the enlarged Working Party of the Ministers' Deputies on the proposed European Centre for Global Interdependence and Solidarity  
(Concl(89)427/6a, CM(89)106 of ...)  
(Notes No. 7417 of ...)
8. Situation in Cyprus  
(Concl(89)427/9)  
(Notes No. 7406 of ...)
9. Conferences of Specialised Ministers - State of preparation  
(Concl(89)427/8, CM(89)...., SG/D/Inf(89)...)  
(Notes No. 7418 of ...)
10. Deputies' Rapporteur Groups - Composition  
(Concl(89)427/10)  
(Notes No. 7419 of ...)
11. Underwater cultural heritage - Written Question No. 303 by Mr Van der Werff  
(Concl(89)426/9, CM(88)59 and 214 and CM(89)65)  
(Notes No. 7401 of ...)
- \*12. King Baudouin International Development Prize  
(Concl(89)427/52b, CM(89)109)  
(Notes No. 7420 of ...)
- \*13. Protection of non-smokers - Assembly Recommendation 1101  
(Concl(89)427/44)  
(Notes No. 7421 of ...)
- #\*14. Review of action taken by the Committee of Ministers on Assembly Recommendations  
(Concl(88)419/14, CM(89)113)  
(Notes No. 7420 of ...)

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# - No debate envisaged

\* - B level

Human Rights and Mass MediaDecisions to be taken under Article 32 of the  
European Convention on Human Rights

15. Cyprus against Turkey  
(Concl(89)427/12, Letter HD/C12 of 1.2.84  
(Notes No. 7407 of ...)
16. Mlynek against Austria  
(Concl(89)427/17, CM(89)98)  
(Notes No. 7423 ...)
17. Karni against Sweden  
(Concl(89)427/18)  
(Notes No. 7424 of ...)
18. Grace against the United Kingdom  
(Concl(89)427/19)  
(Notes No. 7425 of ...)
19. Savoldi against Italy  
(Concl(89)426/1 and 12, CM(89)81)  
(Notes No. 7426 of ...)

Application of Article 54  
of the European Convention on Human Rights

20. Judgment of the European Court of Human Rights in the  
Martins Moreira case  
(Concl(89)427/22)  
(Notes No. 7427 of ...)
21. Judgment of the European Court of Human Rights in the  
Neves e Silva case  
(Concl(89)427/25)  
(Notes No. 7428 of ...)
22. Judgment of the European Court of Human Rights in the  
Belilos case  
(Concl(89)426/16)  
(Notes No. 7429 of ...)
23. Judgment of the European Court of Human Rights in the  
Bock case  
(Concl(89)426/17)  
(Notes No. 7430 of ...)
24. Judgments of the European Court of Human Rights in the  
Van Droogenbroeck case  
(Concl(89)424/23)  
(Notes No. 7431 of ...)

25. Judgment of the European Court of Human Rights in the Pauwels case  
(Concl(89)424/24)  
(Notes No. 7432 of ...)
  26. Judgments of the European Court of Human Rights in the case of O. against the United Kingdom  
(Concl(89)424/25)  
(Notes No. 7433 of ...)
  27. Judgments of the European Court of Human Rights in the case of W. against the United Kingdom  
(Concl(89)424/26)  
(Notes No. 7434 of ...)
  28. Judgments of the European Court of Human Rights in the case of B. against the United Kingdom  
(Concl(89)424/27)  
(Notes No. 7435 of ...)
  29. Judgments of the European Court of Human Rights in the case of R. against the United Kingdom  
(Concl(89)424/28)  
(Notes No. 7436 of ...)
  30. Judgment of the European Court of Human Rights in the Hauschildt case  
(Notes No. 7437 of ...)
  31. Judgment of the European Court of Human Rights in the Oliveira Neves case  
(Notes No. 7438 of ...)
  32. Judgment of the European Court of Human Rights in the Brogan and others case  
(Notes No. 7439 of ...)
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- \*       \*
33. Transformation of the European Commission of Human Rights into a semi-permanent or permanent Commission  
(Concl(89)427/26, CM(89)55, CM(89)84, paragraphs 19-22, and CM(89)...)   
(Notes No. 7440 of ...)
  34. European Committee for the prevention of torture and inhuman or degrading treatment or punishment - Election of members  
(CM(89)102 and CM(89)...)   
(Notes No. 7441 of ...)

35. Steering Committee on the Mass Media (CDMM) -  
Report of the 21st meeting (Strasbourg, 5-9 June 1989)  
(CM(89)...) (Notes No. 7442 of ...)
36. East-West audiovisual co-operation - Assembly  
Recommendation 1098  
(Concl(89)425/10, CM(89)... and CM(89)...) (Notes No. 7443 of ...)
- \*37. Steering Committee for Human Rights (CDDH) -  
Report of the 26th meeting (Strasbourg, 22-26 May 1989)  
(CM(89)108) (Notes No. 7444 of ...)

