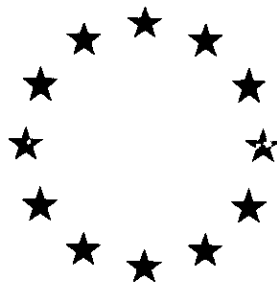


COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

Strasbourg 20 January 1992

Restricted
Misc(92)9

THE FORMER SOVIET UNION

Secretariat discussion paper

With the creation of the Commonwealth of Independent States (CIS) in Minsk on 8 December 1991 and in Alma Ata on 21 December 1991 and the disappearance of the former Soviet Union, the question of relations between the Council of Europe and the countries replacing the Soviet Union arises in new terms.

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From a general point of view, it seems possible to take the following observations as a basis:

- The Soviet Union no longer exists.
- The CIS is neither a State nor an international organisation with external relations.
- The Russian Federation may be regarded as the State responsible for the continuation of the Soviet Union¹.
- The other Republics belonging to the CIS have acceded to independence and are already recognised by a large (albeit still varying) number of States of the international community².

¹ This was also the conclusion reached by the Committee of Legal Advisers on Public International Law (CAHDI) at its meeting in Strasbourg on 16 January 1992. The report of this meeting will be available shortly.

² In the framework of the CSCE, the Committee of Senior Officials is proposing that, at their meeting in Prague on 30 and 31 January 1992, the Ministers for Foreign Affairs of the participating countries decide that all the Republics of the former Soviet Union shall be eligible for full possible participation in the CSCE.

As far as the Council of Europe is concerned, the following conclusions might be drawn:

A. It may be considered that the Russian Federation is continuing relations established between the Council of Europe and the Soviet Union. This concerns:

- participation in the Council of Europe's Conventions and Partial Agreements;
- participation in the Council of Europe's intergovernmental activities;
- participation in the programmes of assistance and co-operation with the countries of Central and Eastern Europe.

An initial indication of the Russian Federation Government's intentions is to be found in the letter from its Minister for Foreign Affairs, Mr A Kozyrev, transmitted to the Secretary General on 7 January 1992 (Appendix I). However, further indications of a more precise kind may be expected regarding, in particular, the Council of Europe's Conventions and the Russian Federation's representation vis-à-vis the Council of Europe³.

In the meantime the Committee of Ministers agreed, with regard to participation in the Third European Conference of Ministers responsible for the Cultural Heritage (Malta 16 and 17 January 1992), that the Russian Federation's representative would be welcome. The Secretariat, for its part, accordingly adopted the same position in respect of participation by experts and representatives of the Russian Federation in meetings at intergovernmental level to which the Soviet Union had already been invited.

The European Community and its member States, for their part, have noted that all the members of the CIS have undertaken to observe the guidelines on the recognition of new states in Eastern Europe and the Soviet Union, adopted on 16 December 1991; they are therefore ready to recognise these Republics.

³ Including confirmation that the Consul General of the former Soviet Union in Strasbourg, Mr Vsevolod Sukhov, now exercises the duties of Consul General of the Russian Federation.

In the light of the foregoing, the Ministers' Deputies might agree:

1. that the Russian Federation is a Contracting Party to the Council of Europe Conventions to which the Soviet Union had acceded, namely:
 - . the European Cultural Convention including, in particular, participation in the Convention's organs (CDCC etc), the activities covered by the Convention and the financing of such activities⁴;
 - . the European Convention on the Protection of the Archaeological Heritage;
 - . the Convention for the Protection of the Architectural Heritage of Europe;
 - . the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches;
 - . the Anti-Doping Convention;
 - . the European Convention on Information on Foreign Law;
 - . the European Convention for the Protection of Animals during International Transport, and the Protocol thereto;
2. that the Russian Federation is the beneficiary of the invitations previously issued to the Soviet Union to accede to (or sign) Council of Europe Conventions and Agreements (including invitations to participate in the respective convention organs as an observer pending accession or ratification)⁵:

⁴ It is possible that the Russian Federation will raise the question of the amount of its financial contribution. For the Soviet Union, this amount had been fixed at FF 2,462,691 (not yet paid over for the year 1991). The Russian Federation might possibly point out that the number of inhabitants, the size of the area and the level of the national product on the basis of which this amount had been fixed are now less as a result of the dissolution of the Soviet Union.

⁵ This also concerns the discussions to be held at the forthcoming meetings of the Steering Committees in the legal field (CDPC and CDCJ) for the purpose of examining the conditions for accession to certain Conventions in the legal (particularly criminal-law) field.

- . scholarships
- . information on foreign law (Protocol)
- . Pharmacopoeia (European Pharmacopoeia Commission)
- . wildlife (convention Committee)
- . transfrontier television
- . equivalence of periods of study;

3. that the Russian Federation is a Party to the Open Partial Agreement for the Prevention of, Protection against and Organisation of Relief in Major natural and Technological Disasters⁶.

