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Attitude to memorials exposed to different historical interpretations in Council of Europe member states

Report
Political Affairs Committee
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Summary

The totalitarian regimes and wars of the 20th century in Europe have left behind a number of graves and memorials which have acquired divergent historical and political connotations after the collapse of these regimes.

Disputes relating to divergent interpretations of history can only be resolved with time and through a process specific to each nation, the final decision on the fate of such memorials being a sovereign one of the state in which the monument is located. Council of Europe member states, however, should initiate broad and inclusive discussions on the complexity of the historical background of these monuments and their meaning to different segments of society, with a view to facilitating the shaping of a collective memory.

As regards war graves and other burial sites, Council of Europe member states should respect the relevant norms of international conventions and bilateral agreements; in addition, a good practice should be developed to consult any other member state concerned, prior to the taking of any action to exhume foreign soldiers and war victims, even outside the framework of existing agreements.

A. Draft resolution

1. The totalitarian regimes and wars of 20th century in Europe have left behind a number of graves and memorials which have acquired divergent historic-political connotations after the collapse of these regimes and subsequent revision of history in the countries in which they are located. In recent years, several such memorials have been relocated or demolished, in particular in the post-Soviet space. At the

same time, new controversial commemorative monuments have been erected, arousing fierce political disputes both internally and at international level. In broader terms, the question of how to make peace with the past while facing up to the challenges of the current century is of common concern to all European countries that have experienced totalitarian regimes or have been subjected to foreign occupation.

2. The Parliamentary Assembly believes that disputes relating to divergent interpretations of history can only be resolved with time and through a process specific to each nation. In this regard, the Assembly recalls its Resolutions 1096 (1996) on measures to dismantle the heritage of former communist totalitarian systems, 1481 (2006) on need for international condemnation of crimes of totalitarian communist regimes and 1495 (2006) on combating the resurrection of Nazi ideology and Recommendation 1736 (2006) on need for international condemnation of the Franco regime and reiterates its conviction that, in order to enable individual Council of Europe member states to come to terms with the controversies of their recent past, Europe must unequivocally reject and unreservedly condemn all forms of dictatorial regimes such as National Socialism, fascism and totalitarian communism.

3. The decisions adopted by Council of Europe member states on the fate of controversial monuments have taken extremely varied forms: in some cases demolition, in others relocation to museums or new open-air museum parks; some monuments have been preserved as they stood and others (buildings or complexes, for instance) preserved but given a new function or converted into museums, sometimes dedicated to the victims of the regimes which built them.

4. The Assembly, while drawing attention to its Recommendation 898 (1980) on memorials, which suggests conserving “monuments set up by invaders or by a regime regarded as oppressive or hated” in museums as an alternative to their demolition, expresses its belief that the final decision on the fate of such memorials is a sovereign one of the state in which the monument is located; it should, nevertheless, be based on the norms of international conventions and bilateral agreements.

5. In this context, however, the Assembly deems it necessary to distinguish between war graves and victory monuments erected to glorify totalitarian regimes or former occupation forces – or at least perceived as such by the mainstream population. It underlines that, where graves and burial sites containing the remains of foreign soldiers and war victims are concerned, national decisions must fully abide by the respect of the dead, often victims rather than occupiers, and bilateral or multilateral agreements, notably Protocol I of the Geneva Convention relating to the Protection of Victims of International Armed Conflicts.

6. The Assembly regrets that up till now there exists no complete list of war graves located on the territory of the Council of Europe member states. It recalls its appeal made to the Committee of Ministers almost thirty years ago in Recommendation 898 (1980), to engage in a general study of memorials in member states which might lead, *inter alia*, to proposals on systematic recording, on protection against destruction or on responsibility for upkeep. The Assembly reiterates the need for drawing up a common database in view of better protection of

burial sites and further facilitation of conclusion of new bilateral agreements between member states. Furthermore, the Assembly encourages the development of a good practice comprising consultation of any member state concerned, prior to the taking of any action to exhume foreign soldiers and war victims, even outside the framework of agreements which already exist.

7. Because of the controversial nature of such memorials, the Assembly calls on Council of Europe member states to initiate the broadest possible discussions of historians and other experts on the complexity of the historical background of these monuments, their meanings to different segments of the societies internally and, if appropriate, internationally.

8. The Assembly emphasises the need for deeper mutual understanding and for conciliatory action to be taken in order to prevent memorials of disputed symbolic significance becoming a source of tension in intra-state relations. It appears vital to seek consolidation of all major political forces representing different approaches when discussing the fate of such memorials with a view to reach final decisions on the basis of sustainable social majority opinion. Similarly, the Assembly underscores that under no circumstances should memorials become tools for advancing foreign policy goals or incitement of tensions by third states.

