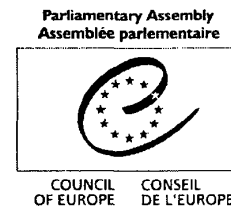


Parliamentary Assembly
Assemblée parlementaire



For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

Doc. 10642
6 July 2005

Abolishing the last piece of Iron Curtain in Central Europe

Report
Political Affairs Committee
Rapporteur: Mr Mátyás Eörsi, Hungary, Alliance of Liberals and Democrats for Europe

Summary

Sixty years after the Second World War and fifteen years after the fall of the Berlin Wall, the people of the village of Veľké Slemence (Slovakia) et Mali Selmenci (Ukraine) still experience daily the consequences of the 1945 agreement between the Great Powers which cut their village in two.

For nearly sixty years, many families of these two villages have been split by the national border and are unable to meet relatives who live only a few dozen yards away.

The Rapporteur considers that this situation is incompatible with the objective, to which the Council of Europe is committed, of a Europe without dividing lines.

The report welcomes recent efforts by the Slovak authorities to solve the problem of Veľké Slemence and Mali Selmenci and calls on the competent Ukrainian authorities to respond favourably and urgently to the proposals from the Slovak authorities.

I. Draft resolution

§ 1. Sixty years after the Second World War, the people of the villages of Veľké Slemence (Slovakia) and Mali Selmenci (Ukraine) still experience daily the consequences of the 1945 agreement between the Great Powers which cut their village in two.

§ 2. For nearly sixty years, many families in Veľké Slemence and Mali Selmenci have been split by the national border and are unable to meet relatives who live only a few dozen yards away.

§ 3. Fifteen years after the fall of the Berlin Wall, an uncrossable boundary – armed sentries, double fencing, barbed wire and electric alarm systems – still traverses the main street of Veľké Slemence and Mali Selmenci and people have to make a 50-mile journey to go from one part of the village to the other.

§ 4. The Parliamentary Assembly believes that this situation is unacceptable at a time when peoples throughout Europe are increasingly united and have ever more freedom of movement. It is a situation that is clearly incompatible with the objective, to which the Council of Europe is committed, of a Europe without dividing lines.

§ 5. The Assembly welcomes recent efforts by the Slovak authorities to solve the problem of Veľké Slemence and Mali Selmenci and set up a new international border crossing, for admission of pedestrians and bicyclists between the two parts of the village.

§ 6. It urges the competent Ukrainian authorities to respond favourably and urgently to the proposals from the Slovak authorities and to go ahead with installing a border crossing at Veľké Slemence-Mali Selmenci without further delay.

§ 7. The Assembly calls on the Ukrainian and Slovak Parliaments to assume the parliamentary control over the establishment of a border crossing at Veľké Slemence-Mali Selmenci.

§ 8. It appeals to the Slovak and Ukrainian authorities to come together and consider mutually acceptable and EU-compatible solutions for ensuring that the bilateral visa regulations and the cost of visas are not obstacles to contact between the people of Veľké Slemence and Mali Selmenci and in general between residents of the areas adjacent to the border.

II. Explanatory memorandum by Mr Eörsi

I. Introduction: origin of the report

1. The draft resolution on abolishing the last piece of Iron Curtain in Europe was tabled with the Assembly in February 2002. It was first referred to the Monitoring Committee, for information. In September 2003 the reference was amended and the matter was referred to the Political Affairs Committee for report. I was appointed as rapporteur on 29 September 2003.

2. In the Assembly we are accustomed to dealing with large-scale issues affecting tens or even hundreds of thousands of people, or indeed entire nations. We are less anxious to concern ourselves with "small" cases that have little media impact. The fact is, however, that these are of no less importance to the people immediately affected.

3. The situation with which this report is concerned involves the people of Veľké Slemence and Mali Selmenci, two villages separated by the border between Slovakia and Ukraine and representing around 800 people in all. The authorities of both countries claim to be looking for solutions, but I would venture a guess that the very "smallness" of the problem is the reason why it has still not been solved.

4. I am convinced that the Assembly can help bring about a solution by turning its attention to the question.

5. I would like to thank the Slovak Parliamentary delegation for its excellent organisation of my visit, as rapporteur, to Bratislava and Veľké Slemence on 9 and 10 June 2005.