#### Legal Questions

38. Request from the Kingdom of Morocco to be invited to  
accede to the European Agreement concerning Programme  
Exchanges by means of Television Films (1958, ETS No. 27)  
(Concl(88)422/26, CM(88)175) (Notes No. 7405 of ...)
39. Commission for Democracy through Law  
(Concl(89)425/59f, CM(89)82) (Notes No. 7445 of ...)
- \*40. European Committee on Legal Co-operation (CDCJ) -
- a. Report of the 51st meeting  
(Strasbourg, 5-9 June 1989)
  - b. Draft Recommendation No. R(89)... on  
provisional court protection with regard  
to administrative acts  
(CM(89)...) (Notes No. 7447 of ...)
- \*41. European Committee on Crime Problems (CDPC) -
- a. Report of the 38th meeting  
(Strasbourg, 12-16 June 1989)
  - b. Draft Recommendation No. R(89) ... on  
computer-related crime  
(CM(89)...) (Notes No. 7448 of ...)
- #\*42. Consultative Committee of the Convention for the  
Protection of Individuals with regard to Automatic  
Processing of Personal Data (CC-PD) (1981, ETS No. 108) -  
Report of the 3rd meeting (Strasbourg, 17-19 May 1989)  
(CM(89)...) (Notes No. 7402 of ...)

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\* - B level

# - No debate envisaged

Social and Economic Questions

43. 4th Conference of European Ministers responsible for Social Security (Lugano, 12-14 April 1989) - Report of the Secretary General  
(CM(89)111)  
(Notes No. 7449 of ...)
44. Future role of the European Social Charter - Assembly Recommendation 1107  
(Concl(89)426/4a)  
(Notes No. 7450 of ...)
45. 2nd European Ministerial Conference on equality between women and men (Vienna, 4-5 July 1989) - Report of the Secretary General  
(CM(89)...)  
(Notes No. 7451 of ...)
- \*46. First stage of the 10th supervisory cycle of the application of the European Social Charter - Assembly Opinion No. 145  
(Concl(89)4a)  
(Notes No. 7452 of ...)
- #\*47. Public Health Committee (Partial Agreement) (CD-P-SP)  
Report of the 38th session (Strasbourg, 18-19 April 1989)  
(CM(89)...)  
(Notes No. 7453 of ...)
- #\*48. Steering Committee for Social Security (CDSS)  
Report of the 33rd meeting (Strasbourg, 16-19 April 1989)  
(CM(89)...)  
(Notes No. 7454 of ...)
- #\*49. Council of Europe Resettlement Fund - Report of the Governor for the financial year 1988  
(CM(89)...)  
(Notes No. 7455 of ...)

Education, Culture and Sport

50. 6th Conference of European Ministers responsible for Sport (Reykjavik, 30 May - 1 June 1989)
- a. Report of the Secretary General  
(CM(89)...)  
(Notes No. 7456 of ...)
- b. Draft Anti-doping Convention  
(Concl(89)7/7, item 3,  
(CM(89)114, 118 and Add.)  
(Notes No. 7457 of ...)

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\* - B level

# - No debate envisaged



51. Council for Cultural Co-operation (CDCC) - Report of the 56th Session (Strasbourg, 20-23 June 1989) (CM(89)...) (Notes No. 7458 of ...)
- \*52. Situation of dance - Assembly Recommendation 1104 (Concl(89)427/45) (Notes No. 7459 of ...)
53. Standing Committee of the European Convention on spectator violence and misbehaviour at sports events and in particular at football matches (T-RV) - Report of the 5th meeting (Strasbourg, 13-14 April 1989) (CM(89)107) (Notes No. 7409 of ...)

#### Environment and Local Authorities

54. Standing Conference of Local and Regional Authorities of Europe (CLRAE)
- a. Hearing of the President of the CLRAE and texts adopted at the 24th Session (Strasbourg, 7-9 March 1989) (CM(89)71, Assembly Opinion No..., CM(89)...) (Notes No. 7460 of ...)
- \*b. Texts adopted at the 24th Session (CM(89)71, Assembly Opinion No...) (Notes No. 7461 of ...)
55. Control and regulation of transfrontier movements of toxic waste (Concl(89)425/50, CM(89)30, Misc(89)15) (Notes No. 7462 of ...)
56. Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (T-PVS) - Report of the 8th meeting (Strasbourg, 6-9 June 1989) (CM(89)...) (Notes No. 7463 of ...)

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\* - B level

- \*57. Steering Committee on Local and Regional Authorities (CDLR) - Report of the 3rd meeting (Strasbourg, 24-26 April 1989)  
(CM(89)...) (Notes No. 7464 of ...)
- \*58. Ad hoc Committee for Transfrontier Co-operation (CAHCT) - Report of the 3rd meeting (Strasbourg, 17-19 May 1989)  
(CM(89)...) (Notes No. 7465 of ...)
- \*59. Twenty years of regional planning in Europe - Assembly Recommendation 1108  
(Concl(89)426/4a) (Notes No. 7408 of ...)