9. In the light of the above, the Assembly invites Council of Europe member states to:

9.1. initiate the broadest and most inclusive possible debate about the fate of memorials exposed to different interpretations, involving historians, active members of civil society and political leaders, and organising conferences, colloquies and seminars on the subject;

9.2. support the creation of a European centre of expertise to help member states with historiographical and archaeological investigation and elucidation of memorials;

9.3. welcome establishing a common database including a complete list of war graves and memorials within the territory of Council of Europe member states. To this end, open up all national archives that may contain relevant information on the location of burial places in full compliance with Committee of Ministers' Recommendation Rec(2000)13 on a European policy on access to archives;

9.4. consider creating historical museums and provide these with support;

9.5. continue to honour their commitments under bilateral or multilateral treaties on the maintenance and conservation of monuments, including those containing the remains of foreign soldiers or war victims;

9.6. consider concluding such treaties where none exist;

9.7. consult the relatives or the states concerned and relevant NGOs before exhuming any foreign soldiers or war victims buried in their territories.

9.8. avoid and condemn any incitement of tensions around memorials, in particular as this may entail sharp confrontations between different segments of society in these countries.

B. Draft recommendation

1. Referring to its Resolution ... (2009) on the attitude to memorials exposed to different historical interpretations in Council of Europe member states, the Parliamentary Assembly draws attention to the numerous activities carried out by the Council of Europe in relation to museums, history and the cultural heritage.

2. The Assembly believes that it is the Council of Europe's duty to continue to play a major role in supporting activities which facilitate the shaping of collective memory in its member states. The Council of Europe should also create opportunities to facilitate constructive and open dialogue between historians and member states' experts on controversial historical questions which concern several member states, and, where appropriate, about the fate of memorials exposed to different historical interpretations.

3. Consequently, the Assembly recommends to the Committee of Ministers to:

3.1 organise and/or promote the organisation of international conferences of experts, and to facilitate international exchanges concerning controversial historical questions of interest to several member states, and, where appropriate, on the fate of memorials exposed to different historical interpretations;

3.2. create a European centre of expertise for helping member states with historiographical and archaeological investigation and elucidation of memorials;

3.3. set up a common European database on war graves and memorials located in Council of Europe member states in line with the Assembly's previous Recommendation 898 (1980) on memorials;

3.4. urge member states to revise national legislation with a view to making it comply fully with Committee of Ministers' Recommendation No. R (2000) 13 on a European policy on access to archives;

3.5. continue to give its support to activities in relation to museums, history and cultural heritage, including the activities of the European Museum Forum (EMF);

3.6. develop good practices relating to the fate of controversial memorials.

C. Explanatory memorandum, Mr Eörsi

I. Introduction

1. Near to the Budapest city boundaries lies a very unusual park containing statues and monuments from the communist era put up in celebration of both communist ideology and the liberation of Hungary by the Red Army in 1945. It is an open-air museum created in 1993 in response to popular and political demand for

these symbols of the past to be done away with. The City of Budapest decided to invite tenders for the creation of a museum park where those interested, visitors and tourists could come to see all the statues and monuments concerned. The underlying idea was that these monuments and statues – regardless of having any artistic value or not – should be preserved as reminders of a bygone era so as to help shape Hungarians' collective memory. This is not the only park of its kind: for instance, Lithuania has its Grūtas Park close to the town of Druskininkai, containing 86 Soviet-era statues.

2. Humankind has always faced the question of what to do with the symbols and monuments of previous regimes, and several waves of iconoclasm (literally “destruction of images”) have occurred over the course of history. The various totalitarian regimes and wars in Europe in the 20th century have also left behind an array of war graves, memorials and monuments, but also controversial street and place names and buildings with highly symbolic connotations. Governments have faced a dilemma as to whether to destroy or preserve these “features of the past”. How is it possible to prevent them from becoming places of commemoration and rehabilitation for anyone nostalgic for these ideologies?

3. The present report stems from a motion presented by Mr Hancock and others following the Estonian Government's decision in early 2007 to relocate the statue of the Bronze Soldier from central Tallinn to the capital's military cemetery and events surrounding memorials in Hungary and Poland in 2007. However, the Political Affairs Committee deemed it desirable to go beyond these country-specific cases and to present a more holistic approach on how a collective historic memory of nations is shaped through attitudes to the symbols of the past.

4. My conviction is that all European countries that experienced totalitarian regimes or that have been subjected to foreign occupation in their recent history will at one point in history come face to face with the problem of how to deal with controversial symbols on their territory, mismatched to the prevailing ideologies of the day. It is therefore important that best practices from all over Europe be learnt from, especially with regard to maximum de-politicisation of controversial memorials. It should be mentioned though that this memorandum in no way seeks to present a comprehensive overview of how different member states have dealt with the vestiges of their past regimes, liberators or occupiers.

