

## Information report on the enlargement of the Council of Europe (16 June 1992)

**Caption:** On 16 June 1992, the Parliamentary Assembly of the Council of Europe considers a report on the enlargement of the Strasbourg organisation and lays down terms for accession and the institutional and geopolitical implications thereof.

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## Information report on the enlargement of the Council of Europe (16 June 1992)

(Rapporteur: Mr. REDDEMANN, Germany, Christian Democrat)

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### Introduction

The changes in east and south-east European countries are setting new tasks for the Council of Europe. They are forcing the Organization to redefine the boundaries of Europe, to recall the fundamental preconditions for membership, to consider cooperation with non-European states, and to adapt the working methods *inter alia* of the Parliamentary Assembly to the new situation.

The Bureau of the Assembly and various committees have formulated the bases for carrying out the tasks. They are mainly contained in the reports on the geographical enlargement of the Council of Europe (conclusions of the Bureau) (AS/Bur (43) 93), on access by European non-member states to institutions operating under certain Council of Europe conventions relating to human rights (Rapporteur: Mrs. Haller, Doc. 6585), on the Council of Europe and the new sovereign republics of eastern Europe (Rapporteur: Mr. Tarschys, Doc. 6484) and on the role of the Council of Europe in the "new Europe" (Rapporteur: Mr. Soares Costa, Doc. 6365).

The Parliamentary Assembly must harmonize the various reports with each other in order to adopt proposals for concrete action as soon as possible.

The ensuing report is a contribution to the debate with a view to preparing the requisite work. The conclusions of the Bureau of the Assembly on the geographical enlargement of the Council of Europe are contained in Appendix I. Those of the Committee on Relations with European Non-Member Countries are in Appendix II.

### 1. Preconditions for membership

The Council of Europe is an organization of European states. The Statute of the Council of Europe provides that the fundamental prerequisite for accession is that the candidate state be based on the rule of law, guaranteeing human rights and the fundamental freedoms.

Hitherto, the Statute has differentiated between sovereign states (Article 4), which can become full members, and other countries (Article 5) which have not obtained sovereignty.

Since the foundation of the Council of Europe the number of sovereign states in Europe has increased. The number of dependent countries has decreased. Of all states on European territory, only the Principalities of Andorra and Monaco do not enjoy full sovereignty.

The Holy See, which does not have a democratic system because of its special position as the seat of the world Catholic Church, holds observer status with the Council of Europe Committee of Ministers.

The State of Israel, aware of its obligations under the Council of Europe fundamental principles, has observer status with the Parliamentary Assembly. Israel's geographical situation makes the republic's full membership impossible, however desirable this might be.

### 2. The European condition

In addition to the safeguard of democratic rights, the Council of Europe's Statute requires a member state to be part of the European continent.

However, the founder states did not require the national territory of a member state to be situated exclusively in Europe. For example, the Republic of Turkey was accepted as a full member. The French Republic was

already a full member when the present-day Republic of Algeria was constitutionally still part of the French Republic.

The precondition remained that a state which is considered to be only partly on the European continent must be integrated into European culture and see itself as a European state.

### **3. Definition of Europe**

Geographically speaking, Europe cannot be so unambiguously defined as other continents, because the "old continent" gives the impression of being an intricately shaped peninsula appended to Asia.

For this reason Europe as a continent has always been defined in historical and cultural terms, although conceptions of the extent of Europe have differed immensely throughout the centuries.

Theoretical discussion of the boundaries of Europe were of no concern to the Council of Europe's founding fathers, because at the time the potentially controversial borders in the east required no investigation.

The Soviet Government's assertion that the Council of Europe was nothing but an instrument of the cold war, and the consequent hostile policy adopted by the Soviet Union *vis-à-vis* the Council rendered an exact reconnaissance of borders superfluous.

### **4. Lack of a recognized eastern border**

Even now Europe has no internationally binding eastern boundary. Since Tsarist Russia had overstepped all theoretical borders between Europe and Asia with its annexations of states east of Russia proper, although a distinction was drawn between European and Asian Russia no conclusions were drawn under constitutional or international law, inside or outside Russia.

After the Soviet Union collapsed and was temporarily split up into so-called socialist republics, the Russian Socialist Federal Republic was divided into administrative units but no borders were laid out to form a mandatory line of separation between Europe and Asia.