Administrative Questions

- 60. Consultation procedure on salaries - Report of the Ministers' Deputies' Enlarged Rapporteur Group on Administrative Questions  
(Concl(89)425/55, CM(87)162 and CM(89)29) (Notes No. 7466 of ...)
- 61. Rights and legal protection of staff - Assembly Recommendation 1102  
(Concl(89)425/56) (Notes No. 7467 of ...)
- 62. Procedure for the adjustment of remuneration in the Co-ordinated Organisations  
(Concl(88)422/50c, CM(89)...) (Notes No. 7468 of ...)
- 63. Budget Committee - Appointment of members and alternate members for the period 1 January 1990 - 31 December 1992  
(CM(89)67) (Notes No. 7403 of ...)
- #\*64. Review as at 1 July 1989 of the daily rates of subsistence allowance for staff of the Co-ordinated Organisations travelling on duty - ... Report of the Co-ordinating Committee of Government Budget Experts  
(CM(89)...) (Notes No. 7469 of ...)

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\* - B level

# - No debate envisaged

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- #\*65. Education allowance - ... Report of the Co-ordinating Committee of Government Budget Experts (CM(89)...) (Notes No. 7470 of ...)
- 66. Preparation of forthcoming meetings (Notes No. 7471 of ...)
- 67. Other business
  - a. Communication from the Secretary General
  - (1)(2) \*b. Standing Committee of the European Convention on Establishment (T-CE)(Individuals) - Minutes of the 17th Session (Strasbourg, 5 - 7 June 1989) (CM(89)...) (Notes No. 7472 of ...)

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# - No debate envisaged

\* - B level

(1) Sub-item added after the draft agenda was approved.

(2) Including a draft Recommendation on the equivalence of professional and technical qualifications.



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APPENDIX 3  
(item 14)

RESOLUTION DH (89) 16

HUMAN RIGHTS

APPLICATION NO. 10801/84

L AGAINST SWEDEN

(adopted by the Committee of Ministers on 15 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 32 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Having regard to the report drawn up by the European Commission of Human Rights in accordance with Article 31 of the Convention relating to the application lodged on 5 August 1983 by a Swedish citizen, L, against Sweden (No. 10801/84);

Whereas on 7 November 1988 the Commission transmitted the said report to the Committee of Ministers and whereas the period of three months provided for in Article 32, paragraph 1, of the Convention elapsed without the case having been brought before the European Court of Human Rights in pursuance of Article 48 of the Convention;

Whereas in her application the applicant complained inter alia that she had not enjoyed the procedural guarantees provided for in Article 5, paragraph 4, and Article 6 of the Convention in respect of a decision as to whether she should be permanently discharged, or remain on provisional discharge, from a psychiatric hospital, the applicant also raising issues under Article 5, paragraph 5, and Article 13 of the Convention;

Whereas the Commission declared the application admissible on 20 January 1986 as regards the above-mentioned complaints and in its report adopted on 3 October 1988 expressed unanimously the opinion that there had been no violation of Article 5, paragraph 4, of Article 5, paragraph 5, of Article 6, paragraph 1, or of Article 13 of the Convention;

Agreeing with the opinion expressed by the Commission in accordance with Article 31, paragraph 1, of the Convention;

Voting in accordance with the provisions of Article 32, paragraph 1, of the Convention,

Decides that in this case there has been no violation of the Convention.



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APPENDIX 4  
(item 16)

RESOLUTION DH (89) 17

HUMAN RIGHTS

APPLICATION No. 10622/83

J. AGAINST THE UNITED KINGDOM

(adopted by the Committee of Ministers on 15 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 32 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Having regard to the report drawn up by the European Commission of Human Rights in accordance with Article 31 of the Convention relating to the application lodged on 13 September 1983 by a British citizen, J, against the United Kingdom (No. 10622/83) ;

Whereas on 13 January 1989 the Commission transmitted the said report to the Committee of Ministers and whereas the period of three months provided for in Article 32, paragraph 1, of the Convention elapsed without the case having been brought before the European Court of Human Rights in pursuance of Article 48 of the Convention ;

Whereas in her application the applicant, who is a transsexual, complained of the refusal of the United Kingdom authorities to record in her birth certificate the change in her status from male to female, alleging that this refusal amounted to a violation of Article 8 of the Convention ;

Whereas the Commission declared the application admissible on 5 July 1985 and in its report adopted on 15 December 1988 expressed the opinion, by eleven votes to three, that there had been no violation of Article 8 of the Convention in the present case ;

Agreeing with the opinion expressed by the Commission in accordance with Article 31, paragraph 1, of the Convention ;

Voting in accordance with the provisions of Article 32, paragraph 1, of the Convention,

Decides that in this case there has been no violation of the Convention.