5. When discussing attitudes and modalities of disposing controversial memorials it is important to distinguish between graves and cemeteries (including those containing the remains of foreign soldiers or war victims), and memorials, places and buildings commemorating totalitarian regimes or glorifying the victory of former occupation forces. The former often enjoy special status under international law, especially under several bilateral treaties. They need to be treated with the utmost respect to the dead who were mostly victims of a totalitarian regime. In short, they must not be subject to any politicisation.

6. On the other hand, it is, in several cases, more difficult to avoid other types of symbols and memorials of past regimes or ideologies from serving political ends. This is particularly worrying when the intention is to foster divisions and hatred among different groups of the population, or to fuel a bilateral or even an

international controversy. In today's context of growing concern over ever-increasing xenophobia and intolerance in many Council of Europe member states, it is important that this specific aspect gets properly addressed by pan-European forums such as our Parliamentary Assembly.

7. I should like to point out that the latest recommendation on memorials (Recommendation 898 (1980)) was adopted by the Parliamentary Assembly as long ago as 1980. Even if the context back then was very different from today's, I nevertheless feel that this recommendation is no less relevant now, specifying as it does that, "even where it is felt necessary to remove monuments set up by invaders or by a regime regarded as oppressive or hated, some consideration should be given to their conservation in a museum".¹ It is of regret that only one of the four resolutions and recommendations of the Assembly condemning authoritarian regimes of the past,² namely Recommendation 1736 (2006) on the need for international condemnation of the Franco regime, mentions the question of memorials.

II. Examples in western Europe

8. In the second half of the last century, Germany, Greece, Italy, Portugal and Spain had to decide what to do with the symbols and monuments of the National Socialist, fascist or other totalitarian regimes of their past. These countries have gone through long and difficult debates on how to deal with historical symbols, even where the ideology that the latter represented was commonly rejected and where no different interpretations were at stake. In most cases, the ideologies and vices of the past regimes have been condemned and most modern European societies have successfully come to terms with the horrors of their past in the process of construction of a common Europe based on the values of democracy, human rights and the rule of law.

9. In some cases, however, democratic governments succeeding totalitarian regimes decided to sweep the controversial issues under the carpet for years to come, which has prolonged the "healing process". Such was the case in Spain after the defeat of the Franco regime: at the end of the period of dictatorship, Spain's democratic forces of both right and left observed a "pact of silence", whereby no public accusations were to be made of involvement in the previous regime, and there was to be no legislation to punish retrospectively the crimes committed by the regime or to enable the families of the victims of Franco's repression to seek "moral and financial redress". Thus no detailed public debate of the Franco period ever took place, leading some political forces, at the present time, to complain of an inability to come to terms with national history, whereas others regard this as a way of avoiding reopening wounds which have already healed.

1. Recommendation 898 (1980) on memorials, adopted by the Assembly on 3 July 1980.

2. Resolution 1096 (1996) on measures to dismantle the heritage of former communist totalitarian systems, adopted on 27 June 1996; Resolution 1481 (2006) on the need for international condemnation of crimes of totalitarian communist regimes, adopted on 25 January 2006; Recommendation 1736 (2006) on the need for international condemnation of the Franco regime, adopted on 17 March 2006; and Resolution 1495 (2006) on combating the resurgence of Nazi ideology, adopted on 12 April 2006.

10. In addition, monuments and symbols dating from the period of dictatorship were left in place. The best known of which is probably in the Valley of the Fallen (El Valle de los Caídos), a monumental site built by republican political prisoners, which is the burial place of 40 000 soldiers and combatants from both sides who died during the Spanish Civil War. A basilica, built on the mountain, also contains the tombs of Francisco Franco and José Antonio Primo de Rivera.

11. The Spanish Parliament therefore showed considerable courage when it declared 2006 the Year of Historical Memory. That same year, the government tabled a bill which, for the first time, declared the killings committed by the Franco regime unjust, proposed the exhumation of the victims buried in mass graves, proposed changes to street names celebrating the Franco regime,³ and provided for, *inter alia*, the Valley of the Fallen to be rededicated to the memory of all Spaniards killed in the civil war, irrespective of their political affiliations. This bill triggered much discussion and argument as part of a lively political debate, and has now been passed by both houses of the Spanish Parliament, despite the opposition of some political parties. The Historical Memory Act came into force on 28 December 2007.