### **5. Eastern demarcation line**

In the public discussion which followed the slogan "Europe from the Atlantic to the Urals", coined by the former French President Charles de Gaulle, a dividing line between Europe and Asia emerged running from the middle of the Bosphorus through the Black Sea to the estuary of the Ural river, via the whole course of the Ural river, and finally along the crests of the Ural mountains to the northern edge of the Euro-Asian land mass.

This line would not be exact enough if it had to be used to establish a national border. However, it is quite adequate as a dividing line between two continents which is not intended to be binding under national or international law.

Since the member states of the Council of Europe have hitherto refrained from challenging the Ural line, the Council should accept it as being the eastern demarcation of Europe.

### **6. Potential member states**

The following consequences are the result of the stipulation of the Statute that a Council of Europe member state must be a European state:

In addition to the twenty-seven current sovereign member states of the Council of Europe, the following states in the east and south-east of the continent count as European states:

a. in the Baltic: Estonia, Latvia and Lithuania;

b. west of the Russian Federation: Belarus and the Ukraine. Moldova has declared itself sovereign. Some quarters are advocating the country's reunion with Romania;

c. in the Balkans: Romania, Bosnia-Herzegovina, Croatia, Slovenia, Serbia/Montenegro and Albania.

The existence of Macedonia (previously a Yugoslav republic) is disputed by Greece. Serbia is not prepared to free the proclaimed Republic of Kosovo. The status of Vojvodina remains controversial;

d. in the Caucasus: Armenia, Azerbaijan and Georgia.

## **7. The Federation of Russia**

The Federation of Russia has a special role to play. Its government headquarters and main political centre are indisputably in Europe, even though large tracts of the republic are undoubtedly on Asian soil.

Russia's geographical situation entitles it to become a member of the Council of Europe. Doubts are currently still justified as to whether the country fulfils the other prerequisites for membership. More detailed examination would be required.

## **8. Asian ex-Soviet republics**

Of the former Soviet republics, Kazakhstan, Kyrgyzia, Tajikistan, Turkmenistan and Uzbekistan are all indubitably situated outside the borders of Europe as defined in Section 5.

The western area of Kazakhstan is on European soil. However, despite the large European population groups (mainly Russian) there is no European orientation as described in Section 7 of this report as a precondition for full membership.

## **9. Border changes must be peaceful**

In view of the disputes, and indeed armed conflict, between various states and nationalities in the former Soviet Union and what used to be Yugoslavia, changes to borders and the creation of further states cannot be excluded. No description of the current situation can therefore be viewed as definitively establishing the present-day system of states.

The Council of Europe is guided here by the provisions of the CSCE Final Act which permits modifications to borders but stipulates that they must be made without the use of force, and, obviously, not against the will of the populations involved.

For the Council of Europe, the people's right of self-determination remains one of the mainstays of the system for maintaining peace in Europe.

## **10. Cooperation with non-European states**

In view of the interest shown by non-European states neighbouring our continent, we should investigate, as part of the current overall changes, how cooperation could be pursued between these states and the organs of the Council of Europe.

The states in question cannot become full members because the Council's lofty aims preclude it from giving the impression of using cooperation between European peoples to attempt to draw other states back into a European area of influence and curtail their right of self-determination.

The Council of Europe should keep itself within modest limits and lay very narrow boundaries for

cooperation with non-European states. Above all, we must prevent the coercive membership of the ex-Soviet Union or the fact of belonging to a former European colonial system from becoming the precondition for cooperation.

## **11. Regulations for cooperation**

States which wish to cooperate with the Council of Europe must apply the principles on which the Council bases its own work. They may accede to all Council of Europe conventions which do not necessitate collaboration in one of the Council's organs.

If a cooperating state wishes to enforce the European Convention on Human Rights on its own territory, negotiations must be conducted to determine how it aims to comply with the decisions of the European Commission of Human Rights and the judgments of the European Court of Human Rights - and how its collaboration on these bodies is to be organized.

In order to enable cooperating states to work in the Council of Europe's committees, a cooperation committee must be set up composed of representatives of the cooperating states, the Committee of Ministers and the Parliamentary Assembly. The committee would then decide on the themes for cooperation.