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APPENDIX 5  
(item 23)

RESOLUTION DH (89) 18  
CONCERNING THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS  
OF 2 MARCH 1987 AND 5 OCTOBER 1988  
IN THE WEEKS CASE

(adopted by the Committee of Ministers on 15 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 54 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Having regard to the judgments of the European Court of Human Rights in the Weeks case, delivered on 2 March 1987 and 5 October 1988 and transmitted the same days to the Committee of Ministers;

Recalling that the case originated in an application against the United Kingdom of Great Britain and Northern Ireland lodged with the European Commission of Human Rights on 6 April 1982 under Article 25 of the Convention by Mr Robert Malcolm Weeks, a British citizen, who complained that his re-detention in 1977, after his release on licence while serving a sentence of life imprisonment, was not in accordance with Article 5, paragraph 1, of the Convention and that, contrary to Article 5, paragraph 4, of the Convention, he was unable to challenge the lawfulness of his re-detention before a court or to have periodic reviews of his detention at reasonable intervals throughout his imprisonment;

Recalling that the case was brought before the Court by the Commission on 14 March 1985;

Whereas in its judgment of 2 March 1987 the Court held:

- by sixteen votes to one, that there had been no breach of Article 5, paragraph 1;
- by thirteen votes to four, that there had been a breach of Article 5, paragraph 4;
- unanimously, that the question of the application of Article 50 of the Convention was not ready for decision;

Whereas in its judgment of 5 October 1988 the Court, having been informed of an agreement reached by the Government of the United Kingdom and the applicant concerning the latter's claim for costs and expenses and having found that the agreement was of an equitable nature, took note of the agreement and decided unanimously to strike the case out of its list as far as the applicant's claim for costs and expenses was concerned;

Whereas under the above-mentioned agreement the Government of the United Kingdom was to pay to the applicant, in full and final settlement of his claim for costs and expenses, the sum of £2,500 less the amounts received from the Council of Europe by way of legal aid;

Whereas in the same judgment of 5 October 1988 the Court unanimously:

- held that the United Kingdom was to pay to the applicant the sum of £8,000 for damage;
- rejected the remainder of the claim for just satisfaction;

Having regard to the Rules adopted by the Committee of Ministers concerning the application of Article 54 of the Convention;

Having invited the Government of the United Kingdom to inform it of the measures which had been taken in consequence of the judgments, having regard to its obligation under Article 53 of the Convention to abide by them;

Whereas, during the examination of the case by the Committee of Ministers, the Government of the United Kingdom gave the Committee the information set out in the Appendix to this Resolution;

Having satisfied itself that the Government of the United Kingdom has paid to the applicant the sums provided for in the judgment of 5 October 1988 and in the agreement referred to therein,

Declares, after having taken note of the information supplied by the Government of the United Kingdom, that it has exercised its functions under Article 54 of the Convention in this case.

Appendix to Resolution DH (89) 18

Information provided by the Government of the United Kingdom  
during the examination of the Weeks case  
before the Committee of Ministers

Having regard to the jurisprudence of the Court of Appeal which provides that offences for which life sentences are imposed must be serious offences, it is unlikely that in future, a life sentence would be imposed in a case comparable to that of Mr Weeks.

The sums of £8,000, for damage, and £1,793.33, for costs and expenses, have been paid to the applicant.

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APPENDIX 6  
(item 29)

DECISION NO. CM/468/190689

Specific terms of reference

1. Name of committee: AD HOC COMMITTEE OF EXPERTS TO EXCHANGE VIEWS ON STANDARD-SETTING ACTIVITIES OF THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS (CAHST)
2. Type of committee: Ad hoc Committee of Experts
3. Source of terms of reference: Committee of Ministers
4. Duration of terms of reference: 31 December 1989
5. Terms of reference:  
To hold an exchange of views on the standard-setting activities of the United Nations in the field of Human Rights.
6. Terms of reference based on the annual programme of activities: See Activity I.18
7. Terms of reference derived from a convention: -
8. Membership of the committee:
  - a. States whose governments may appoint members: all the member States of the Council of Europe.
  - b. Number of members per State whose expenses will be borne by the Council of Europe budget: 1 expert per member State.
  - c. Qualifications desirable in committee members: Senior Officials in charge in their respective countries of the work of the United Nations in the field of Human Rights.
9. Observers:  
Holy See, Australia, Canada, Japan, New Zealand and the United States of America.
10. Transitional notes: None



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APPENDIX 7  
(item 35)