12. The Spanish example shows that the legacy of the past is still capable of dividing the political forces of a modern European country after thirty years of peace and stable democracy, and that the question of memorials cannot be considered without taking into account the way in which a society and its political forces face up to their past.

13. Further, numerous examples from western Europe show that it is unnecessary, in order to eliminate the symbolic significance of monuments erected by past totalitarian regimes, to demolish them. An example of this is Italy's Foro Italico, originally given the name Foro Mussolini, a huge sports complex near Rome inaugurated in 1932. There were two reasons for planning the Foro Mussolini: the first was to provide an imposing setting for sports events through which the fascist regime wished to impress, and the second was to build a place symbolic of the power of the new Roman Empire that the regime intended to create. This is why several sports facilities were housed in the Foro Mussolini, close to the monuments erected in the honour of Il Duce's regime: statues of athletes, frescoes and mosaics and the inscriptions of the day bear witness to the almost sacred nature of this symbol of fascist power. After the Second World War, it was decided not to demolish the complex, but to rename it Foro Italico, and the buildings and facilities were made available for sports and other events. For a while, it even housed the Ministry for Foreign Affairs.

14. Another very well-known example is connected with the Nazis who led another European totalitarian regime. This is the Kehlsteinhaus, or Eagle's Nest, a chalet near Berchtesgaden in the German Alps which was given to Hitler as a 50th birthday present. It was intended as a place where the Führer could rest and entertain his distinguished guests. After the war, it was initially used by the Allies as a command post, but was later returned to the Bavarian government in 1960. The chalet, despite the weight of its political past, is now a mountain restaurant and

3. There are several Spanish towns where it is easy to find streets named after the date of Franco's 1936 coup d'état (18 July) or after his Prime Minister (Carrero-Blanco); in the outskirts of Madrid there is Caudillo Square and in Santander a Generalissimo Square.

tourist attraction. It is run by a foundation, and its profits are used for charitable purposes. The Bavarian government has successfully demystified this place of memory by drawing off its Nazi symbolism.

15. Thus it is also possible to strip the original political significance and demystify monuments symbolic of dictatorships by simply putting them to a different non-political use.

III. Memorials of totalitarian communist regimes and the Second World War in central and eastern Europe

16. Earlier totalitarian regimes of the previous century (National Socialism, fascism, the Franco regime, etc.) have all been largely condemned, which has helped these nations to successfully face up to their past, to the extent that there is little nostalgia towards those regimes among the mainstream populations concerned. The totalitarian communist system that prevailed in the Soviet Union and central Europe from the 1930s to the 1980s and the atrocities committed by this regime have not been subjected to the same universal condemnation. As emphasised in the Assembly's Resolution 1481 (2006), "the fall of totalitarian communist regimes in central and eastern Europe has not been followed in all cases by an international investigation of the crimes committed by them. Moreover, the authors of these crimes have not been brought to trial by the international community, as was the case with the horrible crimes committed by National Socialism (Nazism)". This prevents many countries formerly under Soviet rule from coming to terms with their 20th-century history.

17. In order to comprehend today's attitudes towards the existing Soviet symbols and monuments as well as towards many new disputed projects to commemorate victims of the communist regime, their historical context needs to be considered. Firstly, troops of the Soviet Union brought Nazism to an end in most central and eastern European countries, so those whose lives were under imminent threat during Nazism, perceived the Soviet troops as liberators, even when they turned into occupiers. Secondly, the communist regime prevented any detailed and open discussions of the reasons why National Socialism and communism arose, and pretended that National Socialism was fighting communists only. In the eyes of those, who had neither personal experiences, nor sufficient knowledge about National Socialism but understandably hated the Soviets, this approach made crimes committed by the Nazis somewhat forgivable. Thirdly, the Soviet regime tried to impose a vision on history that wiped out or denied Stalinist crimes in this era; it could not erase the living memories of the survivors of the Great Famine, deportations, designing influence zones in 1939 or war-time genocides, etc. It is estimated that not less than 20 million people⁴ perished as a consequence of Stalin's policies. Some 7 to 10 million people alone died in the Great Famine known as *Holodomor* (artificial famine) in Ukraine and other parts of the then Soviet Union in 1932-33.

18. It was only in the late 1980s when these countries started their transition towards democracy that it became possible to reconsider the recent past. In the countries of central and eastern Europe that had enjoyed longer or shorter periods of

4. R. Conquest, *The Great Terror: A Reassessment*, Oxford University Press, 1990, p. 48.

independence before the Second World War, and in particular in those whose aim after the collapse of the Berlin Wall became reintegration into European and Euro-Atlantic institutions, most Soviet-era symbols and monuments were demolished or relocated immediately in the late 1980s and early 1990s, indicating a strong political will to break with the past. Everyone in Europe remembers seeing the statue of Lenin in Berlin being taken down in 1989, followed by many other statues of Lenin, Stalin or the much-idealised “socialist labourer” sharing the same fate.

