

Memorandum by Daniel Tarschys on the accession of the Russian Federation to the Council of Europe (2 February 1996)

Caption: On 2 February 1996, Daniel Tarschys, Secretary-General of the Council of Europe, gives a progress report on the negotiations for the accession of the Russian Federation to the Council of Europe and lays down the terms for and financial implications of such enlargement.

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Part I – Accession to the Statute

1. It is recalled that, on 6 May 1992, Mr A. Kozyrev, then Minister for Foreign Affairs of the Russian Federation, addressed a letter to the Secretary General. The letter included the following passage:

“ ...

Proceeding from the firm determination of Russia to follow the path of enhancing the democratic achievements, the rule of law, pluralistic democracy and human rights and liberties, I have the honour to ask You to inform the Committee of Ministers of the desire of the Russian Federation to become a full member of the Council of Europe. This decision emanates from our sincere aspiration to be guided by the high democratic standards established within the European family of civilized nations.

Russia is convinced of and fully shares the fundamental purposes and principles of the Council of Europe, highly appreciates its potential to build a new democratic united Europe and is ready, upon becoming a member of Your Organization, to contribute vigorously to its activities for the benefit of all the European nations.

...”.

2. On 25 June 1992, at the 478th meeting of the Ministers' Deputies, the Committee of Ministers adopted Resolution (92) 27 on the Russian Federation, in which it invited the Assembly to express its opinion on the matter. The Assembly adopted its opinion on 25 January 1996, allowing the Deputies to take a decision during the 557th meeting (5-8 February 1996).

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 the Russian Federation.

Number of representatives to the Assembly

4. In its Opinion the Assembly recommends that the number of representatives of the Russian Federation be fixed at eighteen. 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 the Russian Federation

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 the Russian Federation to the Organisation's various budgets in 1996:

Ordinary and Pensions budget4,65 %

Extraordinary Budget..... 4,16 %

Working Capital Fund

7. The participation by the Russian Federation in the Working Capital Fund, calculated according to the same percentage as the Ordinary Budget for 1996 would be 883.500 FF.

Contribution for 1996

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.

The exact date of accession of the Russian Federation has not yet been fixed. For information purposes only, an accession of the Russian Federation on 1 March 1996, would give rise, by application pro rata temporis of the provisions detailed in paragraph 6 above, to the following amounts of contribution by the Russian Federation to the Organisation's various budgets for 1996 :

Ordinary Budget31.551.836 FF

Pensions Budget.....2.161.175 FF

Extraordinary Budget.....1.589.913 FF

The amount of contribution by the Russian Federation will be adjusted up or down according to the actual date of accession.

Part II - Other matters

European 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 the Russian Federation, as laid down in Article 39 of the Convention, could therefore be initiated as soon as the Russian Federation 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 the Russian Federation of the importance attached to a speedy accession to these instruments.

Amendment of the Statute

11. As mentioned in paragraph 4 above, accession of the Russian Federation 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 the Russian Federation by the Committee of Ministers, the procedure is simple and is laid down in Article 41(d) of the Statute.

Financial implications in 1996 of participation by the Russian Federation in the work of the Organisation

12. Russia'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 Russia's accession in 1996 and will not therefore involve additional contributions from member States.