DECISION NO. CM/469/190689

Ad hoc terms of reference

1. Name of relevant committee(s): AD HOC COMMITTEE OF EXPERTS ON LEGAL ASPECTS OF ASYLUM, REFUGEES AND STATELESS PERSONS (CAHAR)
2. Source of terms of reference: Committee of Ministers
3. Completion date: October 1989
4. Terms of reference:  
To give an opinion on Assembly Recommendation 1105
5. Other committee(s) to be informed of terms of reference: -



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APPENDIX 8  
(item 44)

DECISION NO. CM/470/190689

Ad hoc terms of reference

1. Name of relevant committee(s): EUROPEAN HEALTH COMMITTEE (CDSP)
2. Source of terms of reference: Committee of Ministers
3. Completion date: November 1989
4. Terms of reference:  
To give an opinion on paragraph 14B of Assembly Recommendation 1101 on the protection of non-smokers.
5. Other committee(s) to be informed of terms of reference: -





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APPENDIX 9  
(item 46)

RESOLUTION (89)7  
ON THE RENEWAL OF THE EUROPEAN  
DIPLOMA AWARDED TO THE SAMARIA NATIONAL PARK  
(Greece)

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, by virtue of Article 15. b of the Council of Europe's Statute;

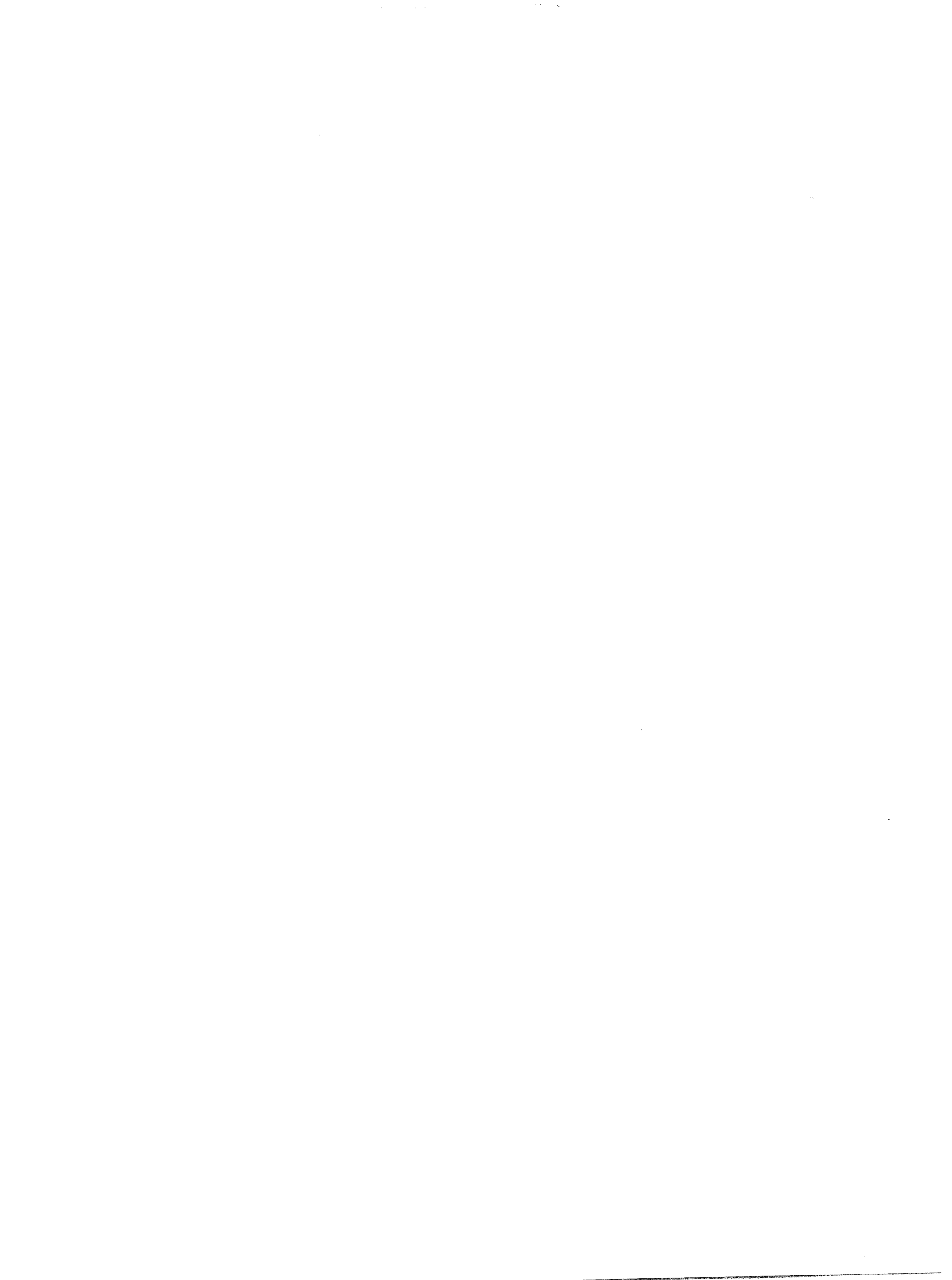
Having regard to Resolution (65) 6 instituting the European Diploma;

