

**PARLIAMENTARY ASSEMBLY OF THE BLACK SEA ECONOMIC COOPERATION
PABSEC**

LEGAL AND POLITICAL AFFAIRS COMMITTEE

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REPORT

On

THE SEMINAR

On

“IMPROVEMENT AND HARMONISATION OF THE LEGISLATIVE SYSTEMS OF THE
MEMBER COUNTRIES OF THE PARLIAMENTARY ASSEMBLY OF THE BLACK SEA
ECONOMIC COOPERATION – DEVELOPMENT OF DEMOCRATIC INSTITUTIONS”

Ankara, Bilkent University, 22-24 February 1994

Presented by: Mr. Rudolf MARKU, Rapporteur of the Legal and Political
Affairs Committee (Albania)

I. INTRODUCTION

The Legal and Political Affairs Committee, during its first meeting held in Istanbul, 4 November 1993, decided to organise a Seminar on "Improvement and harmonisation of legislative systems of the PABSEC member countries - development of the democratic institutions", in February 1994, in order to support a good preparation of the main issue of the agenda of the Tbilisi meeting: "Legislative harmonisation among BSEC countries".

Upon the Invitation of the Turkish Grand National Assembly, the Seminar was held in Ankara, at Bilkent University, between 22-24 February 1994.

The Seminar was attended by 13 members of the PABSEC Political and Legal Affairs Committee from six member countries (Armenia, Azerbaijan, Georgia, Romania, Turkey, Ukraine) accompanied by the secretaries of the national delegations (due to objective reasons participants from Albania, Moldova and Russian Federation could not arrive); Turkish political personalities; Rector and professors of the Bilkent University; Secretary General and members of the PABSEC International Secretariat.

Four Themes and four sub-themes were introduced by 15 key-speakers. The speeches of two key-speakers, Mr. Nikolay RYABOV, Chairman of the Central Electoral Commission (Russian Federation) and Mr. Abdi BALETA, Head of the PABSEC Delegation, Rapporteur of the Committee (Albania), who could not attend the Seminar, were distributed among the participants in written form. The contributions of the key-speakers of the Seminar will be published in the special booklet issued by the Turkish Grand National Assembly.

II. SUMMARY OF THE DEBATES

1.

In his welcoming address Prof. Dr. Ali DOGRAMACI, Rector of the Bilkent University, underlined the contribution of the Organisation to the intensification of the political and economic relations between the member countries. He stated his firm belief that the Seminar would analyse the lessons of the past to strengthen and improve the legal and political structure and to avoid unpleasant experiences in future.

Mr. Vefa TANIR, Vice-President of the Turkish Grand National Assembly, delivered an opening speech emphasising the important role of PABSEC in establishing pluralistic democracy in the Black Sea region through close cooperation between parliaments and parliamentarians. To this end he underlined the utmost significance of the Seminar contributing to emerging new ideas about legislative harmonisation in the region.

2.

Theme I: "Democracy and Parliaments: Experience in the PABSEC Countries"

Key-speakers: Mr. Karoly KEREKES, MP(Romania);
Prof. Dr. Ilter TURAN (Turkey).

Sub-Theme A: "Parliaments and Development of Democratic Institutions"

Key-speakers: Mr. Zeki NACITARHAN, MP(Turkey);
Assoc. Prof. Dr. Yusuf Ziya IRBEÇ (Turkey).

Sub-Theme B: "Parliaments and Political Parties"

Key-speaker: Mr. Osman SEYFI, MP(Turkey).

Participants in the debate: Mr. Gheorghe DUMITRASCU, MP(Romania);
Mr. Volodymir PETRENKO, MP(Ukraine);

Prof. Dr. Ilter TURAN, (Turkey).

The process of democratic evolution was tackled from various angles according to the experiences of PABSEC member countries at different levels of democratic development. The priority was given to the transitional period and establishment of new parliamentary institutions in the former East European socialist countries. It was stressed that dissolution of totalitarian regime had made evident that truly democratic principles could have been established only within a society with decentralized economy, using effective mechanisms against monopolistic tendencies in every sphere of life. Decentralisation of control over the main institutions of the state had a positive impact on the process of strengthening democratic principles. The problem of socio-economical equality within a society had been discussed, emphasising that obvious inequality in distribution of material wealth, violation of equality principles of right to education and access to media, unfair political competition, created obstacles for a developing democracy. The participants considered strong encouragement of belief in democratic principles and consequent formation of political-ethic basis for further socio-economical development to be the main means backing the democratic changes. They stressed the role of parliaments in realisation of these ideas, where principles of democracy obtained power of law and were protected, i.e. parliaments turned political decisions into law and at the same time oversaw executive branch. Activities of political parties at this period was discussed taking into account diversity of political parties in respective countries.

3.