The Parliamentary Assembly shall debate the agreed themes during at least one session every year. During preparation of the debate, the representatives of the cooperating states may submit proposals to the Parliamentary Assembly committees. If the committees and the representatives of the cooperating states are unable to secure a joint decision, the divergent opinions must be set forth in the relevant committee report.

Delegations of the cooperating states may take part in the Parliamentary Assembly debates on the themes formulated by the cooperating committee, and have full entitlement to take the floor. In such cases, Assembly resolutions may only be adopted if a majority of the representatives of the cooperating states are in favour.

## **12. Special guest / observer status**

Special guest status for the parliaments of European non-member states would be cancelled as soon as all states currently or prospectively holding such status have become full members or, for statutory reasons, are disqualified from becoming full members.

Observer status would remain restricted to the two states currently holding it (Israel's observer status with the Assembly under Rule 55 of the Assembly's Rules of Procedure and the observer status of the Holy See with the Council of Europe).

If these statuses were cancelled, the modalities of cooperation between the Council of Europe and the Holy See would have to be re-examined, as would the rights currently enjoyed by Israel. However, the latter could apply for the status of cooperating state.

## **13. Associate member**

The possibility of becoming an associate member, which has not been made use of since 1955, could be cancelled, in the absence of applicants.

Transferring the concept of "associate member" to a state cooperating with the Council of Europe could lead to misunderstandings because "associates" have hitherto been non-sovereign states. "Second-class membership" would also hamper the desired cooperation with the United States and Canada.

## **14. Working methods of the Parliamentary Assembly**

The extension of the Council of Europe to new member states, and the possible extension of Parliamentary

Assembly debates to delegations from cooperating states, will force the Parliamentary Assembly to change its working methods.

The Assembly must either increase the number of its sittings or, when establishing the order of business, reduce the number of items for debate.

Debates in which the majority of registered speakers are given only three minutes or have no opportunity at all to speak do not do justice to the work of the Parliamentary Assembly.

## 15. Coordination of the work

Since the points of view expressed in various committees are still divergent, the Bureau should set up a special committee made up of members of the *Ad hoc* Committee for the Revision of the Statute, the Political Affairs Committee, the Committee on Relations with European Non-Member Countries, the Committee on Legal Affairs and Human Rights and the Committee on Rules of Procedure. The special committee would be responsible for coordinating the various fields of work and formulating a common position thereon.

## APPENDIX I

### The geographical enlargement of the Council of Europe: policy options and consequences

*Conclusions of the Bureau of the Assembly, as approved on 22 April 1992(\*)*

#### I. Introduction

At their meetings on 10 and 11 March 1992, respectively, the *Ad hoc* Committee on Relations with Eastern Europe and the Bureau held a first exchange of views on a paper presented by the Clerk of the Assembly and first distributed on 18 February 1992. The Bureau then asked the Clerk to prepare a revised version for the committee's and the Bureau's meetings on 22 April 1992.

In accordance with the Bureau's instructions, the paper was to provide a basis for discussion on the policy or strategy to be adopted by the Assembly regarding the admission of new members, special guest status and other forms of cooperation with the Council of Europe.

In this connection, it should be underlined that an important contribution to this debate had already been made by Mr. Tarschys with his Report on the Council of Europe and the new sovereign republics of eastern Europe (Doc. 6484 of 13 September 1991), though written at a time when the Union of Soviet Socialist Republics was still formally in existence. The work of the *Ad hoc* Committee on the Revision of the Statute is also relevant, as the proposed new wordings of Articles 3 and 4 and, in particular, that of Article 5 (see Appendix A) have a direct bearing on the issue.

Having considered the Clerk's paper at its meetings of 11 March and 22 April 1992 and taken account of the advice given by the *Ad hoc* Committee on Relations with Eastern Europe, the Bureau reached the conclusions reflected below. It decided that they should be communicated to:

- the Political Affairs Committee which is to prepare a report for debate at the Budapest part-session on 30 June 1992;
- the Committee on Relations with European Non-Member Countries and the Committee on Legal Affairs and Human Rights which are requested to forward their contributions to the Political Affairs Committee before the latter's meeting on 4 June 1992 when the aforementioned report is to be adopted in committee, so as to allow its distribution in good time before the Budapest plenary session (see Rule 28, paragraph 2).

The present paper is subdivided in three parts: Part II deals with the conditions of membership and Part III,

with potential new members. Part IV is concerned with the consequences of enlargement on the nature and functioning of the Organization.