II. Historical background

6. The village of Szelmenc, a Hungarian community, was part of Hungary until 1920, when it was transferred to the newly created Czechoslovakia.

7. As a result of territorial changes at the end of the second world war, the border between the Soviet Union and Czechoslovakia divided the village into two parts, Veľké Slemence (on the Czechoslovak side) and Mali Selmenci (on the USSR side).

8. The border barrier set up in 1947 cut communications between the two parts, and this deprived many families of contact with relatives on the other side. Although the boundary lay across the main street of the village, no border crossing was installed.

9. Since the break-up of the USSR (1991) and of Czechoslovakia (1993) Veľké Slemence has belonged to Slovakia and Mali Selmenci to Ukraine.

III. Present situation

10. Despite the transformations in Europe since the early 1990s, the two parts of the old village continue to be divided from one another, with regrettable effects on the two communities.

11. At present there are two main aspects to the problem: the absence of any border crossing between the two villages, and the visa requirement.

12. Not having any border crossing means that families are split and makes contact extremely difficult. That split has persisted for nearly 60 years despite the fact that the two villages are only a few yards apart. To meet relatives living on the other side – for a wedding, christening or other family occasion – people have to make a detour to the nearest border crossing, which means a 50-mile car journey.

13. The religious communities are likewise split: the Roman Catholic church is on the Ukrainian side of the border, and the Greek Catholic and Reformed churches are on the Slovak side.

14. All commercial exchange between the two communities is blocked, to the detriment of the local economy.

15. In addition, just before its admission to the European Union, Slovakia denounced the 2001 bilateral agreement with Ukraine which, since 1985, had simplified border crossing for the people of communities in border areas. To visit family, people in Mali Selmenci at present have to obtain Slovak visas and vice versa. Not only does that formality take time and require considerable effort (obtaining a passport, visiting a consulate, and so on), at € 87 for a 6-month Slovak visa it is also more than the villagers can easily afford.

IV. Possible solutions

16. Following many petitions and requests from the people of Veľké Slemence and Mali Selmenci to establish a border crossing in the village, the Slovak and Ukrainian authorities have looked into various possible solutions.

17. The solution advocated by local people is to establish a "small pedestrian crossing" which would be open twice a week solely to people of Veľké Slemence and Mali Selmenci on the basis of their national identity cards. However, the authorities of the two countries decided that option was unacceptable.

18. The authorities do, however, now seem to be agreed on setting up a regular pedestrian crossing point.

19. According to my information from the Slovak authorities (see Appendix 2), the Slovak Government decided on 2 March 2005 to make a proposal to the Ukrainians to amend and supplement the bilateral agreement on border crossings between the two countries, with provision for a new crossing point between Veľké Slemence and Mali Selmenci.

20. The proposal was conveyed to the Ukrainian authorities by note verbale dated 14 March 2005.

21. The Slovak Government decision provides for building the necessary infrastructure within 40 days from receipt of the Ukrainian authorities' agreement.

22. There remains the question of visa availability. The Ukrainian authorities introduced provisional rules for entering the country without a visa in the case of European Union nationals from 1 May to 31 August 2005. For the duration of that measure, the Slovak authorities are issuing visas to Ukrainians free of charge. However, the no-charge arrangement will cease on 1 September 2005. The people of Mali Selmenci are also afraid that Slovakia's joining the Schengen area will further complicate getting visas.

V. Conclusions and recommendations

23. It would seem that for the people of Veľké Slemence-Mali Selmenci to re-establish, at long last, family ties severed almost sixty years ago, it remains only for the Ukrainian authorities to accept the Slovak proposal.

24. I realise that the new authorities in Ukraine face a great many problems of undoubtedly larger significance. However, for at least two reasons I would appeal to the Ukrainian authorities to reach as speedy a solution as possible to the Veľké Slemence-Mali Selmenci case.

25. Firstly, establishing a new border crossing between Slovakia and Ukraine fits the aim, which President Yushenko's team has proclaimed since taking power, of bringing Ukrainians closer to Europe. In today's Europe borders are designed to facilitate contact between peoples, not divide them as they used to.

26. Secondly, mending a breach which has lasted far too long would show the authorities to have the people's concerns at heart and restore public confidence that government is listening to them and capable of concrete action. Ultimately, the test of good government in the popular mind is the government's attitude to the problems of the community.