Having regard to Resolution (79) 14 awarding the European Diploma to the Samaria National Park;

Having regard to the proposals of the Steering Committee for the conservation and management of the environment and natural habitats (CDPE),

Renews the European diploma, category A, awarded to the Samaria National Park until 13 September 1994, with the following recommendations:

1. A management plan should be drawn up for the conservation, use, maintenance and improvement of the National Park, to include, clear short-term, medium-term and long-term guidelines on all the major sectors. This plan should include the inventory and regular monitoring of species (especially the wild goat), indicate the boundaries of the protected area, and the status of each area within the Park, and cover such matters as administration, facilities and information policy;
2. An integrated information policy should be devised and put into practice in the information centre and along the present educational trail; educative material for foreign visitors should be published in the main languages and a botanical trail should be created;
3. The administrative structure needs to be strengthened, in particular by recruiting more specially trained wardens and more scientific staff to undertake conservation activities of an educational and technical nature;
4. A long-term research programme should be drawn up, giving encouragement to contacts and research with Greek and other European universities and research centres, and also with international organisations.



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APPENDIX 10

(item 46)

RESOLUTION (89)8  
ON THE RENEWAL OF THE EUROPEAN DIPLOMA AWARDED TO  
THE PURBECK HERITAGE COAST  
(United Kingdom)

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, by virtue of Article 15. b of the Council of Europe's Statute,

Having regard to Resolution 65 (6) instituting the European Diploma;

Having regard to Resolution (84) 7 awarding the European Diploma to the Purbeck Heritage Coast;

Having regard to the proposals of the Steering Committee for the conservation and management of the environment and natural habitats (CDPE),

Renews the European Diploma, category C, awarded to the Purbeck Heritage Coast until 20 June 1994, subject to the following conditions:

1. that the terms of the agreement between Dorset County Council and British Petroleum are strictly adhered to;
2. that oil exploration and extraction should not be permitted in the national nature reserves and in the reserve of the Royal Society for the Protection of Birds at Arne;
3. that stringent measures are taken to eliminate the risk of accidental pollution;
4. the extension of existing quarries or opening of new quarries should in principle not be permitted. Exceptions could be allowed provided that the character of the Heritage Coast is not impaired as a result of any one or a combination of the following:
  - their scale and length of operation;
  - their impact on the landscape, wildlife, the enjoyment of the area by the public or local communities;
  - the practicality of achieving satisfactory restoration and aftercare within a period of 5 years following the cessation of working."

Together with the following recommendations:

1. work should continue on the inventory of natural areas calling for more adequate protection;
2. some level of scientific research should be encouraged, particularly the marine nature reserve at Kimmeridge where the periodic inventories of fauna and flora should be continued;
3. faster progress should be made on integrating the Durdle Door caravan site by planting more trees to screen it off and requiring caravans and mobile homes to be painted an inconspicuous colour;
4. the parking area at Lulworth Cove should be camouflaged by a screen of trees;
5. footpaths should be better integrated visually into areas of bare landscape.

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APPENDIX 11  
(item 46)

RESOLUTION (89)9  
ON THE RENEWAL OF THE EUROPEAN DIPLOMA AWARDED TO  
THE MINSMERE NATURE RESERVE  
(United Kingdom)

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, by virtue of Article 15. b of the Council of Europe's Statute,

Having regard to Resolution (65) 6 instituting the European diploma;

Having regard to Resolution (79) 13 awarding the European Diploma to the Minsmere nature reserve;

Having regard to the proposals of the Steering Committee for the conservation and management of the environment and natural habitats (CDPE),

Renews the European Diploma (category A), awarded to the Minsmere nature reserve until 13 September 1994, with the following recommendations:

1. The increase in the number of visitors should be monitored and if necessary an appropriate ceiling should be set for each part, depending on its fragility, so as not to impair the qualities of the biotopes under protection;
2. The use of weedkillers for the upkeep of the irrigation canals and the artificial lagoon should be reduced to a minimum, and mechanical means employed instead. A careful record should be kept of the amounts of every chemical used. A close watch should be kept on the chemical quality of all fresh and brackish waters and of the reed-bed and lagoon sediments, in order to monitor the possible effects of plant protection chemicals used in or around the reserve, and to assemble information on their biodegradability;
3. The reserve's educational role should be enhanced by setting up a nature study centre next to the shop and ticket office, and visitors should be alerted to the need to protect not only birds but also other rare species of fauna and flora occurring in the reserve;
4. The increase in the number of deer and lagomorpha should be controlled so as to permit natural regeneration in forest areas; as many parts as possible of the woods damaged in the gates in October 1987 should be designated non-intervention areas;
5. Appropriate measures should be taken to ensure that military overflying does not interfere with the biological conditions of the reserve; if possible, it should be prohibited altogether over the lagoon area.



