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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Decision¹

to establish a Sub-Committee on Conflicts between Council of Europe Member States

- 1) The Monitoring Committee decides to set up a Sub-Committee on “Conflicts between Council of Europe member States” in line with Rule 49 of the Assembly’s Rules of Procedure.
- 2) For the competences and work of the sub-committee, the conflicts in question are understood to mean “a situation in which active armed conflict has been brought to an end, but no peace treaty or other political framework resolves the conflict to the satisfaction of the combatants. Therefore, legally the conflict can start again at any moment, creating an environment of insecurity and instability”.
- 3) The competence of the sub-committee is to explore, on the basis of the findings of the co-rapporteurs concerned, how the application of the obligations and commitments to the Council of Europe can be ensured in the areas affected by the current unresolved conflicts between Council of Europe member States and that, as a result of these conflicts, are not under the control of the authorities of the member State to which they pertain. In particular it will explore how Council of Europe principles and standards with regard to democracy, the rule of law and human rights can be safeguarded in these areas. In this context, any action undertaken by the sub-committee will be status neutral and undertaken in such a manner that it cannot be interpreted as an explicit or implicit recognition of the *de facto status quo*.
- 4) In addition, and in this context, the sub-committee aims to facilitate the co-ordination and harmonise the approaches taken by the respective teams of co-rapporteurs towards the conflict(s) that the country under their responsibility is party to. In this regard, the sub-committee will also explore how the monitoring procedure can support the work of the existing structures and mechanisms established to mediate in the unresolved conflicts in the Council of Europe’s geographical area.
- 5) It should be emphasised that the aim of this sub-committee is not to provide an alternative to the already established diplomatic and political mechanisms for the resolution of these conflicts. It does not intend and does not claim to be a conflict-resolution mechanism as such. On the contrary, the aim of this sub-committee is to explore how the Assembly, through its Monitoring Committee, can support the work of the existing conflict-resolution mechanisms that have been established for the conflicts in question. At the same time, the sub-committee shall explore and promote the possibility for a formal role, where opportune, of the Council of Europe in the relevant conflict-resolution mechanisms.
- 6) In practical terms, and within the context of its competences as described above, the sub-committee shall deal with the conflicts regarding South Ossetia/Georgia and Abkhazia/Georgia, north of Cyprus, Nagorno-Karabakh and other occupied territories, Transnistria and occupied Crimea, as well as, pending developments, eastern Ukraine.

¹ Adopted by the committee at its meeting on 9 November 2016

- 7) The sub-committee's principal aim is to make a positive contribution to the environment in which the conflict-resolution mechanisms function. Therefore the sub-committee will only develop its work with regard to a particular conflict if it has the agreement of the delegations of the member States concerned. For the same reasons, one of the key criteria for the sub-committee to decide to focus on a particular conflict should be the opportunity for establishing a constructive dialogue with all parties to the conflict, including the communities in the conflict area themselves.
- 8) Through its parent committee, the sub-committee shall co-ordinate its work with that of the other committees of the Assembly.
- 9) The sub-committee shall be composed of:
- a) The co-rapporteurs of the Monitoring Committee for Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine.
 - b) A member of the Monitoring Committee of each of the member States that are party to the conflicts under the terms of reference of the sub-committee: Armenia, Azerbaijan, Cyprus, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine. In the event more than one member of these countries is a member of the Monitoring Committee the member to the subcommittee shall be designated by the national delegation in question from among its members in the Monitoring Committee.
 - c) Ex-officio: the Chairpersons of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights insofar as they are not covered under category (a)
 - d) The chairpersons of the political groups of the Assembly, insofar as they are not covered under category (a), (b) and (c)
 - e) The Chairperson of the Monitoring Committee, in line with Rule 49.6.
- 10) The members of the sub-committee cannot be substituted.
- 11) In order to foster free exchanges of views within the sub-committee, the minutes of its meetings will remain restricted to the members of the sub-committee, unless specifically decided otherwise by the sub-committee.