27. Thirdly, the Ukrainian and Slovak Parliaments might assume parliamentary control over ensuring a solution to the problem of the Veľké Slemence-Mali Selmenci border crossing.

28. Lastly, the Slovak and Ukrainian authorities should look at ways of ensuring that the visa requirement and visa cost are not obstacles to contact between citizens of the two countries and in particular between people in the areas to either side of the border.

Appendix 1

**Draft Programme for the fact-finding visit to Bratislava and Veľké Slemence
(Slovak Republic)
by Mr Matyas EÖRSI, Rapporteur of the Political Affairs Committee,
Council of Europe Parliamentary Assembly**

Wednesday 8 June 2005

Arrival in Bratislava

Thursday 9 June 2005

- 08.50 Departure of the delegation from the hotel to the Ministry of Foreign Affairs of the Slovak republic by cars of the Chancellery of the National Council of the SR
- 09.00-09.25 Meeting with Mr. Eduard KUKAN, Minister of Foreign Affairs of the Slovak Republic**
- Hlboká Street 2, Bratislava
Participation: Mr. M. Eörsi, Mr. E. Kukan: face to face
- 09.25 End of the meeting
Departure of the delegation to the Ministry of Interior Affairs of the Slovak republic
Pribinova Street 2, Bratislava
- 09.30 Meeting with Mr. Martin PADO, the State Secretary of the Ministry of Interior Affairs of the Slovak Republic**
- Also present:
- Mr. **Milan HUNKA**, Deputy General Director, Customs Directorate of the SR
Mr. **Emil TOMÁŠ**, Deputy Director of the Office of the Boundary and Foreign Travel
Police of the Presidium of the Police Forces
Mrs **Miroslava FORGÁČOVÁ**, Director, Department of International Agreement,
Section of Legislation and External Relations
Mrs **Ol'ga MARHULÍKOVÁ**, Department of the International Cooperation, Public
Affairs Section
Mrs. **Miroslava LIHANOVÁ**, Main State Advisor, Office of the European and Foreign
Affairs
Mrs. **Beáta BRESTENSKÁ**, the Head of the Slovak delegation to the PACE
- 10.30 End of the meeting
Departure for Ministry of Foreign Affairs of the SR
Hlboká Street 2, Bratislava
- 11.00 – 12.20 Meeting with Mr. Igor GREXA, General Director of the Legal and Consular Section of the Ministry of Foreign Affairs**

Also present:

Mr. **Martin KAČO**, Director of the Department of the Commonwealth of Independent States
Mr. **Ján NOCIAR**, Consular Department
Mrs. **Beáta BRESTENSKÁ**, the Head of the Slovak delegation to the PACE

12.20 End of the meeting

12.30 – 14.00 Lunch given by Mrs. Beáta BRESTENSKÁ, Head of the Slovak delegation to the PACE
Západná terasa (Bratislava Castle Area)

Also present: members of the Slovak delegation to the PACE

Approx.: 14.30

Departure of the delegation for Michalovce

Friday 10 June 2005

09.00 Departure from Michalovce to Veľké Slemence/Mali Selmenci village

09.50 Arrival in Veľké Slemence/Mali Selmenci

10.00 Meeting with Mr. Ľudovít TÓTH, the Mayor of the village Veľké Slemence, and Mr. Jozef ILLÁR, the Mayor of the village Mali Selmenci (Ukrainian side)

Also present:

Mr. **Ladislav GILÁNYI**, Deputy of the Mayor of the village Veľké Slemence
Mr. **Ladislav FULAJTÁR**, Member of the Local Council
Mr **Ivan GEVTSI**, Deputy Head, Department for Foreign Economic Relations, European Integration and Cross-Border Cooperation, Transcarpathian Regional State Administration, Ukraine
Mrs. **Beáta BRESTENSKÁ**, the Head of the Slovak delegation to the PACE

14.30 Departure for Bratislava

21.00 Arrival in Bratislava

Saturday 11 June 2005

Departure of the delegation

Appendix 2

Unofficial translation

Resolution No. 166 by the Government of the Slovak Republic dated March 2nd, 2005 concerning the proposal to conclude, by an exchange of diplomatic notes, an Agreement between the Government of the Slovak Republic and the Government of the Ukraine to amend and supplement the Treaty between the Government of the Slovak Republic and the Government of the Ukraine on Border Crossings Located Along the Common State Frontier signed on June 15, 1995 in Kiev