Theme II: "Major Constitutional Principles in the PABSEC Countries Going Through Transitional Period"

Key-speakers: H.E. Mr. Yekta Güngör ÖZDEN (Turkey);
Prof. Dr. Mümtaz SOYSAL (Turkey);

Participants in the debate: Mr. David VARDANIAN, MP (Armenia);
Mr. Volodymir PETRENKO, MP (Ukraine);
Prof. Dr. Mümtaz SOYSAL (Turkey);
H.E. Mr. Yekta Güngör ÖZDEN (Turkey);
Mr. Karoli KEREKES, MP (Romania);
Mr. Matlab Azizulla oğlu MUTALLIMOV, MP (Azerbaijan);
Mr. Gheorghe DUMITRASCU, MP (Romania).

The discussion was mainly based upon the experience of Turkey during its transitional period as a country which was further along the road of democracy in the region to show the process of transition from single party rule to a multi-party one and state all the pros and cons of the measures taken by Turkey during this process to help those countries which were undergoing similar processes to avert unpleasant errors. The emphasis was put on the separation of powers as the basic item of the democratic system and importance of establishment of constitutional court providing judicial control. Exchange of views covered main specificities of participating states undergoing transitional period. Dynamism of constitutional development caused great interest among participants. One of the most serious problems underlined, was to determine optimum tempo for the reforms of the society. It was stressed that possible timing gaps between constitutional and social reforms might cause additional difficulties and that political and socio-economic reforms without relevant changes in the Constitution were condemned to failure. because contradictions with Constitution always resulted in destructive consequences for legal system. The participants emphasised that new ideals required new forms to be established or old institutions to be adapted to the new political realities. They stated that state systems had been changed, their functions transformed. The debates concentrated on the certain paradoxes emerging at the transitional period (at one extreme, the final phase of totalitarian epoch producing a certain legal stability within the society by creating constitutional norms and institutions according to the patterns practised in modern rule of law states, resulting in transformation of the

power, not sharing the common values of rights and freedoms of an individual, into a quasi-legal, quasi-constitutional one; at the other extreme, transition to a new constitutional order intending not only elimination of the basis of totalitarian power, but also dissolution of relevant legal institutions). The participants pointed out the contradictory aspect lying in the fact that new democracies speeding up the process of establishment of the rule of law, had to destroy former constitutional and legal formations.

4.

Theme III: "PABSEC and BSEC Contribution to Improve and Harmonise the Legislative Systems in the Member Countries. Short and Long Term Projects".

Sub-Theme A: " National Parliaments and PABSEC's Role"

Key-speakers: Mr. David VARDANIAN (Armenia);
Mr. Mehmet GÜLCEGÜN (Turkey);
Mr. Yuriy HAISINSKYI (Ukraine).

Participants in the debate: Mr. Kartlos GARIBASHVILI, MP (Georgia);
Mr. David VARDANIAN, MP (Armenia);
Mr. Volodymir PETRENKO, MP (Ukraine);
Mr. Faik KAITANCI, Secretary General of PABSEC;
Mr. Karoly KEREKES, MP (Romania);
Mr. Albert BAGDASARIAN, MP (Armenia);
Mr. Zeki NACITARHAN, MP (Turkey);
Mr. Victor DEDIU, Secretary (Romania);
Mr. Matlab Azizulla oğlu MUTALLIMOV, MP (Azerbaijan);

Debaters dwelt on the main difficulties experiences in their countries during reformation process. They stressed that recently established democratic parliamentary institutions in the former East European socialist countries provided good opportunities for a broad process of multilateral cooperation. This was of a particular importance at the period, when parliaments in some countries were still weak, their places in the system of democratic institutions had not yet been well determined. The status of representational bodies in these states were not ranked high due to lack of tradition. Insufficient level of political culture in newly born democracies created prerequisites for sparking conflict situations between the main powers, i.e. many countries lacked a democratic tradition of understanding inevitability and necessity of political opposition. There was no doubt that the existence of a parliament could not guarantee truly democratised social system, but on the other hand, a democratic society could not be thought without a parliament. The participants stressed the importance of the subject and suggested to hold seminars or symposia dedicated to the same theme in order to promote and finally achieve harmonisation of legislative systems in the region. At the same time the necessity of a permanent reciprocal exchange of legislative information between the PABSEC countries was stressed and formation of a working group of experts proposed. The economic cooperation was assessed to be beneficial means for positive changes in the region and to this end arrangement of a joint meeting of two PABSEC committees Legal and Political and Economic - was suggested. On the other hand, the importance of establishment of peace and stability in the region was underlined.

Sub-Theme B: " Governments and BSEC's Role"

Key-speakers: Mr. Matlab Azizulla oğlu MUTALLIMOV, MP (Azerbaijan);
Mr. Yaşar YAKIŞ (Turkey);
Mr. Ecmel BARUTÇU (Turkey).

Participants in the debate: Mr. David VARDANIAN, MP (Armenia);
Mr. Zurab ANDRIADZE, MP (Georgia);
Mr. Yasar YAKIS (Turkey);
Mr. Gheorghe DUMITRASCU, MP (Romania).