## II. Conditions of membership

### 1. Relevant articles of the Statute

It emerges from Articles 3 and 4 of the Statute in its present wording that, in order to become a member of the Council of Europe, a state must be European, recognize the rule of law and respect human rights and fundamental freedoms. It must also "collaborate sincerely and effectively in the realisation of the aim of the Council ...". This includes meeting its financial obligations (see Article 9). The condition that a member must be a democracy is implicit in the preamble (and in Chapter V on the Parliamentary Assembly). The revised version that will be proposed by the Bureau's *Ad hoc* Committee on the Revision of the Statute would reinforce Articles 3 and 4, *inter alia* by inserting the conditions that the state in question must be a pluralist parliamentary democracy and that it accedes to the European Convention on Human Rights. (Both conditions already correspond to the Assembly's practice when formulating its opinions on applications for membership.)

There is unanimity in the Assembly, as in the Committee of Ministers, that the Organization's principles with regard to pluralist parliamentary democracy, rule of law and human rights must be firmly upheld where membership is in question. The Assembly has been more flexible as far as special guest status is concerned (see Rule 55.a, paragraph 1).

### 2. The concept of "European"

On the other hand, the Organization (the Assembly and the Committee of Ministers) need a clear policy as to what is "European". This was also underlined, on both sides, during the meeting on 21 April between the *Ad hoc* Committee on the Revision of the Statute and a delegation of the Ministers' Deputies.

Unless one day the meaning of the term were to be extended to the southern and south-eastern shores of the Mediterranean (an idea occasionally put forward) this problem concerns only the former republics of the Soviet Union. Mr. Tarschys (paragraph 18 of Document 6484) had divided them into four categories:

- i. the three Baltic republics: Estonia, Latvia, Lithuania;
- ii. the other European republics: Russia, Belarus, Moldova, Ukraine;
- iii. the Caucasian republics: Armenia, Azerbaijan, Georgia;
- iv. the five Asian republics: Kazakhstan, Kyrgyzia, Tajikistan, Turkmenistan and Uzbekistan.

While the qualification "European" is obvious for categories i and ii above, it is less so for category iii and it would be difficult to accept for category iv.

It is true that the CSCE has accepted all ex-Soviet republics as participating states, following their acceptance of CSCE commitments and responsibilities. However, the Council of Europe is obviously not bound to follow this example: the CSCE has never been purely European and it has now become an American-European-Asian framework of cooperation with fifty-one members <sup>1</sup>. It has also been argued, more particularly with regard to special guest status (which has come to be regarded as a preliminary stage to full membership), that one should not refuse to the part what had been granted to the whole. But there is a difference between granting special guest status or membership to a state which has both a predominantly European population as well as a substantial non-European population and to former parts of that state which are clearly non-European. When, for example, Algeria ceased to be a Department of the French



Republic, it was not offered (nor asked for) membership of the Council of Europe.

The discussions in the Bureau were not entirely conclusive as to whether the Caucasian states should be considered European. In view of their cultural links with Europe, a majority would admit the possibility of Armenia, Azerbaijan and Georgia becoming members, if and when their internal situation conformed with Council of Europe standards and if there was a clear will, on their part, to be considered part of the European family. In any case, the Bureau held that no difference must be made between them in this respect.

There was unanimity that the Asian ex-Soviet republics were not eligible for full Council of Europe membership. However, it was felt that there were, nevertheless, strong political and security arguments for drawing them closer to the Council of Europe. The new type of associate membership (see Appendix A), if it were agreed upon, and other forms of cooperation as initiated already (for example, training schemes under the Demosthenes Programme, legal counselling, accession to Council of European conventions) would be appropriate instruments to this end - always provided that there was a reciprocal desire of cooperation.

### **III. Potential new members**

#### **1. Short term**

##### *a. Bulgaria*

It is taken for granted that the Assembly's positive opinion will be adopted on 5 May, and that Bulgaria will be admitted to the Council of Europe on the occasion of the Committee of Ministers' session on 7 May.

##### *b. Estonia, Latvia and Lithuania*

The Bureau noted that the three countries who hold special guest status in the Assembly are expected to accede to the European Cultural Convention on 7 May.

