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Committee of Ministers
Comité des Ministres



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For consideration at the 547th meeting
of the Ministers' Deputies
(16-19 October 1995, A level, item 3.1b)

UKRAINE

Accession of Ukraine
to the Council of Europe

Memorandum by the Secretary General

Part I - Accession to the Statute

1. It is recalled that, on 14 July 1992, Mr A.M. Zlenko, then Minister for Foreign Affairs of Ukraine, addressed a letter to the Secretary General. The letter included the following passage:

"According to Article 4 of the Statute of the Council of Europe, the Ministry of Foreign Affairs of Ukraine has the honour, on behalf of the Government of Ukraine, to ask You to invite Ukraine to become a member of the Council of Europe.

It is the intention of the Ukrainian Government to fully contribute to the work undertaken within the framework of the Council of Europe in order to reach principles, aims and objectives incorporated in its Statute.

On joining the Council of Europe, the Government of Ukraine intends to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

...".

2. On 23 September 1992, at the 480th meeting of the Ministers' Deputies, the Committee of Ministers adopted Resolution (92) 29 on Ukraine, in which it invited the Assembly to express its opinion on the matter. The Assembly adopted its opinion on 26 September 1995, allowing the Deputies to take a decision during the 547th meeting (16-19 October 1995).

3. Before any new member State can deposit its instrument of accession, there are certain specific decisions which the Committee of Ministers is required to take under the Statute, in addition to the decision in principle to admit the new member. In particular Article 6 of the Statute lays down that "the Committee of Ministers shall determine the number of representatives on the Consultative Assembly to which the proposed member shall be entitled and its proportionate financial contribution". These and other matters are considered in greater detail below with regard to the specific case of Ukraine.

Number of representatives to the Assembly

4. In its Opinion the Assembly recommends that the number of representatives of Ukraine be fixed at twelve. Subsequent to agreement by the Committee of Ministers on the question of the number of seats, the Secretary General will institute the procedure laid down in Article 41(d) of the Statute for the amendment of its Article 26.

Financial aspects of the accession of Ukraine

Statutory texts

5. As mentioned in paragraph 3 above, Article 6 of the Statute of the Council of Europe stipulates that, before inviting a State to become a member of the Organisation, the Committee of Ministers must determine its proportionate financial contribution.

Article 16 of the Financial Regulations stipulates that, when a new member State accedes, "the Committee of Ministers shall fix the amount which the new Member is to pay to the Working Capital Fund."

This Article also stipulates that "any new Member shall pay, in respect of the financial year in the course of which its instrument of accession is deposited, a contribution whose amount shall be determined by the Committee of Ministers. Such contribution shall be credited to the current Budget."

Proportionate financial contribution

6. Under the terms of Article 6 of the Statute of the Council of Europe, the Committee of Ministers fixes the proportionate financial contribution of a new member.

Application of Resolution (94)31 on the method of calculating the scale of member States' contributions to Council of Europe Budgets would result in the following rates of contribution by Ukraine to the Organisation's various budgets in 1995:

- Ordinary and Pensions budget 1.69 %
- Extraordinary budget for the financing
of the Human Rights building 1.53 %

Working Capital Fund

7. The participation by Ukraine in the Working Capital Fund, calculated according to the same percentage as the Ordinary Budget for 1995 would be 321 100 FF.

Contribution for 1995

8. In accordance with Article 16 of the Financial Regulations referred to above, the Committee of Ministers shall fix the amount of contribution that a new member will have to pay for the ongoing financial year.

Application pro rata temporis (from 9 November 1995) of the provisions detailed in paragraph 6 above results in the following amounts of contribution by Ukraine to the Organisation's various budgets for 1995.

- Ordinary Budget 1 887 765 FF
- Pensions Budget 130 492 FF
- Extraordinary Budget for the financing of
the Human Rights building 101 558 FF

Part II - Other mattersEuropean Convention on Human Rights

9. Article 38 of the Convention states that "the European Court of Human Rights shall consist of a number of judges equal to that of the members of the Council of Europe. No two judges may be nationals of the same State". The procedure for the election of a judge in respect of Ukraine, as laid down in Article 39 of the Convention, could therefore be initiated as soon as Ukraine had become a member of the Council of Europe.

General Agreement on Privileges and Immunities of the Council of Europe and Protocols thereto

10. The Secretariat has informed the Government of Ukraine of the importance attached to a speedy accession to these instruments.

Amendment of the Statute

11. As mentioned in paragraph 4 above, accession of Ukraine would require an amendment to Article 26 of the Statute (number of representatives in the Assembly). After approval of the number of representatives in respect of Ukraine by the Committee of Ministers, the procedure is simple and is laid down in Article 41(d) of the Statute.

Financial implications in 1995 of participation by Ukraine in the work of the Organisation

12. Ukraine's accession will entail a certain number of supplementary obligatory expenses for the ordinary budget, particularly in the framework of the Intergovernmental Programme of Activities (Vote II). The Secretariat will in due course draw up detailed proposals for supplementary appropriations to deal with these minimum unavoidable statutory expenses and will submit them to the Deputies for consideration at a forthcoming meeting, in the light of the Budget Committee's opinion. These supplementary appropriations will be financed from the supplementary receipts ensuing from Ukraine's accession in 1995 and will not therefore involve additional contributions from member States.