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APPENDIX 12  
(item 46)

RESOLUTION (89)10  
ON THE AWARD OF THE EUROPEAN DIPLOMA TO THE  
TEIDE NATIONAL PARK  
(Spain)

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, by virtue of Article 15. b of the Council of Europe's Statute,

Having regard to Resolution (65) 6 instituting the European Diploma;

Having regard to the proposals of the Steering Committee for the conservation and management of the environment and natural habitats (CDPE);

Having noted the agreement of the Government of Spain;

After having deliberated,

Solemnly awards the European Diploma, category A, in accordance with the Regulations for the European Diploma, to the Teide National Park; Places the aforesaid Park under the patronage of the Council of Europe until 18 June 1994, with the following recommendations:

1. The genetic resources conservation and reintroduction programme should be extended to all plant species occurring in the Park which are rare, vulnerable or endangered. The ecology of the plants, particularly their pollination and their seed dispersion mechanisms, should be studied. The optimum conditions for the germination, growth and reproduction of each of these plants should be determined, and a particular effort be made to identify pyrophilous plants, for which controlled burning could be necessary;
2. Research work on the Park's invertebrates, especially the endemic species should be stepped up. The species which play an important part in the reproduction of endemic plants, or depend on such plants for their survival, should be identified;
3. As accurate a record as possible should be kept of exotic plants occurring within the Park. Those which could constitute a threat to indigenous vegetation should be identified and eradicated;
4. Mouflon should be eliminated from the Park. The density of the rabbit population and the damage done by rabbits to vegetation should be assessed. Rabbit populations should in any case be reduced. Enclosures should be erected around certain plant communities which are particularly at risk from herbivorous animals;

5. The unsightly buildings near the upper cable-car station should be removed. The buildings of both stations should be designed to blend with the landscape. The eroded areas around the stations should be restored;
6. A limit should be set on the number of visitor groups climbing to the volcano summit from the upper cable-car station, and all such groups should be better supervised and stewarded. All paths passing close to communities of rare, vulnerable or endangered plants should be closed off;
7. The firing of artillery into the Park should be stopped;
8. The buildings unlawfully erected near the sanatorium should be demolished. If a heliotherapy centre is built, it should be located outside the central zone;
9. The possibility of creating a regional nature park incorporating the peripheral zone and area of influence should be investigated;
10. Financial assistance to the area of influence should not be discontinued;
11. More should be done to make parties of Spanish and foreign tourists visiting the island aware of the existence of the Park and its objectives;
12. Land surrounding the Park should be purchased, especially sites used at present for activities that seem likely to interfere with the work of conservation.



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APPENDIX 13  
(item 46)

RESOLUTION (89)11  
ON THE AWARD OF THE EUROPEAN DIPLOMA TO THE  
WURZACHER RIED NATURE RESERVE  
(Federal Republic of Germany)

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, by virtue of Article 15. b of the Council of Europe's Statute,

Having regard to Resolution (65) 6 instituting the European Diploma;

Having regard to the proposals of the Steering Committee for the conservation and management of the environment and natural habitats;

Having noted the agreement of the Government of the Federal Republic of Germany;

After having deliberated,

Solemnly awards the European Diploma, category A, in accordance with the Regulations for the European Diploma, to the Wurzacher Ried Nature Reserve;

Places the aforesaid Park under the patronage of the Council of Europe until 18 June 1994:

Makes the award subject to the following conditions:

1. that no more peat is removed from the nature reserve as such by the town of Bad Wurzach, after 1995 when the present permit expires;
2. that there is no intensive farming inside the nature reserve;

and with the following recommendations:

1. The policy of land purchase should be continued, and even stepped up, partly so that intensively worked fields may be given over to extensive farming, to encourage the nesting of rare bird species and combat eutrophication of the waters;
2. The use of chemical fertilisers in the reserve and its periphery should be discontinued;
3. Motoring on the road from Bad Wurzach to Unterschwärzach should be banned; only bicycles should be permitted;

4. A nature trail should be created in the Dietmannser Ried;
5. A programme of systematic zoological and botanical research should be drawn up;
6. The edges of the fen area should be trimmed by scything, and the water level should be regulated by discontinuing drainage and bringing water into the former streams;
7. Particular attention should be given to the schedule of field sports.