Concerning full membership, the reports of the three teams of eminent lawyers (members of the Court and Commission of Human Rights) had suggested that there were still problems regarding the conformity of the internal legal order of these countries with Council of Europe standards, apart from the fact that all of them still needed to organize free general elections.

At its meeting on 22 April, the Bureau was informed that the reporters of the committees concerned (Political Affairs, Non-Member Countries, Legal Affairs) had visited Estonia from 12 to 15 April. In view of the progress made in meeting Council of Europe standards and the prospect of general elections in June 1992, they did not exclude the possibility that the Assembly might adopt a positive opinion at the October 1992 part-session.

No report was yet available from the rapporteurs who visited Latvia from 21 to 24 April, and no date has yet been fixed for the visit of the rapporteurs of the three committees to Lithuania.

The Bureau unanimously considered that accession by these countries depended on:

- the fulfilment of all conditions under the Statute and the European Convention on Human Rights;
- the respect of minorities' rights;
- the holding of free elections.

At the same time, the Bureau confirmed its view that the three countries should not be considered as a bloc and that one may well meet the conditions of membership earlier than others.



## 2. Medium term

### *a. Romania*

The Assembly has been informed by the Committee of Ministers of Romania's application for membership. However, there are still doubts whether the internal situation in Romania is such as to make it ready for full membership. Under the electoral law adopted in 1990, general elections must take place within one year from the adoption of the new Constitution (8 December 1991). There are no clear indications as to the date envisaged for the election.

The three committees concerned have appointed their rapporteurs for Romania, namely: Mr. Koenig (Political Affairs Committee); Mr. Masseret (Committee on Relations with European Non-Member Countries); and Mr. Jansson (Legal Affairs Committee). No date for a visit to Romania has yet been fixed. However, this will take place after the elections.

In the meantime, the Bureau decided that - as in the case of Estonia, Latvia and Lithuania - the conformity of Romania's internal legal order with basic Council of Europe standards should be examined by members of the Court and Commission of Human Rights. Obviously, this would depend on the willingness of the Romanian authorities to furnish the required documentation and to receive the eminent lawyers in Romania. The Bureau specified that the same method should henceforth apply to all new applicant countries. Thus, there would be no discrimination as between candidates for membership. In any case, the Bureau considered that it would not be possible to complete the procedure for Romania's admission to the Council of Europe before 1993.

The Bureau also noted that the case of Romania should be seen in connection with that of Moldova. Both states have signed the Helsinki Final Act and, thus, are committed to respecting existing frontiers - which does not exclude peaceful change of frontiers by agreement. Both have declared unambiguously that Moldova is part of Romania. But this view may well require testing by means of referenda in the two states, monitored on-the-spot by delegations from the Assembly.

If Romania and Moldova were to unite before Romania's admission to the Council of Europe, the Assembly would have to scrutinise the situation in Moldova as carefully as in Romania, bearing also in mind that the Russian and Gagauzi minorities in Moldova are opposed to becoming part of Romania and that an "independent" Republic of Transnistria has just been proclaimed in the Russian-populated part of Moldova. If fusion took place after Romania's admission, the situation would be still more complicated, unless, in the meantime, Moldova had been admitted on her own merits.

### *b. Albania*

On 22 April, the Bureau heard an oral report by Sir John Stokes, leader of the Assembly's observer delegation for the 22 March elections in Albania (see also statement by Sir John Stokes dated 24 March and the report appended to the Activity Report of the Bureau and the Standing Committee, Doc. 6603). While underlining that Albania was still facing enormous problems and that the outcome of the elections did not yet make the country ready for accession to the Council of Europe, the Bureau considered that if and when a formal application for membership was received and forwarded by the Committee of Ministers to the Assembly, normal procedure (including the examination of Albania's internal legal order by members of the Court and Commission of Human Rights) should be followed.

### *c. Former republics of Yugoslavia*

i. Slovenia received special guest status on 3 February 1992. It then applied for full membership. The application was forwarded by the Committee of Ministers to the Assembly on 26 March. At first sight, this country may well meet the basic conditions of membership concerning human rights, the rule of law and

pluralist parliamentary democracy.

On 22 April, the Bureau referred the Committee of Ministers' request for an opinion to the three committees concerned.