Document number: 3608/2005

Submitted by: Deputy Prime Minister and Minister of Finance

The Government

A. approves,

- A.1. with the comment adopted in the cabinet meeting, the proposal to conclude, by an exchange of diplomatic notes, an Agreement between the Government of the Slovak Republic and the Government of the Ukraine to amend and supplement the Treaty between the Government of the Slovak Republic and the Government of the Ukraine on Border Crossings Located Along the Common State Frontier signed on June 15, 1995 in Kiev;

B. commits

the Deputy Prime Minister and Minister of Finance

- B.1. to have the Minister of Foreign Affairs to give oral notice to the Ukrainian side

immediately

- B.2. to ensure the implementation of the construction of the Veľké Slemence-Mali Selmenci border crossing infrastructure within 40 days of receipt of an affirmative reply from the Ukrainian side

following delivery of an affirmative reply from the Ukrainian side

- B.3. to request that the Minister of Foreign Affairs cause a notice of the making of Agreement to be published in the Collection of Laws of the Slovak Republic

following delivery of an affirmative reply from the Ukrainian side

the Deputy Prime Minister and Minister of Finance

the Minister of the Interior

- B.4. to ensure the operation of the border crossing and the performance of customs controls by customs authorities and the performance of border controls by border guard and immigration authorities at the Veľké Slemence-Mali Selmenci border crossing

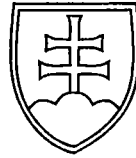
C. recommends

the Velké Slemence District Authority

C.1. to ensure a smooth approval procedure in respect of the relevant construction work

To be executed by: the Deputy Prime Minister and Minister of Finance
the Minister of the Interior

Appendix 3



Unofficial translation

EMBASSY of the SLOVAK REPUBLIC

No. 1448 / 2005

The Embassy of the Slovak Republic in Ukraine presents its compliments to the Ministry of Foreign Affairs of Ukraine and, referring to the 1st meeting of the Slovakian-Ukrainian inter-governmental commission on the transborder co-operation, which was held on 6-7 May 2004, and on the basis of numerous negotiations between the relevant bodies of the two states, has the honour to propose to conclude an Agreement between the Government of the Slovak Republic and the Government of Ukraine on amendments to the Treaty between the Government of the Slovak Republic and the Government of Ukraine concerning crossing points on the common state border that was signed on 15 June 1995 in Kyiv, by the exchange of notes, of the following text:

In the addendum to the Treaty between the Government of the Slovak Republic and the Government of Ukraine concerning crossing points on the common state border – the List of active crossing points on the Slovakian and Ukrainian state border, in paragraph "A" a new road checkpoint is added:

- | | |
|----------------------------------|---|
| Vel'ke Slemence – Mali Selmentsi | - international, for admission of citizens of the Slovak Republic, Ukraine and the EEC states |
| | - for admission of pedestrians and bicyclists |
| | - all the year round, from 8.00 to 20.00. |

The Embassy of the Slovak Republic in Ukraine proposes that in case the Ukrainian part accepts the aforementioned proposal, this note and the relevant note of the Ministry of Foreign Affairs of Ukraine confirming the acceptance would constitute an Agreement between the Government of the Slovak Republic and the Government of Ukraine on amendments to the Treaty between the Government of the Slovak Republic and the Government of Ukraine concerning crossing points on the common state border that was signed on 15 June 1995 in Kyiv, which will come into effect on the fortieth (40) day from the day of submission by the Ukrainian part of the relevant confirming note.

The Embassy of the Slovak Republic in Ukraine avails itself of the opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its high consideration.

