

THE (NON-) PARTICIPATION OF RUSSIAN PARLIAMENTARIANS IN THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE: RECENT DEVELOPMENTS¹

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ABSTRACT

What measures were taken by the Parliamentary Assembly of the Council of Europe (PACE) as a result of Russia's annexation of Crimea in 2014? Unlike what was often erroneously indicated in the media and by Russian officials, the Assembly did not deprive the Russian PACE delegation of its credentials. Following the Assembly's decision(s) to deprive the Russian parliamentary delegation of certain rights *within* the Assembly, members of the delegation decided not to participate in the Assembly's work in 2014 and 2015. As of January 2016, until 25 June 2019, the Russian Parliament did not submit the credentials of its delegation to PACE, and no 'sanctions' were—or could be—imposed upon its delegation by the Assembly. As a consequence of this self-imposed exclusion from the Assembly, the Russian PACE delegation was deprived, for a long period, of participating in the election of judges to the European Court of Human Rights and electing the Human Rights Commissioner and senior officials of the Council of Europe. This needs to be borne in mind in the context of Russia's decision to withhold, for a number of years, its payments to the Organisation's budget.

Keywords

Parliamentary Assembly of the Council of Europe; parliamentary delegations; Russia.

1. THE CONTEXT

Why is there a need to provide clarification with respect to participation, or rather the prolonged non-participation, of Russian parliamentarians in the work of the Parliamentary Assembly of the Council

of Europe ('the Assembly' or PACE) after the annexation of Crimea by Russia in March 2014? There are principally two inter-related reasons for so doing, both tied to the accuracy of (mis) information that had, at that time, circulated in this respect.

The first concerns a misunderstanding of what 'sanctions' had actually been imposed by PACE in this respect. Petra Roter, when referring to the uneasy relationship between Russia and the Council of Europe which 'turned sour almost overnight due to Russia's foreign policy' relating to the crisis in Ukraine and the annexation of Crimea, indicated erroneously that 'it was PACE that went the furthest in the form of non-recognizing the credentials of the Russian delegation to PACE.'²

The second point that needs clarification relates to the inappropriate suggestion that it was the Parliamentary Assembly's 'fault' that Russian parliamentarians had not been able to participate in, *inter alia*, the election of judges onto the European Court of Human Rights.³ In a statement made by the Russian Foreign Minister, Sergey Lavrov, when he met the Council of Europe's then Secretary-General back in June 2018, Mr. Lavrov indicated that the Assembly was to blame for the fact that 'more than one-third of the judges at the ECHR have been elected without the participation of a delegation of Russian lawmakers',⁴ later specifying, in an interview in October 2018, that since our PMs were stripped of the right to vote, the Parliamentary Assembly has already elected, if I am not mistaken, 24 judges to the European Court of Human Rights. And the total number is 47. So, the majority of judges in the European Court are judges elected in the absence of the

Russian votes. Similarly, a new Commissioner for Human Rights was elected without the Russian MPs. Next June, a new secretary-general of the Council of Europe will be elected. So, due to the suspension of our right, which is granted to us by the Statute of the Council of Europe, to participate in these votes, the above functionaries of the Council of Europe (the judges, the commissioner for human rights, and soon, if this issue persists, the secretary-general) will, in fact, not be legitimate for us.⁵

As will be explained, the Assembly had not—indeed, has never—deprived the Russian PACE delegation of its credentials, and the absence of the Russian delegation in PACE was due to the Russian Parliament's own decision not to submit credentials for its delegation to sit therein; only members of the Assembly belonging to delegations whose credentials have been ratified by the Assembly may take part in the elections referred to by Mr. Lavrov.⁶