It may participate in the European Commission for Democracy through Law (Venice Commission) as an associate member.

4. that the Russian Federation may appoint representatives and experts to participate in Conferences of Specialised Ministers, committees of governmental experts and other meetings relating to the Council of Europe's intergovernmental activities to which the Soviet Union was invited to participate⁷.

A list of these meetings is to be found in Appendix II.

5. that the programmes of assistance and co-operation covered by Vote IX of the General Budget, in particular the Demosthenes Programme and participation in the Work Programme's "Greater Europe" projects which were initiated with the authorities of the Soviet Union, may be continued and developed with the authorities of the Russian Federation⁸.

⁶ It should be noted that the Republic of Armenia (see below) has expressed its interest in acceding to the Open Partial Agreement on Natural and Technological Hazards.

⁷ The Standing Conference of Local and Regional Authorities of Europe has granted observer status to the Association of the Regions and Towns of the Central Region of Russia. A request for such status from the League of Russian Towns has been submitted to the CLRAE's Bureau for an opinion.

⁸ Contacts had already been established with the Russian Federation's government and parliamentarians in connection with programmes implemented in the Soviet Union; it would now be a question of continuing them on a more official level, for example through an exchange of visits by senior officials to Strasbourg and Moscow.

B. As regards the other Republics of the former Soviet Union, the following considerations might guide the deliberations of the Ministers' Deputies.

In the previous contacts with the authorities of the Soviet Union, particularly during 1991, the latter encouraged the Council of Europe to develop contacts and co-operation with the authorities of the Republics. The letter from the Minister for Foreign Affairs of the Russian Federation (Appendix I) also refers positively to opportunities for a dialogue between the Council of Europe and the other Republics. The Committee of Ministers instructed the Secretariat to initiate contacts with the authorities of certain Republics with a view to their participating in the programmes of co-operation and assistance with countries of Central and Eastern Europe (while nevertheless specifying that such contacts should be conducted with the knowledge and help of the Soviet authorities). There has not, however, been time to pursue these contacts beyond initial meetings with certain representatives of Russia and Ukraine.

It may be expected that the new Republics (besides Russia) will wish to avail themselves of the possibilities of succession to the former Soviet Union in accordance with the relevant rules of international law. This question might also arise in future with regard to Council of Europe Conventions (for example, and in particular, the European Cultural Convention).

In the present circumstances and having regard to the Committee of Ministers' policy in the matter of opening up to the countries of Central and Eastern Europe, the Ministers' Deputies might agree as follows:

The Secretariat might be authorised to establish contacts, especially with a view to initiating programmes of assistance and co-operation with those former Soviet Republics which, apart from the Russian Federation, meet the following criteria:

- they must have expressly shown an interest in entering into contact with the Council of Europe;
- they must satisfy the conditions laid down in the Committee of Ministers' November 1987 directives for the Council of Europe's relations with the countries of Eastern Europe (CM (87) 224 - see Appendix III), as confirmed at the 85th Session of the Committee of Ministers on 16 November 1989⁹, namely they must have embarked on a

⁹ See paragraph 1 of the Final Communiqué of that session: "... In the light of [recent] developments, [the Ministers] stressed the role of the Council of Europe and surveyed its relations with Central and East European countries, pointing out that the aim should be to foster human rights, bring individuals and groups closer together regardless of frontiers and to seek common solutions to the challenges of present-day society. This should heighten awareness of the European cultural identity and promote democracy, freedom and the rule of law.

credible process of reform in terms of democracy, human rights and the Rule of Law.

At present, these conditions seem to have been fulfilled by the following three Republics:

1. Ukraine

On 17 December 1991, the Minister for Foreign Affairs of Ukraine approached the Secretary General with a proposal to hold an exchange of views on possibilities for developing co-operation between the Council of Europe and Ukraine. The Secretary General acknowledged receipt of the proposal.

2. Armenia

On 9 October 1991 the Secretary General received a letter from the President of the Parliament of the Republic of Armenia, Mr L T Petrossian (who has since been elected President of the Republic of Armenia), depositing, in the name of his Parliament, an application for Armenia's membership of the Council of Europe. Subsequently, on 2 December 1991, the Secretary General received the Minister for Foreign Affairs of Armenia, Mr Raffi Hovannasian, who confirmed his country's interest in initiating co-operation with the Council of Europe, as well as his Government's readiness to take part in an exchange of visits by senior officials to Strasbourg and Yerevan to examine scope for such co-operation, including accession to the Open Partial Agreement for the Prevention of, Protection against and Organisation of relief in Major Natural and Technological Disasters.

For the time being, in accordance with the Ministers' Deputies' instructions, the Secretary General has merely acknowledged receipt of these various communications.