19. It is interesting to note, for instance, that several attempts have been made in different parts of Ukraine to remove Soviet-era monuments after the Orange Revolution – even in regions that have historically been more aligned to Russia. In May 2006, the Lviv City Council decided to remove two monuments classified as “symbols of imperial-Bolshevik domination” and to create a commission that would define memorials that will remain in the city. In October 2007, the Donetsk *oblast* governor gave an assignment to the heads of regional and city executive councils to prepare and submit for consideration the issue on dismantling of monuments and memorial signs devoted to persons who participated in the organisation of the *Holodomor*.

20. All in all, throughout countries in central and eastern Europe, formerly controlled by the Soviet Union, symbols, monuments and memorials of this era are being considered. Now firmly integrated in the West through European Union and NATO membership, many countries are showing renewed eagerness to erase the more visible vestiges of communism. In 2005 members of the European Parliament from the former satellite countries of the Soviet Union demanded that communist symbols be banned along with the swastika, citing the death toll inflicted by communist dictatorships. The initiative was rejected. In 2007, Poland’s governing Law and Justice Party proposed a law calling for changing street names that have a communist taint and giving local authorities the right to remove memorials of the communist era. Romania issued a 650-page report detailing and condemning communist atrocities. The Estonian Parliament adopted a law on the removal of war memorials and relocated the Bronze Soldier memorial to a military cemetery. Latvian lawmakers have drafted legislation making it a crime to deny the occupation by the Soviet Union. In Hungary, 200 000 signatures were collected, calling for a referendum on removing a prominent Soviet war memorial in the heart of Budapest. In May 2007, opposing interpretations clashed in Auschwitz, where Polish curators of a museum at the former death camp did not allow Russia to open its exhibits.⁵

21. Particular attention should be drawn to the interpretation of the Second World War monuments in the states formerly dominated by the Soviet Union and the divergent attitudes towards the way that these memorials, commemorating the liberation, are perceived in these countries. There are altogether more than 20 000 military cemeteries and major monuments commemorating the soldiers of the Soviet Union fallen throughout Europe, many of them on the territory of states that were once part of the Soviet Union.

5. Russia claimed that hundreds of thousands of “Soviet citizens” died in the Holocaust. The Poles vehemently rejected this, saying those victims, mostly Jews, were from territories occupied by the Soviet Union in league with the Nazis between 1939 and 1941.

22. Soviet troops are widely acknowledged to have played a very important part amongst the Allies fighting against Nazi Germany. The Soviet Union suffered great loss of life in the Second World War. Those millions of brave men and women who lost their lives and were buried outside the Russian Federation's current boundaries during the Second World War were not the occupiers, but they were both victims of the war and, many of them also victims of the inhuman Soviet regime. It is not surprising that respect for the memory of its fallen soldiers is an extremely sensitive matter for the Russian Federation. Regrettably, however, Russian authorities are, like many countries in similar situations, somewhat one-sided in the interpretation of history: they see Russia only as the victim of the Second World War, without acknowledging the effects of the secret pacts, which Stalin concluded with Nazi Germany in 1939 or with the Allied Forces later in Yalta, and the dictatorial systems they imposed on the countries which they liberated from occupation by the Third Reich. Such an unbalanced approach certainly has an effect in the countries concerned, namely to counterbalance Russia's interpretation of history.

23. History is often seen as "black and white". The difficulty of the interpretation of 1945 lies also in the fact that the liberators became occupiers. Some, who perceived the Soviets only as liberators from National Socialism, were reluctant to condemn their occupation and vice versa, some, who saw the Soviets only as occupiers, were reluctant to acknowledge the role they played in defeating Hitler's Germany. This latter one is even more difficult in countries that were partitioned between the Soviet Union and the Third Reich. A secret protocol to the Molotov-Ribbentrop Pact was signed in August 1939, which divided the independent countries of Finland, Estonia, Latvia, Lithuania, Poland and Romania into Nazi and Soviet spheres of influence, anticipating "territorial and political rearrangements" of these countries' territories. All were subsequently invaded, occupied, or forced to cede territory by the Soviet Union, Nazi Germany, or both. However, even before they were invaded by the Nazi troops in 1940-41, the local populations in the Soviet sphere of influence, forcefully incorporated in the Soviet Union by then, were purged of "anti-Soviet or potentially anti-Soviet elements" with tens of thousands of people having been executed and hundreds of thousands being deported to far eastern regions of the Soviet Union and to Gulag work camps, where many perished. The sensitivities and sometimes unbalanced approach to history of the victims of forced geopolitical divisions and the communist regime therefore should also be understood.

