Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1065 (1995)[1]

Procedure for an opinion on Russia's request for membership of the Council of Europe

Parliamentary Assembly

1. Procedure for an Assembly opinion on Russia's request for membership was interrupted on 2 February 1995. This was because of the use of force in Chechnya by the Federal authorities, in the manner and in the circumstances set forth in Resolution 1055 (1995).

2. .In compliance with this resolution and with Order No. 506 (1995), which instructed the committees concerned "to follow developments ... and report at the first appropriate opportunity":

2.1. the Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights) visited Moscow, Chechnya and neighbouring republics from 5 to 11 June 1995;

2.2. the Chairman of the Political Affairs Committee and the Chairman of the Committee on Relations with European Non-Member Countries held talks in Moscow on the occasion of the conference marking the 20th anniversary of the OSCE (ex-CSCE) on 17 and 18 July 1995;

2.3. the rapporteurs of the three committees held further meetings in Moscow and Grozny from 21 to 24 August 1995, with the full co-operation of the Russian authorities and the OSCE mission. They were thus able to put questions to those responsible on either side for implementation of the 30 July peace agreement in Chechnya.

3. The purpose of the Assembly has been, through this programme of visits and meetings:

3.1. to appraise the situation in Chechnya in terms of human rights;

3.2. to assess prospects for improvement of this situation, in the light of developments in the Russian Federation as a whole;

3.3. to determine when and whether procedure on Russia's request for membership could be resumed.

4. Russia is now seeking a political solution to the Chechnya conflict. As of late 1994 and early 1995, the difficulties and implications of the use of force were underestimated, as were the international repercussions. The 30 July peace agreement is the outcome of a clear shift of policy towards the concerns set forth in Resolution 1055. The agreement is fragile. Violations may continue. But a process, however imperfect, of disarming and withdrawal and preparations for an election and a new constitution have begun. Assurances have been given by the authorities that allegations of human rights violations reported to the Sub-Committee on Human Rights are under investigation, and that the report as a whole will be responded to.

5. The democratic process in Russia continues. This should be confirmed inter alia by the elections to the State Duma, to be held on 17 December 1995. The new law provides for appeal and review procedures. International observers are invited; the Assembly should send one of its teams of observers to the Chechen

1. Assembly debate on 26 September 1995 (27th Sitting) (see Doc. 7372, report of the Political Affairs Committee, rapporteur: Mr Muehlemann; and Doc. 7384, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). Text adopted by the Assembly on 26 September 1995 (27th Sitting).

Republic; when regional and local elections are held in this republic, the Council of Europe's Congress of Local and Regional Authorities should do the same. A presidential election is foreseen for June 1996. Constitutional provisions are thus being observed.

6. .Russia has repeatedly expressed its wish to be integrated with international and European structures. Fact without precedent in Russian history: a role for an international organisation, the OSCE, in mediation of the Chechnya conflict, has been accepted. An interim trade agreement with the European Union has been signed. An application has been made to join the World Trade Organisation.

7. Members of Russia's special guest delegation have continued to ensure a constructive dialogue with the Assembly and its committees. A special communication will bring up to date the replies (to the questions of the rapporteurs) which are in annex to the Message of 18 January 1995 of the President, the Prime Minister, the Chairman of the Federation Council and the Chairman of the State Duma of the Russian Federation. There will thus be available an updated Russian perception of progress towards the rule of law and the protection of human rights, as pre-conditions of an open society, a pluralist democracy and a market economy. The committees should take appropriate action to verify progress in bringing the Russian legal order closer to Council of Europe standards, on the basis of continued co-operation between the rapporteurs and members of the Russian special guest delegation.

8. Russia is in a state of radical transition. The timescale of this transition is in quinquennia, even decades. Its pace will vary. Policies of the state authorities will fluctuate. This is because of immense social and economic difficulties, including the fight against organised crime. Tragic errors of policy in dealing with the Chechnya conflict have been recognised. Accordingly, the Assembly has no wish to throw in doubt the long-term direction of this transition: towards democracy, the rule of law, and human (including social) rights and freedoms. Great personal risks have been taken by those who have steered the transition towards these values, with support (which must continue) from international and European institutions. The international financial institutions should re-assess their policies regularly to ensure balanced progress.

9. There are signs of improvement in the constitutional and legislative basis for human rights protection. The actual state of this protection across the country depends on a broad awareness of, and respect for, the rule of law. Such a "culture" must be developed in all its aspects: political, legal and administrative - and at all levels: national, regional and local. Progress measurable against the highest European standards will not be constant and will take many years. However, despite the tragic experience of Chechnya (as reflected in the report of the Sub-Committee on Human Rights), the Assembly recognises the dynamics and direction of many positive developments across the Russian Federation, which are being supported by programmes of co-operation with the Council of Europe as well as with the European Union.

10. In this latter regard, the Assembly relies on the continuation and strengthening of the Council of Europe's long-term co-operation programme for human rights, democracy and the building of a legal order in the Russian Federation.

11. The Assembly resolves to resume procedure for an opinion on Russia's request for membership, and instructs the Political Affairs Committee to act accordingly, in co-operation with the other committees concerned.