Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 182 (1994)[1]
Final version

Application by the Principality of Andorra for membership of the Council of Europe

Parliamentary Assembly

1. The Assembly received from the Committee of Ministers, in pursuance of Statutory Resolution (51) 30 A adopted by the Committee of Ministers on 3 May 1951, a request for an opinion on the accession of the Principality of Andorra to the Council of Europe (Doc. 6988).

2. It welcomes the entry into force, on 4 May 1993, of the Andorran Constitution, which makes the principality a state under the rule of law, and guarantees human rights and fundamental freedoms. It considers that the Andorran authorities have thus complied with the Assembly's invitation addressed to them in its Resolution 946 (1990) on the situation in Andorra.

3. It notes that parliamentary elections by free and direct universal suffrage were held in Andorra on 12 December 1993 and were observed by an ad hoc committee of the Assembly.

4. It attaches great importance to the commitment expressed by the Andorran authorities to sign at the moment of accession and ratify, normally within a year, the European Convention on Human Rights, as well as the protocols thereto, and also to recognise - pending the entry into force of Protocol No. 11 - the right of individual application to the European Commission of Human Rights (Article 25 of the Convention) as well as the compulsory jurisdiction of the European Court of Human Rights (Article 46). Furthermore, it expects the Andorran authorities to sign and ratify the Social Charter soon. When ratifying the European Convention on Human Rights it is essential that Andorra also ratifiy the Protocol No. 11.

5. It also considers it very important that the Andorran authorities commit themselves to sign and ratify the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, the European Convention on Extradition and the Convention on the Transfer of Sentenced Persons. It expects the Andorran authorities to sign and ratify the General Agreement on Privileges and Immunities and its Additional Protocol.

6. It attaches great importance to the obligations arising from membership of the Council of Europe, which also implies readiness to settle international disputes by peaceful means.

7. The Andorran situation, where the native population is numerically smaller than the immigrant population, is unique in Europe. The Assembly expects the Andorran legislators to produce, taking into account the particularly sensitive background to this situation, a new version of the articles of the qualified law on nationality, annulled by the Andorran Constitutional Court, facilitating access to Andorran nationality, notably to people considered to be integrated by a long period of residence in Andorra. Adequate legislation on nationality should be in line with the established standards of the Council of Europe.

1. Assembly debate on 3 October 1994 (24th Sitting) (see Doc. 7152, report of the Political Affairs Committee, Rapporteur: Mr Reddemann). Text adopted by the Assembly on 3 October 1994 (24th Sitting).

8. The Assembly considers that the Principality of Andorra is able and willing:

8.1. to fulfil the provisions of Article 3 of the Statute, which stipulates that "every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms";

8.2. to collaborate sincerely and effectively in the realisation of the aim of the Council of Europe as specified in Chapter I of this Statute, thereby fulfilling the conditions for accession to the Council of Europe as laid down in Article 4 of the Statute;

8.3. to meet its other obligations under the Statute, including the financial obligations.

9. Accordingly, bearing in mind the spirit of its Resolution 1031 (1994) on the honouring of commitments entered into by member states joining the Council of Europe and the procedure foreseen in Order No. 488 (1993), the Assembly recommends that the Committee of Ministers, at its next meeting:

9.1. invite the Principality of Andorra to become a member of the Council of Europe;

9.2. allocate two seats to the Principality of Andorra in the Parliamentary Assembly.