24. Violence continued also after the defeat of Nazi Germany, and in the areas that had been liberated by the Red Army, with large numbers of women being raped and men either being killed or deported to labour camps in the Soviet Union. Over a million Soviet persons – taken prisoner of war by Nazi Germany – were killed or perished in Soviet gulags after a secret agreement was signed with the Allied Forces in Yalta, requiring the United States and Great Britain to forcibly return Russian imprisoned soldiers liberated from German prisoner of war camps into the clutches of Joseph Stalin. The former liberators did not hand power back to democratically elected leaders. Quite the contrary, these democratic leaders were arrested and thrown into prison, many being tortured and killed. Their governments were forced to become puppet regimes of the Soviet Union.

25. The fracas around the removal of the Bronze Soldier in Tallinn, Estonia, which also triggered this report, is a good example of such divergence of sentiments. To

Russians, the statue embodied a tribute to their overwhelming losses in the Second World War and to the heroes who rescued the three Baltic states from the Nazi regime. In the collective memory of many Estonians, however, it was a reminder of a half century of Soviet occupation during which the Soviet regime shot thousands of Balts, sent hundreds of thousands to Siberia, moved hundreds of thousands of Russians in to take their places, and tried to eradicate their culture, language and any memory of independence. The continuing reluctance by the Russian Federation to recognise the occupation of the Baltic states by the Soviet Union further aggravated the tensions around the war memorial.

26. In addition to wide media coverage, the case of the Bronze Soldier gave rise to demonstrations, which according to the Estonian Government were orchestrated from Moscow and which degenerated into rioting and looting which ended in a human casualty and many people injured. It also triggered a cyber-attack which for several days paralysed the highly computerised Estonian Government system. In violation of the Vienna Convention, the Estonian Embassy in Moscow was attacked.

27. The relocation of Estonia's Bronze Soldier was not the only case of its kind: tension had also flared up between Poland and the Russian Federation in May 2007 over the draft bill to allow local authorities to remove memorials of the communist era, and similar debates about the usefulness of preserving such monuments have also taken place in Latvia and Hungary. In the Russian Federation itself, several monuments and memorials of the Second World War have been dismantled in the last couple of years without any public debate and for the purpose of making way for new construction sites and highways: in 2006 in Stavropol and in 2007 in Chimky near Moscow and in Krasnaya Gorka, near St Petersburg.

28. However, there also exist examples of countries opting for other solutions than destruction or relocation. For example, the authorities in Bulgaria, Hungary and Latvia have decided to leave highly symbolic monuments as they are, in their original positions. In some cases, this has been due to particular agreements. For example, when a petition calling for the Soviet liberator's monument in Budapest to be demolished was started in April 2007 by two associations, the authorities responded by saying that it was protected by an agreement with the Russian Federation dated 6 March 1995 prohibiting destruction of the monument. Similarly, in the case of the Red Army's Victory monument in Riga, when in 2006 plans emerged to demolish it, the then President, Mrs Vaira-Vike Freiberga, declared that the monument could not be demolished and would be left in place, in accordance with a 1994 agreement on social protection for retired servicemen of the Russian Federation.

29. In the light of the above, I may conclude that the states of central and eastern Europe, formerly liberated then occupied by Soviet forces, now face a difficult decision: whether to make a break with the past by destroying the symbols and monuments of that past, or whether to keep them to help to promote understanding of their past and their identity. This is their sovereign decision, although the decision cannot fail to have implications for parts of their population nostalgic for the Soviet past. Politically and legally, it is a particularly difficult decision when the monuments concerned are also the burial places of Second World War soldiers and victims. Where agreements between states exist, they have to be complied with. National

decisions must fully abide by the respect of the dead who were victims rather than occupiers.

IV. International legal framework

30. The former Soviet Union signed several bilateral agreements with European states (including Finland, Germany, Hungary, Italy, Poland, Romania and Slovakia) that are still in force today, with the Russian Federation as the successor state, and which contain provisions relating to the status, protection and restoration of certain monuments and cemeteries.

31. These bilateral treaties relate primarily to cemeteries, graves and monuments containing the remains of Soviet soldiers and of war victims. All of them relate, *inter alia*, to the relocation of the burial places of soldiers and war victims, which inevitably involve exhumation. They stipulate that there can be no reburials or decisions about the places to which graves are to be transferred unless an agreement has been reached between the two states concerned.⁶ In contrast, no agreements of this kind exist with those states that were once annexed to the Soviet Union.