The Ministers instructed their Deputies and the Secretary General to continue and step up concrete co-operation programmes in these fields which are paramount for the Council of Europe, with European non-member countries embarking upon the course of democratic reform."

3. Belarus

On 9 January 1992 the Secretary General received a letter from the President of the Supreme Soviet of the Republic of Belarus, Mr S Shushkevich, inviting her to pay a working visit to Belarus on a date to be agreed for the purpose of developing co-operation with the Council of Europe. On the same date the Secretary General received a letter from the Vice-President of the Supreme Soviet, Mr V Sholodonov, expressing the wish to receive a group of Council of Europe legal experts to assess the legal texts drawn up and adopted by the Republic's Supreme Soviet.

Both letters specify that the arrangements might be agreed through diplomatic channels via the Permanent Representative of Belarus to UNESCO.

The Secretary General has not yet replied to this correspondence.

In the light of the foregoing, the Ministers' Deputies might agree to authorise the Secretary General to initiate contacts with the governments of these three countries with a view to beginning the planning and implementation of selected programmes in the context of co-operation and assistance with the countries of Central and Eastern Europe. For that purpose a delegation of senior officials from each of these countries might be invited to come to Strasbourg to familiarise themselves with the Council of Europe. Subsequently, a Council of Europe delegation might go to the three countries' capitals to draw up proposals for concrete programmes to be submitted to the Ministers' Deputies for approval.

NOTE

As far as the Parliamentary Assembly is concerned, the following initiatives have been taken by Republics of the former Soviet Union:

- the Russian Federation (President of the Supreme Soviet, Mr R I Khasbulatov) has applied for special guest status (letter of 3 January 1992);
- Armenia (First Vice-President of the Supreme Council, Mr B Ararktsian) has requested special guest status (letter of 22 December 1991);
- Belarus (President of the Supreme Soviet, Mr Shushkevich) has invited the President of the Parliamentary Assembly to receive a group of parliamentarians as special guests to enable them to participate in the Assembly's proceedings and familiarise themselves with its work (letter of 18 December 1991);

- Moldavia, in a letter from the President of the Moldavian Parliament to the Chairman of the Parliamentary Assembly's Committee on Relations with European Non-Member Countries (10 December 1991), has expressed the wish to participate in the Assembly's activities.

At a meeting in Paris on 14 January 1992, the Bureau of the Parliamentary Assembly decided to grant special guest status to the Parliament of the Russian Federation.

Delivered by Mr Vsevolod Sukhov on 7 January 1992

Unofficial translation

A P P E N D I X I

Madam Secretary General,

As you know, the Government of the Russian Federation has announced its firm intention to conform to all the international obligations of the former USSR, as well as its decision to be the successor State to the USSR in international affairs as a whole. Naturally, this fully applies to relations with an authoritative international organisation such as the Council of Europe.

The new Russia wholeheartedly shares the priority principles underlying the action of the Council of Europe - pluralistic democracy, human rights and the rule of law - and has been consistently applying them in its policy during recent years. On the basis of these principles it is ready to continue increasingly to develop co-operation with the Council of Europe in the widest variety of fields with the aim of becoming a full member of the Council of Europe.

At the same time we assume that the other former Republics of the USSR which belong to the Commonwealth of Independent States will also have possibilities of maintaining a dialogue with the Council of Europe, with due regard for mutual interests.

Please accept, Madam Secretary General, the assurance of my highest consideration and my best wishes for the New Year.

(Signed) A Kozyrev

Mrs Catherine LALUMIERE,
Secretary General of the Council of Europe,
Strasbourg

Уважаемая госпожа Генеральный секретарь,

Как Вам известно, Правительство Российской Федерации с твердым намерением следовать всем международным обязательствам своего СССР, о своем решении быть государством - продолжателем международных дел в целом. Разумеется, это в полной мере на и отношений с такой авторитетной международной организацией, Совет Европы.

Новая Россия убежденно разделяет приоритетные принципы деятельности Совета Европы - плюралистическая демократия, права человека, верховенство закона - и последовательно проводит их в своей политике на протяжении последних лет. На их основе она готова по нарастающему продолжать развивать сотрудничество с Советом Европы в самых различных областях, ставя своей целью полное членство России в Совете Европы.

Одновременно мы исходим из того, что другие бывшие республики СССР - участники Содружества независимых государств будут также иметь возможности для поддержания диалога с Советом Европы с учетом своих интересов.

Примите, госпожа Генеральный секретарь, уверения в моем высочайшем уважении и наилучшие пожелания по случаю Нового года.

