

# Testing by the Council of Europe

## – Испытание Советом Европы

**The return of the delegation of the Federal Assembly to the Parliamentary Assembly of the Council of Europe (PACE) after a five-year hiatus now, at the peak of the confrontation between Russia and the EU, Russia and the United States, when relations between Moscow and the conditionally collective West reached an impasse, is an event of enormous geopolitical significance. However, whether it will be possible to use it to reverse the general trend to destroy the mechanisms of international cooperation and deepen confrontation is a big question.**

It all depends on what assessment of this event will be given in Moscow and other European capitals, and what practical steps they will take in the future. In other words, this is just an opportunity that will be turned either for good or for harm. Naturally, we want the development of events to follow the first scenario, but knowing how the “European political cuisine” is arranged...

### **Victory or ...**

Let's look at what happened. After Crimea and Donbass, PACE deprived members of the Russian parliamentary delegation of the right to vote, be represented in the governing bodies of the Assembly and participate in its missions. Now all these restrictions are lifted. Russian parliamentarians resumed their work in PACE on an equal and non-discriminatory basis. Deputies voted for this first on the night of 24 to 25 [Resolution 2287 2019], and then, when the powers were challenged, again on June 26 [Resolution 2292 2019].

In the style of political correctness, the Kremlin modestly assessed the results of voting in PACE as “a victory of common sense”. Nevertheless, they were perceived by Russian public opinion, journalists, commentators and individual politicians, even of the first magnitude, with much more, and also justified, enthusiasm. Moreover, it was fueled by a powerful stream of alarmist publications in the Western media that have no warm feelings for Russia, which stated: “The fact that the Council complied with its requirements became an outstanding foreign policy success for Russia”. Success messages were posted on the front pages of all popular newspapers. Leading television channels avidly reported about it.

This is how the newspaper “Kommersant”, which is not prone to sentiments, painted it: “A breakthrough happened in relations between Russia and European countries yesterday: during the voting in Strasbourg, PACE deputies returned to the Russian delegation all the powers that it lost in 2014 due to the events in Crimea. The delegates from the Russian Federation have already returned to full-fledged work... Their comments were uniform yesterday: common sense won out at PACE and now the “sanction chain” around Russia is broken”.

For such an exalted assessment, as almost all experts and representatives of the political establishment, who do not know well PACE, considered, there were good reasons.

The first. The delegation returned to PACE on Russian terms. Moscow demanded that PACE remove from its rules of procedure the very possibility of imposing such sanctions. The Assembly went for it.

The second. In response to deprivations of Russian parliamentarians of major natural rights, Russia first reduced its contribution to the budget of the Organization as a whole, then stopped paying altogether. As a result, the CE was in the grip of a severe financial crisis. Such a pressure worked.

Third. Moscow persistently explained that discriminatory measures against parliamentarians are unacceptable in principle. On the one hand, they violate the statutory provisions of the Organization – in this regard, it received support from the legal service of the Council of Europe (which, of course, was described by detractors as “deception”). On the other hand, they contradict the basics of democracy, parliamentarism and international cooperation. After all, parliamentarians are elected by the people. Depriving them of their voices means silencing the electorate they represent. This is a gross and cynical violation of basic human rights, which, the Council of Europe is called upon to protect and defend. By its resolutions, PACE legitimized this argument.

Fourth. Negotiations with the head of PACE, the political parties and so on were held for several years. Strasbourg argued that no one would make such radical concessions to Russia. Other European countries need gestures from the Kremlin, preliminary steps, etc. Moscow has shown unprecedented hardness. It not retreated a single step. In the end, uncompromising in defending legitimate interests bore fruit. “A majority of the 47 member governments agreed to give to the Russian blackmail, - as they wrote about it in the West, - and pressured PACE to do the same”.

However, all this is like “parochial” reasons, not exceeding the modest scale of the CE. There are an order of magnitude more weighty reasons.

The fifth. In recent years, the Russian leadership has stubbornly opposed the sanctions pressure of the EU and the United States, explaining that all responsibility for the unwinding of the confrontational spiral lies with the collective West. Insisting on continuing sanctions policy, it will not achieve anything. The collective West took the initiative of launching confrontation and went on a mutually dangerous path - it's for the EU and USA to change their policies and repair relations. PACE confirmed the viability of the Kremlin's chosen foreign policy course.

The sixth. The Russian delegation returned to PACE despite the fierce resistance of the majority of Ukrainian, Polish, British, Estonian, Georgian, Lithuanian and Latvian deputies.

As correspondents testified, “during the debates before the vote, Ukrainians defended their position to the last.” The newspaper “Kommersant” cites, in particular, such words of the head of the Ukrainian delegation Vladimir Aryev: “What kind of compromise are we talking about? Compromise is taking into account the opinions of different parties, but no one takes our opinion into account!”

The fact that the anti-Russian lobby failed to break the agreements reached on the full restoration of the rights of members of the delegation of the Federal Assembly showed that they do not make the weather in European structures. If Russophobes can be replayed in the CE, it is logical to assume that they can be replayed in the framework of other negotiation formats.

Seventh. PACE, and, therefore, the EU as a whole, gave the go-ahead to recognize the powers of the Russian deputies in full, although they did nothing to fulfill the long list of requirements imposed by Assembly on Moscow. On this occasion, the Western media and representatives of the expert

community staged a real “crying Yaroslavna”. As the authors of the publication “EU Observer”, which popularize what is happening in the EU, were outraged, Russia continues to bomb civilian facilities in Syria, did not repent of the Malaysian Boeing, and so on – “Despite all this, European governments have handed the Council of Europe to Russia this week”. Thus, they demonstrated that the option of solutions, under which cooperation mechanisms between Russia and the collective West are restored first, and only then there is a practical discussion of what to do with these requirements and how to respond to them, is not so ephemeral.

Eight. With the discriminatory measures introduced against it, PACE forced the delegation of the Federal Assembly to refuse to participate in its work. This was one of the links in the general system of sanctions against the Russian Federation, resorted to by the EU and the USA. The gap of at least one link indicates that it is not so strong. A similar fate may await other links. Prerequisites for this are available. This is indicated, among other things, by the fact that such EU countries as Germany and France showed interest in saving the Council of Europe and finding a reasonable compromise. So, according to the Russian Internet publications, “ France actively promoted the return of Russia to the Parliamentary Assembly of the Council of Europe”.

During PACE session, the Russian media widely quoted a cautious statement by the Chairman of the Committee on International Affairs of the Federation Council Konstantin Kosachev: “Do not underestimate or overestimate the significance of what is happening. This is a victory of common sense in a single structure and in very specific circumstances. Yes, the ice has broken, no doubt. But no, this is not ice breaking”. At the same time, a much wider circulation was received by the statement of the Chairman of the Council of the Federation, Valentina Matvienko: “In essence, this is the first serious step that goes against the sanctions policy that has been carried out in relation to Russia over the past five years”.

A little further we will show that all these seemingly convincing reasons are ambiguous. However, regardless of what is behind the CE / PACE compliance, and how events will develop further, it should be admitted: Moscow played a brilliant parliamentary-diplomatic combination and won. Honor and praise to all those who took part in this. Only it did not take into account that in this game all the trump cards are in the hands of the opposite side.

### **... or an optical illusion**

In fact, we are not talking about any victory, even close. To make sure of this, it is enough to analyze what PACE deputies who supported the introduction of changes to the rules of procedure of the Assembly and voted for the recognition of the powers of the delegation of the Federal Assembly without any exceptions were guided by.

The weighty, but still small group (if not a handful) of the deputies who took part in the voting are sincere friends of Russia, people you can rely on or represent countries who are not afraid to act as they see fit and right. Thus, the Azerbaijani and Serbian delegations voted in full favor. This is very gratifying against the background of the fact that even the Armenian split.

One part of European parliamentarians was inspired by geopolitical considerations – an understanding of how much the rest of Europe loses, pushing Russia aside, how weak and

vulnerable it is. Brussels simply cannot afford such luxury under conditions when the bundle with the United States weakens. China pushes European business on all fronts. In the Mediterranean underbelly of the EU, one spasm after another is rolled. And in the near future the recession and the second global financial and economic crisis loom. Besides, pushing away the hand extended by Moscow means finally “bury” the dream of a common economic, legal and humanitarian space from the Atlantic to the Pacific Ocean.

Another part of the deputies proceeded from purely pragmatic considerations. They believed that in the absence of Russia, the status of the CE and PACE would drop dramatically. They will lose in value. Together with them and those who sit in them. And making money for a couple of unprincipled polls for 100 million euro is a good gesheft. It would be foolish of them to refuse. Some, in a purely pharisaical way, without even blushing, claimed that they were taking care of the people of Russia so that they would not lose the protection provided by the European Convention on Human Rights (ECHR). We have heard enough of these fairy tales in the 90s of the last century.

However, the majority adhered to a completely different logic of reasoning. It was extremely important for them to return the delegation of the Federal Assembly back to the PACE at any cost, as this would provide an opportunity to bring down a wave of criticism on Moscow. Give PACE the right to hold it accountable for everything, for any real or imaginary violations. Accuse it of all mortal sins once again.

Therefore, they listened to all such pathetic and emotional anti-Russian speeches of Ukrainians and others with Olympic calmness. These performances served as a kind of covert operation. The Russians were bursting into the open door. It was necessary to simply step aside and give them the opportunity to fall into the trap set for them.

What is it, frankly sounded in a series of statements of the Dutch, Finnish and many other parliamentarians. Essence – the decision on the recognition of authority is strictly conditional. All the demands of Moscow were accepted by PACE only to ask anyone for all the violations and violations of international law, ideals and values ??of the Council of Europe that were committed by it. After all, none of the European deputies have forgotten that Russia, as they pretend, is «occupying» the Crimea, the Donbass, South Ossetia, Abkhazia, Transnistria, etc. That she shies away from responsibility for the downed Malaysian Boeing. Imprisonment of innocent Ukrainian sailors. Poisoning Scripals. Trampling freedom of assembly and peaceful processions. Harassment of members of the LGBT community. Inadequate investigation of who ordered the murder of Boris Nemtsov. Adoption of legislation calling into question the mandatory execution of judgments of the European Court of Human Rights. This was finely caught by the authors of the “Russian newspaper”, but for obvious reasons they did not emphasize.

Their colleagues from other publications have chosen not to go deep at all. So on the news feed it was possible to read: “The return to Russia of the right to vote in PACE marks, in fact, a return to the “dokrymsky” format of the Organization’s relationship with Moscow. So, the whole Ukrainian struggle was conducted in vain, and Europeans are not that concerned with the «occupation of Donbass» and «the annexation of the Crimea». If. The situation looks very different.

Having played in the giveaway, PACE has placed the Russian parliamentarians in a position where they can no longer ignore the demands of the Assembly on all these issues. They will be forced to

agree with the conclusions and perseverance of the Monitoring Commission. To host numerous speakers who are preparing new resolutions and recommendations on each of them. To report, report and report.

Even the fact that they were so “flexible” at PACE session and are set to cooperate will play against them. Let us recall what statement was made by the head of the delegation, Deputy Chairman of the State Duma Pyotr Tolstoy: “Russia never refused from its obligations and does not refuse. 98% of the decisions of the European Court of Human Rights are carried out by Russia. We are ready both for being monitored and for discussing the problems that our colleagues talked about. But for this you need to have a dialogue».

There will be a dialogue. How much the State Duma will like it, the Federal Assembly, the Russian ministries and departments, when they figure out what’s what, is another question. Moreover, there are plenty of advisers who are calling for further pressure on the Russian authorities. It is indicative that all previous heads of the Russian parliamentary delegation, who had moved from deputies to senators, refused to enter its structure – Vladimir Lukin, Konstantin Kosachev, Alexey Pushkov. The most important detail is that in order to loop the situation, PACE resolution on recognition of powers specifically included a provision that Assembly will prepare a new report on Russia’s fulfillment of obligations arising from membership in the Organization for its April 2020 session, i.e. in shock time. This, truth without pressure, is also noted in the commentary of the “Russian newspaper”.