It was emphasised that effective economic cooperation in the Black Sea basin could be reached by permanent and close contacts between parliaments and governments of the region and subsequently between PABSEC and BSEC. These two organisations as two inseparable parts of one whole could have contributed to prosperity of the countries and peoples of the area. It was underlined that economic, social and political problems were interwoven one with other and could be solved through firm cooperation between executive and legislative bodies. In this connection formation of a joint PABSEC-BSEC working group was proposed to coordinate activities of these two sister organisations. At the same time a question of collective security was raised to reduce security concerns and to guarantee equal rights of the countries of the region irrespective of their power potential and membership in different security groups.

5.

Theme IV: " PABSEC's Place in Strengthening Peace and Stability in the Black Sea Area".

Key-speakers: Mr. Bulent ECEVIT (Turkey);
Mr. Zurab ANDRIADZE (Georgia).

Participants in the debate: Mr. David VARDANIAN, MP (Armenia);
Mr. Bulent ECEVIT (Turkey);
Mr. Albert BAGDASARIAN, MP (Armenia)
Mr. Yuriy HAISINSKYI, MP (Ukraine);
Mr. Kartlos GARIBASHVILI, MP (Georgia);
Mr. Matlab Azizulla MUTALLIMOV, MP (Azerbaijan);
Mr. Zeki NACITARHAN, MP (Turkey);

Participants dwelt on the problems prevailing in the region threatening peace and stability including internal (ethnic, political, religious, etc.) conflicts. Specific references were made to serious consequences in the Caucasus indicating human losses and material damages and underlining a need of peaceful settlement of the conflict. Stressing the increasing role of a parliament in working out legal, economic and social basis for a real control, the participants emphasised that the parliaments had become the important factors for humanisation and democratisation of international relations, improving ties between politics and morality, promoting engagement of public opinion in resolving international issues. It was stressed that most of these conflicts were directly or indirectly based on economical interests and motives. It was also indicated that the variety and vague character of these conflicts made their development unpredictable. The necessity of some political mechanisms for stopping the already existing conflicts and preventing occurrence of new ones was underlined. To this end formation of a certain group of experts was proposed to provide objective assessments and analyses of the conflicts together with economic correlatives in order to work out a programme of elimination of conflicts by economic means. It was concluded that economic cooperation could become fruitful in a stable and safe environment.

III. CONCLUSIONS

1.

The key-speakers and participants in the debates emphasised the utmost significance of the fact that the first seminar, organised by PABSEC in a rather short period of time since the establishment of the Organisation, dealt with such important subject on democracy and legislative harmonisation among the member countries.

The number of the key-speakers as well as the participants stated clearly the real interest of their countries in determining ways and means for creating a solid workable ground for the future activities of the PABSEC. In this context, participants presented the experiences of their countries, focusing on the complexity of the transitional period from totalitarian

regime to the rule of law and the need for a close cooperation among the member countries to attain the goals of the Organisation.

2.

As far as the legislative harmonisation is concerned, the participants pointed out the following main assessments:

- The decisive importance of the rule of law, based on parliamentary democracy, pluralism, free elections and separation of powers, as the fundament of new democracies; the need to take benefit from experiences of the countries which had already undergone the process of democratisation, as well as of organisations like European Union, European Parliament, Council of Europe, etc.
- The role of Parliamentary Assembly in supporting the democratic processes taking place in the member countries; the need to take into account the specificity of the democratic processes carried out in respective countries, as well as their commitments vis-à-vis other regional organisations they belong to.
- The fact that legislative harmonisation aiming at establishing a common legal framework in the region was an urgent and priority issue in paving a way for new relations with strong emphasis on economic ties at present stage.
- The priority which should be given to the legislative harmonisation in the fields of economy, customs, finance, transportation, communications, science and technology, in order to work out a set of regulations by the national parliaments of the member countries covering their common interests and showing the determination to abate and eliminate the obstacles hindering the accomplishment of the PABSEC's goals.
- The urgency and the importance of the legislative harmonisation as an useful instrument for bringing peoples of the region together and enhancing multilateral cooperation in all fields of activities of common interest. underlining that it could contribute to a larger extent to overcoming economic difficulties of the transitional period, enhancing contacts between private sectors and would have a positive impact on the settlement of the disputes or conflicts existing between certain member countries.
- The need for permanent and close working contacts between PABSEC and BSEC, as well as of the joint efforts of parliaments and governments of the respective countries in order to achieve guidance of comprehensive and well articulated package of regulations for the future activities of both organisations.
- The necessity of placing this issue as the main item on the agenda of the third meeting of the Legal and Political Affairs Committee in Tbilisi, in order to work out a set of concrete and efficient proposals to be submitted to the General Assembly, at its Spring Session in Bucharest, in June 1994.

3.

The question of the peace and stability in the Black Sea area had been approached from the viewpoint of the general environment aiming at facilitating attainment of the PABSEC's goals.

One of the main ideas shared by the participants stated that due to the close links between the economic prosperity and stability in the region, the member countries should do their best to put an end to the still prevailing tensions in the region, which hinder the efforts for the development of an extensive cooperation and implementation of common economic projects.

Considering the above mentioned concepts, the participants voiced in favour of setting up of a specific mechanism to study conflicts in the area and find solutions to them.

On that ground, a proposal had been moved to organise a PABSEC seminar dedicated to the stability and peace in the Black Sea basin.