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APPENDIX 14  
(item 46)

RESOLUTION (89)12  
AMENDING RESOLUTION (73)4 ON THE REGULATIONS  
FOR THE EUROPEAN DIPLOMA

(adopted by the Committee of Ministers on 19 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Council of Europe's Statute,

Having regard to Resolution (65)6 of 6 March 1965 instituting the European Diploma for certain protected landscapes, reserves and natural features;

Having regard to Resolution (73)4 of 19 January 1973 on Regulations for the European Diploma and the appended texts, as amended by Resolution (88)39 of 5 December 1988;

Having regard to the proposals of the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE) contained in Document CM (89) 96, paras. 20-21,

DECIDES

1. To amend Article 5, para. 2 of Resolution (73)4 as follows:
  - "2. All annual reports shall be transmitted to the European Committee, in one of the two official languages of the Council of Europe, by 30 November of each year, the first report being sent to the Secretariat at the latest by 30 November of the year following that in which the Committee of Ministers awarded the Diploma."
2. To amend para.1.5.3 of Appendix I to Resolution (73)4 as follows:
  - "1.5.3 During his visit to decide on the award of a Diploma, the independent expert will be accompanied by a member of the Secretariat. This will also apply to visits to decide on the renewal of a Diploma where particular problems are entailed. In other cases of renewal, the visit will be made by the expert alone. A liaison officer shall be appointed by the host country to facilitate the expert's visit. He shall not take part in drafting the report."



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APPENDIX 15  
(item 46)

DECISION NO. CM/471/190689

Decision on the admission of observers

- |  |   |
|--|---|
| 1. Name of relevant Committee:   | STEERING COMMITTEE FOR<br>CONSERVATION AND<br>MANAGEMENT OF THE<br>ENVIRONMENT AND NATURAL<br>HABITATS (CDPE) |
| 2. Name of the organisation:   | International Council<br>for Bird Preservation  |
| 3. Date and author of request:   | 18 May 1988, letter<br>from the International<br>Council for Bird<br>Preservation                             |
| 4. Whether the observer may attend<br>all plenary meetings, or in<br>what circumstances he may attend: | Appropriate meetings of the CDPE  |
| 5. Period for which decision<br>is valid:  | -   |



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Appendix 16  
(item 46)

DECISION NO. CM/472/190689

Decision on the admission of observers

- |  |   |
|--|---|
| 1. Name of relevant committee:   | STEERING COMMITTEE FOR<br>THE CONSERVATION AND<br>MANAGEMENT OF THE<br>ENVIRONMENT AND NATURAL<br>HABITATS (CDPE) |
| 2. Name of the organisation:   | Foundation for Environmental<br>Education in Europe   |
| 3. Date and author of request:   | 19 May 1988, letter from<br>the Foundation for<br>Environmental Education<br>in Europe                            |
| 4. Whether the observer may attend<br>all plenary meetings, or in<br>what circumstances he may attend: | Appropriate meetings of the<br>CDPE   |
| 5. Period for which decision<br>is valid:  | -   |





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APPENDIX 17  
(item 49)

RESOLUTION (89) 6

MODIFYING RESOLUTION (88)15 SETTING UP A EUROPEAN  
SUPPORT FUND FOR THE CO-PRODUCTION AND DISTRIBUTION  
OF CREATIVE CINEMATOGRAPHIC AND AUDIOVISUAL WORKS  
("EURIMAGES")

(adopted by the Committee of Ministers on 15 June 1989  
at the 427th meeting of the Ministers' Deputies)

The Representatives on the Committee of Ministers of Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, Norway, the Netherlands, Portugal, Spain, Sweden and Switzerland,

Having regard to Resolution (88)15, Article 3 defining the functions of a supervisory board for the fund;

Whereas it is desirable to modify the said Article 3 of Resolution (88)15,

RESOLVE AS FOLLOWS

Single Article

Article 3 of Resolution (88)15 is hereby modified to read as follows:

"3. Audit of accounts

3.1. The accounts of the fund shall be audited by the Board of Auditors of the Council of Europe.

3.2. The Board of Auditors shall examine the accounts of the fund and verify the accuracy of the management account and balance sheet. It shall also verify whether the fund's resources have been used for the specified purposes. It shall draw up an annual report on the financial situation and management of the fund to be submitted to the governments of the fund's member States. The report shall also be submitted to the Committee of Ministers."



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APPENDIX 18  
(item 52d)

DECISION NO. CM/467/150689

Ad hoc terms of reference

1. Name of relevant committee: AD HOC COMMITTEE OF EXPERTS  
ON ACCOMMODATION NEEDS IN THE  
HUMAN RIGHTS SECTOR (CAHLO)
2. Source of terms of reference: Committee of Ministers
3. Completion date: 28 June 1989
4. Terms of reference:

To consider the proposals to be made by the City of Strasbourg concerning the new Human Rights Building and to make recommendations to the Committee of Ministers on these by 28 June 1989; to state whether they comply with the requirements laid down in the letter of the Chairman of the Ministers' Deputies to the Mayor of Strasbourg dated 27 April 1989 and whether they represent an improvement in aesthetic and symbolic terms; and to indicate when the construction of the new building could be completed.

5. Other committee(s) to be informed of terms of reference: -