2. RUSSIAN PARLIAMENTARIANS IN THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE... AND THEIR ABSENCE

A. Decisions in 2014 and 2015

For present purposes, it is not necessary to provide an overview of the procedure leading up to the Committee of Ministers' invitation for Russia to become a Member State of the Council of Europe, specifying that the Russian PACE delegation be composed of 18 parliamentarians, as well as the latter's participation in the Assembly's work since 1996.⁷ Suffice it to note that in April 2014 and again in January 2015 the Parliamentary Assembly decided to deprive Russian parliamentarians of certain of their rights in the Assembly, including voting rights, in response to Russia's annexation of Crimea. But it did not take the drastic decision to divest the delegation from continuing to participate in its work.⁸ In response, Russian parliamentarians initially decided not to involve themselves in the Assembly's work and as of 2016, the Russian Parliament did not submit until 25 June 2019 credentials of its delegation to the Assembly (see Section 2.B. below).

Of particular interest, in this connection, is the Assembly's approach to the use of 'sanctions' with respect to parliamentary delegations.

When adopting the first of its Resolutions on this subject in April 2014, the Assembly stressed that political dialogue should remain the preferred way to find a compromise, and there should be no return to the pattern of the Cold War. Suspension of the credentials of the Russian delegation would make such a dialogue impossible, while the Assembly constitutes a good platform for keeping the Russian delegation accountable on the basis of Council of Europe's values and principles. The Parliamentary Assembly has the power and the opportunity in this veritable crisis to confront face-to-face one of its Member States—the Russian Federation—with questions and facts and to demand answers and accountability.⁹

B. Since then...

Hence, formally as of January 2016 until 25 June 2019, that is, for nearly three-and-a-half years, there had been no Russian delegation in the Assembly. During that period, and unlike what was often erroneously indicated in the media, *no* 'sanctions' had been imposed by the Assembly with respect to Russian parliamentarians; the absence of the Russian delegation in PACE was the result of the Russian Parliament's decision not to participate in the Assembly's work. In other words, the Russian Parliament, of its own volition, had decided not to send a delegation to the Assembly despite express invitations for it to do so prior to the Assembly sessions for the years 2016, 2017, 2018, and 2019.¹⁰

The Council of Europe's Statute obliges all national parliaments to submit the credentials of their delegations at the opening of each yearly ordinary session¹¹ and in line with current regulations credentials must be submitted every January. Non-submission of credentials automatically excludes a delegation from the Assembly's work for the whole year.¹²

Based on provisions of its Rules of Procedure dating back to 1964, which have been modified and adapted over the years, the credentials of a parliamentary delegation, be it on procedural or substantive grounds, may be challenged or reconsidered by the Assembly if fundamental principles of the Council have not been respected by a Member State, if there is a persistent failure to honor its obligations and commitments or if there is a perceived lack of cooperation in the Assembly's monitoring procedure.¹³ As explained by the Secretary-

General of the Assembly, over the last 70 years the Assembly has been extremely reluctant to turn down credentials.¹⁴ Even if the credentials of delegations have been challenged in quite a number of instances¹⁵—only twice—in respect of the parliamentary delegations of Greece in 1969 and Turkey in 1981—has this actually occurred¹⁶. Hence, when serious infringements of Council of Europe norms are at issue, instead of turning-down or annulling credentials, the Assembly can instead restrict the participation of parliamentarians in certain activities (for example, to be appointed a rapporteur, chair a committee), or to restrict their rights in representing the institution (for example, within the Assembly itself or one of its bodies, external representation). The deprivation of a number of rights of members of a national delegation on substantive grounds has arisen only on three occasions in the history of the Assembly, each time with respect to the parliamentary delegation of Russia: in 2000 (suspension of the right to vote in plenary due to the second Chechen war), in 2014 (illegal annexation of Crimea/action with regard to Ukraine) and in 2015 (continued illegal annexation of Crimea and the conflict in eastern Ukraine).¹⁷ As discussed in Section 3, the Russian delegation returned to the Assembly on 25 June 2019.¹⁸

3. RELATED ISSUES

A. The Committee of Ministers and the Parliamentary Assembly of the Council of Europe

The Committee of Ministers may suspend or expel a State from the Council for violating Council of Europe standards (Article 8 Statute), which it has never done¹⁹, whereas the specific issue of penalties, or (internal) sanctions, that the Assembly can apply to parliamentarians is governed by its Rules of Procedure (Article 28(a) Statute)²⁰. Expulsion or suspension by the Committee of Ministers of a State which seriously violates the Council's norms is a politically complex exercise that necessitates a two-thirds majority of representatives casting a vote and a majority of representatives entitled to sit on the Committee. In so far as the Assembly is concerned, suspension of the right to representation therein is governed by its Rules of Procedure, which is a *modus operandi* distinct from that of the Committee of Ministers'

statutory right to suspend or expel a State from the Council of Europe (although its Resolution (51)30 obliges it to consult the Assembly first). The Assembly's procedure has evolved and solidified unopposed over a period of well over 50 years and can be seen as a well-established self-regulating parliamentary variant, recourse to which the Assembly can have independently of the statutory powers vested in the Committee of Ministers.²¹

In this connection, it has recently been suggested, erroneously, that the competence to exclude or sanction Member States, including membership of parliamentary delegations, is the exclusive prerogative of the Committee of Ministers.²² This suggestion must be forcefully rejected, simply because the Assembly rules on the questioning of credentials are based on a long-standing and unopposed (except by Russia recently) practice, accepted by all Member States and the Committee of Ministers.²³

The institutional rivalry between the two bodies is frequent, but their statutory relationship is premised on common purpose and effective cooperation, despite their fundamentally different composition and manner of functioning.²⁴ The Committee of Ministers is composed, *de facto*, principally of diplomats and it is often unwilling or incapable, due to its propensity to seek consensus rather than to vote, to take a principled 'open stand' when confronted with major human rights violations in Member States.²⁵ The Assembly exercises a degree of democratic control over the Committee of Ministers. Composed of national parliamentarians it can and often has strongly reacted to unacceptable infringements of Council of Europe standards. An analysis of the manner in which the conflict in Chechnya was dealt with by both statutory organs, in the context of major human rights violations committed there by the Russian security forces, which resulted in the suspension of the voting rights of the Russian PACE delegation in April 2000, is instructive in this respect.²⁶

B. Budgetary and Other Considerations; Blackmail?

As had been amply reported in the media, Russian parliamentarians, as well as high-ranking State officials made statements to the effect that their country's parliamentary delegation would not return to the Assembly

unless the latter remove from its Rules of Procedure all the above provisions permitting the challenge of credentials and the possible sanctioning of national delegations.²⁷ In June 2017 Russia suspended the remainder of its 2017 budgetary contribution to the Council of Europe until its demands were met.²⁸ The suspension of the country's budgetary contributions was maintained in 2018, and Russia also withheld the contribution of its first part-payment for 2019, due in March.²⁹ Indeed, at the time of the Assembly's June 2019 part-session Russia owed the Council of Europe about 54.7 million euro with respect to contributions for 2017 and 2018, it being understood that, if this debt plus the annual contribution of 32.6 million euro for 2019 (+ interest of 1 *percent per month* on sums due) were not paid by the end of June 2019, the total sum due would be in the region of 100 million euro (a deadline by which all States' budgetary contributions for 2019 are meant to be effectuated). Non-payment by Russia would then have necessitated the 'activation' of Article 9 of the Council's Statute by the Committee of Ministers.³⁰

This non-payment together with, more or less discreet, signals given with respect to the possible withdrawal of Russia from the Council, caused considerable consternation, not least with the disastrous prospect of Russia having to withdraw from the European Convention on Human Rights.³¹ As concerns the difficult financial consequences non-payment would have had (and was already having), suffice it to recall the Committee of Ministers' maintenance, for a number of years, of a policy of 'zero nominal growth', which meant that no allowance was made for inflation (thereby actually reducing the Council's budget), as well as the Turkish authorities' decision to withdraw Turkey's 'major contributor' status which it had assumed in 2016. The cumulative financial consequences of these decisions, plus Russia's continued refusal to pay its budgetary contributions, would have resulted in an unprecedented short-fall in the Council's finances, reduction of logistical support for the European Court of Human Rights and key monitoring bodies, the suspension of a number of (human rights) programmes, as well as loss of jobs for staff members.³²

As already indicated, the Russian Parliament did not submit the credentials of its delegation prior to the opening of the Assembly's

session in January 2019. This was followed by an intensive period of behind-the-scenes negotiations which resulted in a 'decision', taken by the Committee of Ministers at its meeting in Helsinki on 17 May, in which it 'would welcome that delegations of all member States' take part in the Assembly's forthcoming part-session, having regard to the importance of the election of a new Secretary-General and judges to the European Court of Human Rights.³³ The Parliamentary Assembly then decided at its June 2019 part-session to 'bend' its Rules of Procedure on 25 June 2019,³⁴ which resulted in the return of the Russian PACE delegation into PACE whose members participated in the election of the Council's Secretary-General and two judges to the European Court of Human Rights on 26 and 27 June 2019.

The total contributions of all 47 member States to the Council of Europe's budgets for the years 2019 and 2020 are in the public domain and can be consulted online.³⁵ With reference to Russia's non-payment of its contributions (debt) to the Council since June 2017: In the first week of July 2019, the Russian authorities paid their financial dues to the Council for 2019. A few months later Russia acquitted most of its other financial obligations, namely the debt owed for the years 2017 and 2018 (53.2 million euro from a total due of 54.7 million), but interest payments for the sum of 8.8 million euro remain unpaid.

4. CONCLUDING OBSERVATIONS

The decision taken by the Assembly on 25 June 2019 to permit, exceptionally, a derogation from its Rules of Procedure in order to facilitate the acceptance ('ratification') of the Russian delegation's credentials³⁶ was followed, on the same day, by challenges on both substantive and procedural grounds of the still unratified credentials of the Russian parliamentary delegation.³⁷ As concerns the former, which was debated in plenary on the basis of a report submitted by the Assembly's Monitoring Committee, the challenge was not successful.³⁸ As concerns the challenge on procedural grounds, sent to the Rules Committee, the Committee was not able to adopt a draft resolution for report in plenary and this challenge will lapse with the opening of the Assembly's forthcoming session in January 2020.³⁹

Was the return of the Russian delegation a pragmatic resolution of a difficult situation for

the Council of Europe and its Member States, or ought it to be seen as a serious dent in the credibility of the Assembly for not having immediately (re)imposed 'internal sanctions' when ratifying the Russian delegation's credentials? Probably both. As concerns Resolution 2292 (2019) 'Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation',⁴⁰ I can do no better than refer to the 'principled stand' taken and votes cast by, in particular, Lord (Donald) Anderson, Boriss Cilevičs and Sir Roger Gale in the debate leading up to the adoption of this Resolution on 26 June 2019.⁴¹

Would the Russian parliamentary delegation have remained in the Assembly, or would Russia have continued to abstain from paying its budgetary contributions to the Council of Europe if 'internal sanctions' were to have been (re)imposed on Russian parliamentarians as of 26 June 2019 - as they ought to have been?

Of relevance, in this connection, is the fact that in its Resolution 2287 (2019) of 25 June 2019, the Assembly amputated itself of one of its key 'internal sanctions' by removing the possibility to suspend parliamentarians from participating in the adoption of resolutions and/or recommendations.⁴²

The convoluted manner in which the return of the Russian PACE delegation into the Assembly, after a self-imposed exclusion of nearly three and a half years, necessitated an explanation. But at what price was this achieved? One must, of course, recognize the undoubted beneficial aspects of the country's membership of the Council of Europe, now stretching over a period of nearly 24 years despite difficulties and major shortcomings.⁴³ But the present situation must also be seen in the wider political context of the (continued) illegal annexation of Crimea, in particular, and the Assembly's role as 'the conscience of Europe'.

NOTES

1. This is a slightly rewritten and updated version of the author's contribution published in K. Lemmens, S. Parmentier and L. Reyntjens (eds), *Human Rights with a Human Touch, Liber Amicorum Paul Lemmens* (Intersentia, Cambridge, UK, 2019) 437-47, the first draft of which appeared online in a new journal *Europe of Rights and Liberties/Europe des droits at libertés*. The present version provides an overview of the situation prior to the opening of the Assembly's Session on 27 January 2020.
2. P. Roter, 'Russia in the Council of Europe: Participation à la carte' in Mälksoo and Benedek (eds), *Russia and the European Court of Human Rights. The Strasbourg Effect* (2018) 26-56 at 48 (although she subsequently, and correctly, explains PACE's decision to deprive Russian parliamentarians of certain rights in the Assembly).
3. Article 22 of the European Convention on Human Rights, entitled 'Election of judges' specifies: 'The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.'
4. 'Lavrov: Russia concerned about number of ECHR judges elected without its participation', *Vestnik Kavkaz*, 20 June 2018, available at: vestnikkavkaza.net/news/Lavrov-Russia-concerned-about-number-of-ECHR-judges-elected-without-its-participation.html [last accessed 20 January 2020].
5. 'Minister S. Lavrov: Foreign Minister Sergey Lavrov's video interview with Euronews, Moscow', *International Affairs*, 17 October 2018, available at: en.interaffairs.ru/lavrov/733-foreign-minister-sergey-lavrovs-interview-with-euronews-moscow-october-16-2018.html [last accessed 20 January 2020].
6. See further Rules 6 to 12 of the Assembly's Rules of Procedure, available at: www.assembly.coe.int [last accessed 14 January 2020], and an important clarification provided to the Assembly's Bureau by the Assembly's Committee on Rules of Procedure, Immunities & Institutional Affairs (Rules Committee), AS/Pro (2018) 20 def., available at: website-pace.net [last accessed 20 January 2020].
7. Invitation to the Russian Federation to Become a Member of the Council of Europe, Committee of Ministers Resolution (96)2 of 8 February 1996. For commentaries, see, for example, Klein, 'Membership and Observer Status' and Leach, 'The Parliamentary Assembly of the Council of Europe' in Schmahl and Breuer (eds), *The Council of Europe. Its Law & Politics* (2017) at 40, especially 54-64, 70-3, 85-92 and at 166 and 186-95 respectively.
8. See in this connection Resolutions 1990 (2014) of 10 April 2014, and 2034 (2015) of 28 January 2015. For a fuller picture of PACE in-house initiatives related to this subject reference can also be made to PACE Resolution 2063 (2015) of 24 June 2015, as well as the aborted attempt to strengthen the Assembly's decision-making process concerning credentials and voting, document 14621 of 21 September 2018. All these texts are available on the Assembly's website at: assembly.coe.int [last accessed 20 January 2020]. As concerns the specific issue of the annexation by Russia of Crimea, see Marxen, Peters and Hartwig, 'Symposium "The Incorporation of Crimea by the Russian Federation in the Light of International Law"' in (2015) 75 *ZaöRV* at 3-5; and Sayapin and Tsybulenko (eds), *The Use of Force against Ukraine* (2018) *passim*.
9. Paragraph 14 PACE Resolution 1990 (2014). 'Sanctions' imposed by the Assembly with respect to a national parliamentary delegation remain in force (only) until the opening of the subsequent Ordinary Session, that is, the following January.
10. Credentials could also have been submitted after parliamentary elections in the Russian Federation in September 2016. It is of interest to note, in this connection, that the Cypriot parliamentary delegation was absent from the Assembly for a period of 18 years from 1965 to 1983: see Klebes, 'Human rights and parliamentary democracy in the Parliamentary Assembly' in Matscher and Petzold (eds), *Protecting Human Rights: The European Dimension. Studies in Honour of G. J. Wiarda* (1988) 307 at 313.
11. See Article 25 of the Statute of the Council of Europe 1949, ETS 1 ('the Statute'), which specifies, *inter alia*, that the term of office of representatives thus designated dates from the opening of the Assembly's Ordinary Session following their appointment and expires at the opening of the next Ordinary Session.

12. A recent example is Bosnia-Herzegovina, where the credentials of its parliamentarians had not been submitted to PACE by the relevant time for 2019 and accordingly its parliamentarians were not allowed to participate in the work of the Assembly in that year. See also *supra* n 10.
13. *Supra* n 6.
14. Statement of the Secretary General of PACE of 19 October 2019 (Sawicki) placed on the Council of Europe's Intranet site on 22 October 2018 available at: assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7257&cat=403 [last accessed 20 January 2020]. See also Klein, *supra* n 7 at 72.
15. For examples, see Evans and Silk, *The Parliamentary Assembly Practice and Procedure* 11th edn (Council of Europe Publishing, 2012) at 109-16, as well as in previous editions of this book. There have, in effect, been well over 40 instances in which such requests have been made.
16. For details see, for example, Haller, *An Assembly for Europe. The Council of Europe's Parliamentary Assembly 1949-1989* (Council of Europe Publishing, 2006) at 106-10 and 115-22; Klebes, *supra* n 10 at 313-14; and Wassenberg, *History of the Council of Europe* (Council of Europe Publishing, 2013) at 65-7 and 114-15.
17. See Doc 8949, 'Credentials of the delegation of the Russian Federation' of 23 January 2001, at para 2, and Doc 8956, 'Credentials of the delegation of the Russian Federation,' of 25 January 2001, at para 1; and Resolutions 1990 (2014) 'Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation' of 10 April 2014, 2034 (2015) 'Challenge, on substantial grounds, of the still unratified credentials of the delegation of the Russian Federation' of 28 January 2015; and 2063 (2015) 'Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015))' of 24 June 2015, all available at: assembly.coe.int/nw/Home-EN.asp [last accessed 20 January 2020].
18. See Resolution 2287(2019) of 25 June 2019, based on Doc 14900 'Strengthening the decision-making process of the Parliamentary Assembly concerning credential and voting', Report of the Assembly's Committee on Rules of Procedure, Immunities and Institutional Affairs.
19. Greece withdrew from the Council prior to its probable expulsion by the Committee of Ministers in 1969. Greece rejoined the Council of Europe in 1974.
20. These issues, especially with respect to Russia, have been discussed in blog posts, in which can be found hyperlinks to primary sources (which are also available on the Assembly's website): see Drzemczewski and Dzehtsarou, 'Painful relations between the Council of Europe and Russia', *EJIL: Talk!*, Blog, 18 September 2018, available at: www.ejiltalk.org/painful-relations-between-the-council-of-europe-and-russia/#comments; and Glas, 'The Assembly's appeasement towards Russia', *Strasbourg Observers*, Blog, 27 September 2018 (including comments), available at: strasbourgobservers.com/2018/09/27/the-assemblys-appeasement-towards-russia/ [both accessed 20 January 2020].
21. See, in this respect Klein, *supra* n 7, and Benoît-Rohmer and Klebes, *Council of Europe Law. Towards a Pan-European Legal Order* (Council of Europe Publishing, 2005) especially 40-4, 65-71; at 66 the authors confirm that 'the Assembly's powers have never given rise to any dispute with the Committee of Ministers.'
22. Alì, 'The Parliamentary Assembly of the Council of Europe and sanctions against the Russian Federation in response to the crisis in Ukraine' (2017) 27 *Italian Yearbook of International Law* 78. See also, in this connection, de Salvia, 'La Russie et le Conseil de l'Europe: "clap de fin" ou redémarrage ?' (2019) 123 *Revue Générale de Droit International Public* 139-149, & 'Role and responsibilities of the Council of Europe's statutory organs with special emphasis on the limitation of membership rights' (a confidential document, dated 25 September 2018, prepared by the Council of Europe's Directorate of Legal Advice & Public International Law, which was prepared over the Summer of 2018 for the Committee of Ministers without consultation with the Assembly &/or its staff members; never officially transmitted to the Assembly, yet subsequently published in (2018) 38 *HRLJ* 468-480; actual date of publication in the *HRLJ*: early 2020). The latter confidential document, like the article by Alì – upon which it was 'based' (?) – (also) suggests, erroneously, that 'any decision entirely suspending participatory and/or representation rights of a parliamentary delegation can only be taken by the CM' (at para 59). See further, on this subject, notes 15, 20 & 23.

23. Discussed in blogposts referred to in footnote 20 above. See also *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, ICJ Reports 1971, 16 at para 22; and Schermers and Blokker, *International Institutional Law* 6th edn (2018) chapter 9, especially paras 1350-1350J.
24. See Palmer, 'The Committee of Ministers' in Schmahl and Breuer (eds), *supra* n 7 at 137-65, especially 160-3. Hence my doubts as to the likely efficacy of what is being proposed by the Assembly's Committee on Political Affairs and Democracy, 'Report: Complementary joint procedure between the Committee of Ministers and the Parliamentary Assembly in response to a serious violation by a member State of its statutory obligations' PACE document 15024 of 6 January 2020, scheduled for debate at the Assembly's first-part session on 27-31 January 2020.
25. See, for example, comments by Wassenberg, *supra* n 15 at 115; and Leach, *supra* n 7 at 192-3. In addition, and as indicated in *supra* n 15, recourse is often made by PACE members to the threat of 'sanctions', including contesting credentials, which more often than not has given positive results.
26. See Leach, 'The Parliamentary Assembly of the Council of Europe', *supra* n 7 at 193-4.
27. See, in particular, Sawicki, *supra* n 14 at point 6.
28. See Dzehtsiarou and Coffey, 'Suspension and Expulsion of Member States of the Council of Europe: Difficult Decisions in Troubled Times' (2019) 68 *International & Comparative Law Quarterly* 443 at 458-60.
29. For comments on the position taken by the Russian authorities, perceived as blackmail in many quarters, see *supra* nn 19 and 27; Engel, 'Russland testet das Rückgrad des Europarates' ['Russian testing the backbone of the Council of Europe'] in (2017) 44 *EuGRZ* 720; Tenzer, 'Is Russia blackmailing the Council of Europe?', *EU Observer*, Blog, 17 September 2018, available at: euobserver.com/opinion/142849 [last accessed 20 January 2020]. See also a series of comments/articles issued by staff members of the European Stability Initiative (ESI), to be found in under the rubric: 'The Council of Europe's surrender to Russia', available at the ESI portal: www.esiweb.org/ [last accessed 20 January 2020].
30. Article 9 of the Statute of the Council of Europe stipulates:
'The Committee of Ministers may suspend the right of representation on the Committee and the Consultative [Parliamentary] Assembly of a Member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.'
In November 1994 the Committee of Ministers agreed that, apart from exceptional circumstances having prevented a Member State from fulfilling its obligation, Article 9 of the Council of Europe's Statute will be applied to any State which has failed to fulfill all or a substantial part of its financial obligation for a period of two years.
31. See, in this respect, the moving 'plea' of nearly 70 Russian human rights defenders and activists: 'Addressing the crisis in relations between the Council of Europe and Russia: upholding the values and the mission to protect human rights across all of Europe,' November 2018, available at: mhg.ru/addressing-crisis-relations-between-council-europe-and-russia-uphold-values-and-fulfil-mission [last accessed 20 January 2020].
32. See, Dzehtsiarou and Coffey, *supra* n 28, especially at 458-60; and Committee of Ministers document 'Council of Europe Programme and Budget 2018-2019, 2019 adjusted', 18 December 2018, which envisaged putting into place contingency measures, available at: rm.coe.int/168090363f [last accessed 20 January 2020].
33. See 'decision' taken at the 129th Session of the Committee of Ministers, entitled 'A shared responsibility for democratic security in Europe: Ensuring respect for rights and obligations, principles, standards and values', CM/Del/Dec(2019)129/2, 17 May 2019; and Glas, 'Russia left, threatened and won : Its return to the Assembly without sanctions', *Strasbourg Observers*, Blog, 2 July 2019, available at: strasbourgobservers.com/2019/07/02/russia-left-threatened-and-has-won-its-return-to-the-assembly-without-sanctions/ [last accessed 20 January 2020].
34. See, in particular, 'Strengthening the decision-making of the Parliamentary Assembly concerning credentials and voting' Resolution 2287(2019) of 25 June 2019, at para 7, based on Doc 14900, report of its Committee on Rules of Procedure, Immunities and Institutional Affairs (Rules Committee).

35. See Council of Europe in Brief, Budget for 2020, available at: www.coe.int/en/web/about-us/budget [last accessed 20 January 2020]; Committee of Ministers Resolution CM/Res (2019)6 concerning the Programme and Ordinary Budget for 2020-2021, adopted on 21 November 2019.
36. See Resolution 2287 (2019), supra n 34.
37. Rule 10.3 of the Assembly's Rules of Procedure specifies that members of a national delegation whose credentials are challenged may sit provisionally, with the same rights as other PACE members, until the Assembly has reached a decision. This explains why on 26 and 27 June 2019 Russian parliamentarians were able to participate in the election of the Council of Europe's new Secretary General and of two judges to the European Court of Human Rights.
38. Resolution 2292 (2019), Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation, of 26 June 2019, based on Doc14992, report of the Monitoring Committee. In this Resolution, at para 14, the Assembly invited the Monitoring Committee to 'present a report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience but *no later than the April 2020 part-session*' (emphasis added).
39. See the 'comment' I provided on this subject on 3 July 2019 to the blog of Glas, supra n 33, and the Synopses of the Rules Committee's meetings of 24-26 June (failure to adopt a draft resolution and seizure of Venice Commission for Opinion) and 12 December 2019 (consideration of Venice Commission Opinion), Docs AS/Pro (2019) CB 06 and AS/Pro (2019) CB 08.
40. See, in this connection, Resolution 2292 (2019), supra n 38 at para 14.
41. See Verbatim Records of PACE 3rd afternoon part-session, 26 June 2019, available at: assembly.coe.int/nwbs/verbatim/listing.asp?lang=EN&sessionId=201906 [last accessed 20 January 2020]. For votes cast with respect to amendments proposed and the Resolution itself, see 'Vote on Amendment 6: Assembly Voting results', available at: assembly.coe.int/nw/xml/Votes/DB-VotesResults-EN.asp?VoteID=37990&DocID=19023&selSession=201906 [last accessed 20 January 2020].
42. See supra nn 34 and 36. Paragraph 10 of this Resolution added the following sentence to Rule 10.1.c of the Assembly's Rules of Procedure: 'The members' rights to vote, to speak and to be represented in the Assembly and its bodies shall not be suspended or withdrawn in the context of a challenge to or reconsideration of credentials.' This drastic curtailment of the Assembly's powers was innocuously described in the Resolution as a 'clarification' of Rule 10.1.c! This change in the Rules had immediate effect; a simple majority of votes cast suffices for a change in the Assembly's Rules: see Rule 70 read in conjunction with Rule 41.c.
43. See, for example, the memorandum issued by Russian human rights defenders in 2018, supra n 31; and Drzemczewski, 'The Parliamentary Assembly's key role in upholding the Council of Europe's core values' in S. Sanz Caballero (ed.), *El futuro de la Unión y la amenaza de una no Europa. La crisis de valores de la UE* (Aranzadi, Pamplona, Spain, 2020), 43-57.