32. Some provisions applicable to memorials and military cemeteries are also found in the Geneva Conventions on international humanitarian law, which have been signed by all Council of Europe member states. In particular:

– according to the Third Geneva Convention relative to the Treatment of Prisoners of War, the authorities of the state in which the burial places are situated must ensure that prisoners of war who have died in captivity are honourably buried and that their graves are respected, suitably maintained and marked so as to be found at any time. Responsibility for the care of these graves and for records of any subsequent movement of the bodies rests on that state (Article 120);

– according to the Protocol relating to the Protection of Victims of International Armed Conflicts, as soon as circumstances and the relations between the parties permit, the states in whose territories graves are situated must conclude agreements in order to: *a.* facilitate access to the burial sites by relatives of the deceased; *b.* protect and maintain such burial sites permanently; and *c.* facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin (Article 34);

– the same protocol stipulates that the state in whose territory the burial sites are situated is authorised to exhume the remains only when exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the state concerned must respect the remains and give notice to the home country of its intention to exhume the remains, together with details of the intended place of reburial.

V. Depoliticising monuments: museums and cemeteries

6. The exception is the treaty of 6 March 1995 between Russia and Hungary, which provides that, in the absence of an agreement on the destination of a transfer between the two states, the party concerned may take action with a view to relocation of a military burial place two years after sending the official request to the other party.

33. A monument as such can mean different things to different people, perhaps symbolising liberation in some people's eyes and oppression to others. It may both help to shape a nation's collective memory and incite hatred between different population groups. Hence the vital need to engage in historical research in relation to those monuments of disputed symbolic significance. Not only political players, but also historians and active members of civil society have a part to play in the discussions on the future of such monuments.

34. In my view, museums may offer a way of dealing with the past without reducing it to political slogans. Historical museums should, ideally, be more scientifically oriented, and offer more explanations and information than most memorials, placing events in their context. A monument placed in a historical museum very often loses its political and symbolic connotations and becomes an "exhibit", a subject of scientific study. Historical museums are not places of pilgrimage, but places where history is preserved.

35. Museums can also offer fairly powerful ways of drawing off the political symbolism that a building originally had. One example is the highly popular Museum of Genocide Victims in Vilnius, better known as the KGB museum. Housed in the building which was once home to the Soviet secret services in Lithuania, it illustrates the work done by the secret services and the extent of the repression during the Soviet occupation of Lithuania. Another example is Berlin's Stasimuseum, in the building once occupied by the Ministry for State Security (known as the *Stasi*). This now contains a research centre, a documentation centre and a museum showing, *inter alia*, the setting in which members of the German Democratic Republic's (GDR) secret services went about their daily work. A place of both commemoration and research, this museum offers a view of the dark days of the history of the GDR, based on the story of everyday life in East Germany, mainly as impressively researched by German historians.

36. The concept of the museum as a place of both commemoration and history may also be a broader one: monument parks such as those located near Budapest and Druskininkai are open-air museums containing collections of Soviet monuments, which are thereby placed in their context.

37. The Council of Europe is fully aware of the importance of museums, pledging to support them and to promote the creation of new ones, especially through the European Museum Forum (EMF). Among the events organised by the EMF are the European Museum of the Year Award and international seminars at which museum curators are able to hone their skills. It also offers an expert advice service to European museums and has set itself the objective of raising the standard of museums throughout Europe.

38. Placing controversial war memorials in cemeteries is an alternative way to depoliticise them. This is what the Estonian Government aimed at achieving when relocating the monument at the peak of tensions, which was becoming dangerous for national security. A year on from the heated discussions and riots in the streets of Tallinn, the issue is off the political agenda of the country and the new location has become accepted by the population.

39. I am persuaded that the participation of scientists and of civil society in the collective memory debate may help to lessen political manipulation of monuments and to overcome the divisions that emerge from this painful process of facing up to the past. Museums can play an important role in this context, making it possible to consider the monuments concerned from an academic viewpoint.

VI. Conclusions and recommendations

40. In this report I have tried to show that the question of the attitude to memorials exposed to different historical interpretations concerns all Council of Europe member states, since every state has painful memories from either its recent or its more distant past.

41. Disputes relating to divergent interpretations of history can be resolved only with time and through a process specific to each state. Civil society and historians play a very important role in the development of a vision of the past that is as complete as possible. Countries of central and eastern Europe have only recently started reviewing their painful past. It is a highly complex exercise that will take a long time and give rise to numerous clashes. It requires nations, governments and citizens to accept responsibility for their historical roles. It will take time, considerable effort, empathy, and often a self-critical capacity for a society to achieve broad consensus about its history and the effects of this on the nation and its citizens.

42. Where the fate of monuments exposed to different historical interpretations is concerned, I am convinced that it is for each country to decide whether or not they should be preserved or whether new ones should be erected.

43. The international agreements in force concerning the status of certain monuments, particularly those which contain the remains of soldiers or combatants from other countries, should be scrupulously complied with. Consideration should be given to concluding such agreements where none exist. At all events, Council of Europe member states should always favour political dialogue with all the players concerned, at national and international level, even if there is no legal obligation to do so.

44. The appalling crimes of fascist and National Socialist regimes and their reign of terror are no excuse for the dreadful crimes of communism, and vice versa. While they should not all be lumped together, National Socialism, fascism and totalitarian communism must be rejected and utterly and unreservedly condemned by the Council of Europe, its Assembly and its member states.

Reporting committee: Political Affairs Committee.

Reference to committee: Reference No. 3346 of 24 May 2007.

Draft resolution and draft recommendation unanimously adopted by the committee on 29 September 2008.

Members of the committee: Mr Göran **Lindblad** (Chairperson), Mr David **Wilshire** (Vice-Chairperson), Mr Björn **Von Sydow** (Vice-Chairperson), Mrs Kristiina Ojulang (Vice-Chairperson), Mrs Fátima Aburto Baselga, Mr Francis **Agius**, Mr Miloš **Aligrudić**, Mr Alexander Babakov (alternate: Mr Ilyas **Umakhanov**), Mr Denis **Badré**, Mr Ryszard **Bender**, Mr Fabio Berardi, Mr Radu Mircea Berceanu (alternate: Mrs Cornelia **Cazacu**), Mr Andris **Bērziņš**, Mr Aleksandër **Biberaj**, Mrs Guðfinna **Bjarnadóttir**, Mr Predrag Bošković, Mr Luc Van den Brande, Mr Mevlüt **Çavuşoğlu**, Mr Lorenzo Cesa, Ms Anna **Čurdová**, Mr Rick Daems, Mr Dumitru **Diacov**, Ms Josette Durrieu (alternate: Mr Laurent **Béteille**), Mr Frank Fahey (alternate: Mr Patrick **Breen**), Mr Joan Albert **Farré Santuré**, Mr Pietro Fassino, Mr Per-Kristian **Foss**, Ms Doris **Frommelt**, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael Hancock (alternate: Mr Nigel **Evans**), Mr Davit Harutyunyan (alternate: Mr Avet **Adonts**), Mr Joachim **Hörster**, Mrs Sinikka **Hurskainen**, Mr Tadeusz **Iwiński**, Mr Bakir Izetbegović, Mr Michael Aastrup **Jensen**, Mrs Birgen **Keleş**, Mr Victor Kolesnikov (alternate: Mrs Olha **Herasym'yuk**), Mr Konstantin Kosachev, Ms Darja Lavtižar-Bebler, Mr René van der Linden, Mr Dariusz **Lipiński**, Mr Juan Fernando López Aguilar, Mr Younal **Loutfi**, Mr Gennaro **Malgieri**, Mr Mikhail Margelov (alternate: Mr Guennady **Ziuganov**), Mr Dick Marty (alternate: Mrs Liliane **Maury Pasquier**), Mr Frano **Matušić**, Mr Mircea **Mereuță**, Mr Dragoljub Mićunović, Mr Jean-Claude **Mignon**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada (alternate: Mr Sabir **Hajiyev**), Mr João Bosco **Mota Amaral**, Mrs Miroslava **Němcová**, Mr Zsolt Németh, Mr Fritz Neugebauer, Mr Hryhoriy **Omelchenko**, Mr Theodoros Pangalos, Mr Aristotelis **Pavlidis**, Mr Ivan **Popescu**, Mr Christos Pourgourides, Mr John Prescott (alternate: Mr John **Austin**), Mr Gabino Puche (alternate: Mr Pedro **Agramunt**), Mr Oliver Sambevski (alternate: Mr Zoran **Petreski**), Mr Ingo Schmitt, Mr Samad **Seyidov**, Mr Leonid **Slutsky**, Mr Rainer **Steenblock**, Mr Zoltán **Szabó**, Mr Mehmet Tekelioğlu, Mr Han Ten Broeke, Lord **Tomlinson**, Mr Petré Tsiskarishvili, Mr Mihai Tudose, Mr José Vera Jardim, Ms Biruté Vėsaitė, Mr Luigi **Vitali**, Mr Wolfgang Wodarg (alternate: Mr Johannes **Pflug**), Ms Gisela Wurm, Mr Boris Zala.

Ex officio: MM. Mátyás **Eörsi**, Tiny **Kox**.

NB: The names of those members present at the meeting are printed in bold.

Secretariat of the committee: Mr Perin, Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Ms Alléon