Kyiv, 14 March 2005

MINISTRY OF FOREIGN AFFAIRS OF UKRAINE

Treaty and legal department

Kyiv

Addendum the Treaty between the Government of the Slovak Republic and the Government of Ukraine concerning crossing points on the common state border:

LIST

of crossing points on the Slovakian and Ukrainian state border

A) Road crossing point

- Vyshn'e Nyemetske – Uzhhorod - international,
- for admission of passenger and cargo motor transport without limits
- twenty-four hours a day operation
- Ublya – Malyi Bereznyi - international,
- for admission of passenger motor transport (including scheduled and unscheduled buses, pedestrians, and bicyclists) and cargo motor transport with carrying capacity of up to 3.5 tonnes
- twenty-four hours a day operation
- Vel'ke Slemence – Mali Selmentsi - international, for admission of citizens of the Slovak Republic, Ukraine and the EEC states
- for admission of pedestrians and bicyclists
- all the year round, from 8.00 to 20.00.

B) Railway crossing point

- Chierna nad Tisou – Chop - international,
- for admission of passenger and cargo railway transport
- twenty-four hours a day operation
- Matyovske Voykovtse (Matyovtse)
– Pavlovo (Uzhhorod) - international,
- for admission of passenger and cargo railway transport
- twenty-four hours a day operation.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Doc. 9363, Ref. 2708 of 08.09.03

Draft Resolution unanimously adopted by the Committee on 23.06.05

Members of the Committee: Mr Abdülkadir **Ateş** (Chairperson), Mr Latchezar Toshev (Vice-Chairperson), Mr Dick **Marty** (Vice-Chairperson), Mr Konstantin Kosachev (Vice-Chairman) (alternate: Mr Victor **Kolesnikov**), Giuseppe Arzilli, Mr David Atkinson, Mr Claudio Azzolini, Mr Miroslav Beneš, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, Mr Haakon Blankenborg, Mr Giorgi Bokeria, Mrs Beáta Brestenká, Mr Doros Christodoulides, Mrs Anna Čurdová, Mr Noel Davern, Mr Michel **Dreyfus-Schmidt**, Mr Adri Duivesteijn, Mrs Josette **Durrieu**, Mr Mikko Elo, Mr Joan Albert **Farré Santuré**, Mr Eduardo Ferro Rodrigues (alternate: Mr José **Vera Jardim**), Mr Jean-Charles **Gardetto**, Mr Charles Goerens, Mr Daniel Goulet, Mr Andreas **Gross**, Mr Klaus-Jürgen Hedrich, Mr Jean-Pol Henry, Mr Joachim Hörster, Mr Tadeusz Iwiński, Mr Elmir Jahić, Mr Ljubiša Jovašević, Lord Frank Judd, Mr Ivan Kalezić, Mr Oleksandr Karpov, Mr Oskars Kastēns, Mr Petro Koçi, Mr Yuriy **Kostenko**, Mrs Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Tony Lloyd, Mr Younal Loutfi, Mr Mikhail Margelov, (alternate: Mr Ilyas **Umakhanov**), Mr Frano Matušić, Mr Evangelos **Meimarakis**, Mr Murat Mercan, Mr Jean-Claude Mignon (alternate: Mr Denis **Badré**), Mr Marko **Mihkelson**, Mr João Bosco **Mota Amaral**, Mrs Natalia **Narochnitskaya**, Mr Zsolt Németh, Mrs Carina **Ohlsson**, Mr Boris **Oliynyk**, Mr Algirdas Paleckis, Mr Theodoros Pangalos, Mrs Eleonora Petrova-Mitevská, Mrs Sólveig Pétursdóttir, Mr Gordon Prentice, Mr Dumitru Prijmireanu, Mr Gabino Puche, Mr Lluís Maria de Puig, Mr Jeffrey Pullicino Orlando, Mr Umberto Ranieri (alternate: Mrs Tana **de Zulueta**), Mr Michael Roth, Mr Jan Rzymekka, Mr Peter Schieder, Mrs Juana Serna, Mr Adrian **Severin**, Mrs Hanne **Severinsen**, Mr Samad **Seyidov**, Mr Leonid **Slutsky**, Mr Michael Spindelegger, Mr Zoltán **Szabó**, Mr Mehmet Tekelioğlu, Mr Tigran Torosyan, Mrs Marianne Tritz, Mr Vagif Vakılov, Mr Luc **Van den Brande**, Mr Varujan Vosganian, Mr Andrzej **Wielowieyski**, Mr Bart **van Winsen**, Mrs Renate Wohlwend, Mr Marco Zacchera

Ex-officio: MM. Mátyás **Eörsi**, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner