

25 YEARS OF MEMBERSHIP IN THE COUNCIL OF EUROPE: HOW IT ALL STARTED

A score and five years ago, on 9 November 1995, Ukraine was formally admitted to the Council of Europe. As compared with joining the UN, where Ukraine was among founding members after World War II as a result of political agreements between victor nations, or the OSCE to which it automatically acceded after the breakdown of the USSR as one of successor states of the Soviet empire, it is no exaggeration to say that joining the Council of Europe is a momentous personal accomplishment of independent Ukraine. By and large, the official application for membership in the organisation of 14 July 1992 became the first formal expression of Ukraine's European ambitions, which are now set forth in all fundamental documents, including the Constitution of Ukraine.

At the beginning of the 1990s, the Council of Europe was a *sui generis* exclusive club, inasmuch as membership in this international organisation was limited, for the most part, to EU members. Back then, the Council of Europe itself had not yet decided on the issue of further expansion to newly independent states of Eastern Europe, thus being rather cautious about inviting new members. Ergo, Ukraine's path to the Council of Europe was thorny due to difficult negotiations with international partners on all levels, a three-year waiting period in the so-called special guest status, and heated discussions of membership conditions both in European venues and inside Ukraine, where the attitude to demands put forward by the Council of Europe was ambiguous. A highly controversial issue of abolishing death penalty was quite a handicap, to name one. However, based on the public sentiment prevailing against the background of the recently gained independence, it was decided to accept the conditions for admission to the Council of Europe. Besides abolishing death penalty, it is noteworthy to mention such fundamental demands as adopting a new Constitution, prosecution system reform, reassignment of the penitentiary service from the Ministry of Internal Affairs to the Ministry of Justice, development of new criminal, civil, criminal procedure, and civil procedure codes, etc. Ukraine had to complete all of these challenging tasks within a short time frame.

But just as extensive preparatory work was drawing to a close, a new impediment came out of the blue. Russia, which started its membership talks with the Council of Europe well after Ukraine, demanded that Ukraine's accession be post-

poned in order to synchronise the entry of both countries. In an effort to forestall Ukraine's independent admission, Russia took advantage of its mighty diplomatic toolkit to put fierce pressure both on member states of the Council of Europe and the leadership of the organisation at its headquarters.

Working in Strasbourg at the time and representing Ukraine in the Council of Europe, I found myself at ground zero, coordinating our efforts in countering Russian attempts to prevent Ukraine's independent accession to the Council of Europe. My work followed two major tracks, both with permanent representatives of member states and the leadership of the Secretariat of the Council of Europe.

It soon became apparent that most states members of the Council of Europe were favourably disposed to Ukraine's gaining membership individually. Nonetheless, the situation was far less optimistic at the level of the Secretariat of the Council of Europe. Having regular conversations with Daniel Tarschys (a Swedish citizen), then-Secretary-General of the Council of Europe, at a certain moment I felt that his position had drifted from previously favourable to that of a compromise with Russia. There was little doubt that, caught in Russia's pressure, D. Tarschys was ready to postpone Ukraine's admission and give his 'blessing' to the simultaneous accession of our country and Russia to the organisation. The situation was further aggravated by the fact that among Ukrainian policymakers of that period there were many proponents of Ukraine and Russia's simultaneous admission. Specifically, a considerable part of the communist-dominated delegation of the Verkhovna Rada in the Parliamentary Assembly of the Council of Europe leaned toward this scenario, at the time when it was already taking part in the work of the PACE as a special guest.

Ukraine had to put a stronger emphasis on working with member states both in Strasbourg and in European capitals through Ukrainian embassies. Our state took a hardline uncompromising stance on Ukraine's right to independent admission to the Council of Europe. Realising that Ukraine had a broad support of member states, Secretary-General D. Tarschys did not take the risk of insisting on the joint admission procedure with Russia. An important role in this regard was also played by the authority of Hennadii Udovenko, Minister of Foreign Affairs, with whom I was in constant contact and for whom I organised a number of phone calls with D. Tarschys.

Eventually, we were able to develop a joint consolidated platform, which each candidate state follows to obtain membership in the Council of Europe individually by its own merits. Later on, this formula was even reflected in a resolution of the Parliamentary Assembly of the Council of Europe.

On 19 October 1995, the Committee of Ministers of the Council of Europe unanimously adopted a decision to invite Ukraine as the 37th member of the Council of Europe and chose 9 November as the date of the official admission ceremony.

Russia, for its part, joined the Council of Europe only next year.