And the fact that the Russians will always be in the minority, there is also no doubt. In this regard, members of the Russian delegation, who extrapolate the results of the past vote to the future, when almost twice as many PACE deputies spoke in favor than against, are greatly mistaken. Even more are mistaken experts creating a similar illusion, arguing: «The vote has showed that about three-quarters of the deputies support the full return of the Russian delegation».

The alignment of forces in PACE is not in our favor. The leading role in determining its course is played by a bloc consisting of radicals – those who voted “against” changes in the rules of procedure and recognition of powers, and all those who voted “for”, meaning then to bring Russian deputies to justice. This is clearly evidenced by the fact that Russia was unable to elect its appointed representative to the post of PACE deputy chairman – theoretically reserved place for it remained vacant. More convincing evidence does not seem to be needed.

### **... or cooperation will still triumph**

There is only one recipe to break free from the rigged trap. If the delegation of the Federal Assembly has returned to PACE, it should work tirelessly in it. With full dedication. Forgetting about rest. Putting aside other things for later.

In order to explain. Persuade. Drag to your side. Step by step, firmly, methodically, and persistently put together a pro-Russian majority in the Assembly. In order not only in the words that were heard in the debate from the mouths of such different parliamentarians as Sergei Kislyak and Leonid Kalashnikov, but also in practice to initiate the preparation of reports, looking like investigations of all crimes committed by the Right Sector and its appointees, starting with the death of people on the Maidan. Committed by Georgian authorities, that subjected Tskhinvali to salvo fire. Those in the EU

and its Member States who have allowed thousands of refugees and forced migrants and many others to be drown in the waters of the Mediterranean. To impose on PACE a fundamentally new positive agenda, orienting the CE to the struggle against new challenges, to solve new tasks, rather than chewing on those that the Organization was engaged in 10, and 20, and 30 years ago.

It is quite possible to achieve a breakthrough in the activities of PACE and CoE. But only if you do it responsibly and seriously, and not as before. These are what could be promising measures:

1. To charge a number of members of the delegation of the Federal Assembly to devote themselves entirely to work in PACE and release them from all other duties.
2. To throw on impressive cooperation with the Council of Europe large financial resources comparable to our contribution to the budget of the Organization.
3. To form, under the State Duma and the Council of the Federation, expert councils to help members of the delegation to PACE that could take upon themselves the rationale for the initiative proposals for the re-organization of the activities of the Assembly and the CoE as a whole.
4. To establish (or re-create) the CoE Assistance Society (Society for CoE), which would provide a wide public platform for discussing all that the Organization does.
5. To make the protection of human rights one of the state policies of the Russian Federation. Its implementation will make it possible to redeploy all ministries and departments to face the common man, and make out of the observance and promotion of human rights the criterion for assessing the success of public servants.
6. To prepare, adopt and as soon as possible implement a program for making Russian legislation and law enforcement practice compatible with the standards of the CoE and the ECtHR. At the same time, clearly indicate and justify which of them are not, and initiate negotiations in the Council of Europe on their cancellation or amendment.
7. Agree with other members of the Council of Europe on the establishment of a special mechanism to control what and how money is spent from the budget of the Organization, including those contributed by our country.
8. Prepare a series of measures necessary to reorient the Council of Europe from the current agenda to the preparation of normative acts that would form the basis for the formation of the Comprehensive Greater Eurasian Partnership. According to its content, it is quite consonant and is capable of replacing the goals of building Greater Europe without dividing lines, which had recently been the credo of the CoE.

If we succeed in doing all this, the Council of Europe will turn into an efficient tool for changeover of relations between Russia and the EU, Russia and the collective West. If it fails, it will become another irritant, which now, after the return of the delegation of the Federal Assembly to the PACE, will be an order of magnitude more difficult to get rid of.

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© Mark ENTIN, Professor of MGIMO of the Ministry of Foreign Affairs of Russia,  
Research Professor of the Baltic Federal University;

Ekaterina ENTINA, Associate Professor, National Research University Higher School of Economics,  
Senior Researcher, Institute of Europe, RAS