- ii. Croatia applied for special guest status. The two competent committees have given a positive opinion. The Bureau intends to take a decision on 4 May 1992.
- iii. Macedonia: this newly independent republic has also applied for special guest status and the competent committees have appointed rapporteurs. A delegation of the Macedonian parliament has been invited for an exchange of views with the Committee on Relations with European Non-Member Countries on 5 May 1992.
- iv. Others: no approach has been made yet by Bosnia-Herzegovina. A re-establishment of relations with the "new" Yugoslavia (Serbia and Montenegro) is not, at this stage, a topical issue. In this connection, the Bureau was informed that the Political Affairs Committee had invited delegations from Kosovo and Vojvodina for an exchange of views during the May part-session.

*d. Commonwealth of Independent States* <sup>2</sup>

- i. Russia has taken up former oral declarations of Soviet representatives according to which membership in the Council of Europe was one of their government's policy objectives. No formal application has yet been lodged, but there are indications that the Minister of Foreign Affairs of the Russian Federation, Mr. Kozyrev, will do so on 7 May when attending the Committee of Ministers. He will also have an exchange of views with the Political Affairs Committee.

During his recent visit to Paris (5 to 7 February 1992) President Yeltsin asked for the French Government's support for Russia's entry into the Council of Europe and this received a positive reaction. It may be open to question, however, whether the "democratic revolution" in Russia, as in other ex-Soviet republics, has already gone deep enough to be compatible with Council of Europe standards.

Furthermore, the Bureau noted that there are signs of disintegration within the Russian Federation. Thus, the Chechens and the Tatars have recently declared their independence, whatever this may mean in practice. A new Treaty of Federation was signed on 31 March 1992 which the Chechen and Tatars refused to sign.

While accession to the Council of Europe is still some way off the Bureau strongly supports the activities carried out under the intergovernmental Demosthenes Programme. In addition, it considers cooperation at the parliamentary level should be stepped up for example, training of parliament officials and parliamentarians through seminars or traineeships in Strasbourg. Of course, such programmes could also be carried out by the national parliaments of Council of Europe member countries.

- ii. Other European ex-Soviet republics represented at the hearings during the February 1992 part-session, namely Ukraine, Belarus and Moldova, expressed interest in becoming members of the Organization. Whatever the internal situation in these countries, as no formal applications have been lodged so far, membership could not be envisaged before 1993. In the meantime, all of them have applied for special guest status. On 7 February, the Bureau decided to freeze these and other applications until a discussion on general policy regarding geographical enlargement has taken place. On 22 April the Bureau decided that the procedure could go ahead. <sup>3</sup>

The Bureau supports the same interim measures of co-operation as in the case of Russia.

- iii. The Caucasian republics have already been mentioned in Part II in connection with the frontiers of Europe. It was noted that they are not European in the strict geographical sense of the word, while the opinion is widely shared that they are culturally close to Europe. It was also observed, however, that cultural affinities exist with a number of states situated in other continents and that this has never been considered a sufficient criterion for Council of Europe membership.

Armenia and Azerbaijan are candidates for special guest status. Georgia had earlier expressed interest in the Council of Europe, without making a formal application. Obviously, the situation in Georgia, as, in fact, in the two other republics, is too uncertain at the moment to make any forecasts.

Furthermore, it was noted that the picture may be complicated in the future. The North Caucasus consists of a number of autonomous republics (AR) within the Russian Federation. According to the 1989 census, the total population numbers more than four million people: 102000 Abkhazians; 394000 Kabardins; 245000 Karachai and Balqar; 124000 Circassians (Adygei); 597000 Ossetians; 1,2 million Chechen and Ingush and two million Daghestanis. The majority are Sunni Muslims, although there are both Muslim and Christian Ossetians.

The Bureau concluded that the question of the form of the Council's future relations with the three countries (potential full membership or reformed associate membership) should remain open for the time being. In principle, special guest status was considered a possibility (although this was seen as a relationship leading normally to full membership in due course). However, the Bureau decided that the procedure concerning the application lodged by Armenia and Azerbaijan would not be pursued any further, until replies had been received to the President's letter of 6 February 1992 asking for confirmation that they accept Council of Europe binding mediation on the issue of Nagorny-Karabakh.