А. КОЗЫРЕВ

Госпоже Катрин ДАЛМАНД
Генеральному секретарю
Совета Европы
г. Страсбург

ANNEX II

CONFERENCES OF MINISTERS, COMMITTEES OF EXPERTS AND OTHER MEETINGS TO WHICH
IT IS FORESEEN TO INVITE THE SOVIET UNION

1. CONFERENCES OF SPECIALISED MINISTERS:

- 5th Conference of the European Ministers responsible for Social Security
(Dublin, 20-21 May 1992)
- 18th Conference of the European Ministers of Justice (Nicosia, 9-11 June 1992)

2. OBSERVERS IN COMMITTEES OF EXPERTS

A. Mass Media

- Committee of Legal Experts in the Media Field (MMJU)

B. Legal Affairs

- European Committee on Legal Co-operation (CDCJ)
- European Committee on Crime Problems (CDPC)
- Ad hoc Committee on Public International Law (CAHDI)
- Committee of Experts on Data Protection (CJ-PD)
- European Committee on Bioethics (CAHBI)
- Committee of Experts on Legal Data Processing (CJ-IJ)

C. Health and Social

- Steering Committee on Social Policy (CDPS)
- Steering Committee for Social Security (CDSS)
- European Health Committee (CDSP)

D. Local authorities

- Ad hoc Committee of Experts on regional Minority Languages in Europe (CAHLR)

3. COLLOQUIES, CONFERENCES AND OTHER MEETINGS

i. Equality Men-Women

- Conference on equality between Women and Men in a Changing Europe (Poznan, 31 March - 2 April 1992)

ii. Local authorities

- Conference on the European Charter of Local Self Government (23-25 January 1992)
- Conference "Nation and State - Small Nations and Ethnic Minorities in the Emerging Europe" (Maribor, 3-5 February 1992)
- Conference "Europe 1992 - 2000: European Municipalities and Democracy - Exclusion of poverty through citizenship" (Charleroi, Belgium, 5-7 February 1992)

This list does not cover Committees or meetings concerning the European Cultural Convention.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

COMMITTEE OF MINISTERS

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APPENDIX III

Strasbourg, 3 December 1987

Confidential
CM(87)224

RELATIONS OF THE COUNCIL OF EUROPE WITH COUNTRIES OF EASTERN EUROPE

Committee of Ministers' guidelines

The possibilities of contacts and co-operation between the Council of Europe and countries of Eastern Europe were the subject of informal and formal discussions by the Ministers during the 81st Session of the Committee of Ministers (25 and 26 November 1987). Summarising these discussions, the Chairman concluded that the following guidelines were laid down for the Ministers' Deputies and the Secretary General's action in this field (paragraphs 40 to 45 of the CM(87)PV2 prov.).

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1. In the pursuit of its statutory aims and in accordance with the principles governing its specific contribution to European co-operation, ie the principles of pluralist democracy and human rights, the Council of Europe is open to contacts and co-operation with European non-member countries, including at the level of intergovernmental activities, apart from such contacts as the Parliamentary Assembly may wish to enter into for itself.

2. Such contacts should, through a combined effort by the 21 member countries of the Council of Europe, make it possible to advance the implementation of the commitments subscribed to in the framework of the Conference on Security and Co-operation in Europe (CSCE).
3. Contacts will be established bilaterally with European non-member countries insofar as both parties may so desire, on the basis of the principles of reciprocity and mutual benefit. Co-operation will pay due regard to the situation of each of those countries, in particular in the matter of respect for human rights and fundamental freedoms.
4. Co-operation will relate to specific projects in the Council of Europe's intergovernmental programme of activities, which may be open to participation by interested non-member countries and enable tangible results to be achieved. Preference will be given to projects in fields where the Council of Europe has acquired competence, prestige and practical experience. Co-operation should be of benefit to individuals.
5. At present the following sectors might as appropriate lend themselves to such concrete projects: culture, education, sport and youth; nature conservation and protection of the environment; local authorities; social and health questions; selected legal co-operation topics.
6. In particular cases, for instance, when actual contacts have demonstrated the mutual benefit of co-operation and more formal links, having regard to the situation in each country, a European non-member state might be invited, subject to decisions which rest with the Committee of Ministers, to accede to one or another Council of Europe convention or agreement lending itself to such participation.
7. In co-operation with European non-member countries, the Council of Europe will seek to promote awareness of Europe's cultural identity, asserting its own statutory principles, seeking contact with individuals and calling for the implementation of the commitments subscribed to in the framework of the CSCE concerning respect for human rights and the human dimension in the CSCE process.
8. To enable the Committee of Ministers to ensure the necessary co-ordination of contacts and co-operation as a whole with European non-member countries as far as the Council of Europe's intergovernmental activities are concerned, while also taking into account initiatives of a similar nature undertaken by member countries at national level, the Secretary General is requested to submit to the Committee of Ministers, twice a year, a summary report giving the latest situation with regard to action undertaken (including results) or envisaged, and contacts in hand or projected.