The Bureau also expressed concern about reports on atrocities perpetrated in Georgia.

iv. Former Soviet republics geographically situated in Asia: the question of their relations with the Council of Europe has also been touched upon already in Part II in connection with the definition of the term "European". None of the republics concerned (Kazakhstan, Kirgizia, Tajikistan, Turkmenistan and Uzbekistan) has so far made a formal approach to the Council of Europe. But the Bureau noted that four of them (all except Tajikistan) have cultural and linguistic ties with Turkey, the development of which could constitute an important factor of stability in the region. <sup>4</sup>

2. Apart from Croatia the following six applications are pending: Armenia, Azerbaijan, Belarus, Macedonia, Moldova and Ukraine. The Committee on Relations with European Non-Member Countries has already given a favourable opinion on the applications by Belarus and Ukraine.

The Bureau agreed that full membership cannot be considered (logically neither can special guest status, if this is seen as an "antechamber" for full membership) but that the new type of associate membership (Appendix A) proposed by the *Ad hoc* Committee on the Revision of the Statute might constitute an appropriate link with the Council of Europe.<sup>5</sup> Of course, this presupposes a willingness to enter into such a relationship on the other side. The Council of Europe must guard itself against any possible reproach of neo-colonialism.

With this proviso, the Bureau would also encourage accession to Council of Europe conventions, bearing in mind that associate membership would also allow accession to "closed" conventions, such as the European Convention on Human Rights. The Committee of Ministers could offer technical assistance under the Demosthenes Programme.

#### **IV. Consequences of enlargement**

The expected enlargement of the Organization will have consequences for the political nature of the Council of Europe, the functioning of its organs, its tasks, the needs for staff, meeting rooms and offices. It will also require more credits for technical assistance and advice in "democracy building" to candidates and new member countries. No doubt financial assistance allowing certain delegations to participate in Assembly meetings will also be needed for a certain period.

##### **1. A change in the nature of the Organization**

The Bureau considered that the expected geographical expansion of the Organization will entail a profound change in its internal political balance: what was a western Organization will in future be strongly influenced by the eastern part of Europe. There was agreement that this is a desirable development, as it will lead to a pan-European order (be it called confederation or by any other name) and because it will enrich western Europe with a cultural input from central and eastern Europe, and vice versa.

## 2. The functioning of the organs of the Organization

The increase from a membership of twenty-three in 1989 to perhaps forty or more in some years' time is bound to have a serious impact on the internal functioning of the Organization.

At present, the Assembly has 204 titular members and the same number of substitutes, bringing the number to 408. A large number of the substitutes participate regularly in plenary and committee meetings, even if the titular member is also present. To this have to be added the special guest and observer delegations, although special guests have no substitutes. The number of parliamentarians in special guest delegations (Albania, Bulgaria, Estonia, Latvia, Lithuania, Romania, Russia, Slovenia) comes to fifty.

If all the ex-Soviet republics were to join the Council of Europe in due course, the number of countries would be forty-four and the number of titular members 314, assuming that the ceiling would remain fixed at eighteen for the "big" member states. This would entail a number of specific problems, briefly mentioned hereafter.

### *a. Procedure*

Both in the Committee of Ministers (and its subordinate expert committees) and in the Assembly voting rules and other procedural provisions will have to be reconsidered.

i. For the Assembly, a more detailed study will have to be undertaken to examine whether the existing rules of procedure are adapted to a membership which (in terms of countries and in terms of representatives in the Assembly) will have doubled in some years' time.

ii. The rules for speaking time and the speakers' list (again on the Bureau's agenda for 11 March) may need to be reviewed once more.

iii. Another question concerns the composition of the Bureau. Can one go on enlarging Bureau membership with consequences on the manageability of this body?

iv. The composition of the other committees, presently laid down in Rule 43 of the Rules of Procedure, should also be looked at again. Already some committees are now so large that, with the presence of special guests and observers, they have become difficult to manage.

The Bureau felt that none of the procedural issues under i to iv constituted a major problem. However they should be looked into by the Rules of Procedure Committee, after the Assembly's debate at the June 1992 part-session in Budapest.

1. This matter is the subject of a report being prepared by Mrs Haller in the Committee on Rules of Procedure.

### *b. Space*

i. The Assembly Chamber, adapted to the size of the European Parliament, should be sufficient for a long time to come. If necessary, some categories of persons presently seated in the hemicycle may have to sit elsewhere in the future.

ii. Some meeting rooms, even in the Palais de l'Europe, are no longer sufficient to accommodate the larger committees. However, given the size of these rooms, it should be possible to add chairs and desks, if necessary, and to adapt the technical equipment.

iii. Problems may nonetheless arise for the meetings of the political groups. The bigger ones already find it difficult to accommodate all their members in the meeting rooms available.

iv. An immediate concern is office space for the Assembly's staff and for existing and new parliamentary delegations.

v. Concerning the Paris office, the Bureau reiterates its request for an urgent study of alternative solutions to be undertaken by the Council of Europe Secretariat, possibly in co-operation with the Western European Union.

#### *c. Staff*

If the Office of the Clerk is to give the same service to the Assembly as before (in fact it should be in a position to give better service), it is obvious that it cannot do so, with a greatly increased membership, unless there is a corresponding increase in staff. Apart from the Clerk and the Deputy Clerk, and four Heads of Division, the grade A staff of the office consists only of committee secretaries. This includes the Head of the President's Private Office who is at the same time the Secretary of the Bureau. During the past few years additional tasks have been put on committee secretaries, such as an increasing number of time-consuming missions to accompany rapporteurs preparing opinions on applications for membership and delegations observing general elections. This is often responsible for delays in the production of committee documents.

The Bureau asked the Secretary General and the Committee on the Budget and the Intergovernmental Work Programme to give this matter further consideration.

#### *d. The language question*

At the moment, in addition to the two official languages, German and Italian are "working languages" in the Assembly and its committees (Rule 17 of the Rules of Procedure). This means that interpretation (not translation of documents) is provided under the budget. Interpretation in any other language is paid by the delegation concerned.

The Bureau, having been informed of a motion for a recommendation aiming at giving German the status of an official language, decided not to pursue the matter further at this stage.

#### *e. Share of new member countries in leading posts in the Organization*

The Bureau agrees that the Organisation's new role and geographical extension should, in due course, be reflected in the distribution of leading posts of the Organization.

### 3. Financial obligations

Reference to this has been made already, in Part 11 relating to conditions of membership. Article 9 of the Statute provides the following: "The Committee of Ministers may suspend the right of representation on the committee and on the Consultative Assembly of a member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled."

Indeed, an enlarged organization, in order to function properly, will require a correspondingly increased budget. Furthermore, membership can only be meaningful if member states/parliaments are regularly represented in the Organization's organs. It appears that some potential new members, holding special guest

status for the time being, may not be in a position, for lack of foreign exchange, to meet their obligations.

While the Bureau confirmed its position that the participation of special guest delegations could be subsidized for a transitional period, the principle of full members contributing to the Council of Europe's budget in accordance with existing rules should be maintained.

(\*) This document does not take into account developments since this date.

(1) That is to say, twenty-five CSCE states are not, for the time being members of the Council of Europe :

- all fifteen ex-Soviet republics (although Russia, Estonia, Latvia and Lithuania have special guest status);
- Bulgaria, Romania and Albania (all enjoying special guest status);
- Yugoslavia and its break-away republics Slovenia and Croatia (only Slovenia holding special guest status);
- Monaco and the Holy See;
- Canada and the United States.

(2) Georgia, mentioned under iii has not yet joined the Confederation of Independent States (CIS) while, on the other hand, it is not excluded that other republics, like Ukraine, may leave it.

(3) Apart from Croatia the following six applications are pending : Armenia, Azerbaijan, Belarus, Macedonia, Moldova, and Ukraine. The Committee on the Relations with European Non-Member Countries has already given a favourable opinion on the applications by Belarus and Ukraine.

(4) It should be noted, in this connection, that, on 6 February 1992, Iran, Pakistan and Turkey decided in Ankara that Azerbaijan, Turkmenistan and Uzbekistan should be admitted to the 27-year-old Economic Co-operation Organisation. A further ex-Soviet republic, Tadzhikistan, was also offered membership.

A few days earlier, on 3 February in Istanbul, the Black Sea Economic Co-operation Pact was founded, comprising Armenia, Azerbaijan, Bulgaria, Georgia, Moldova, Romania, Russia, Turkey and Ukraine. Membership was also offered to Greece.

(5) It should also be noted, in this connection that such associate membership would give the same rights as special guest status (which is not a statutory institution) in the Assembly, but would also offer possibilities of participation on the intergovernmental side.