

ANDORRAN DIPLOMATIC PRACTICE, TREATIES AND OTHER INTERNATIONAL AGREEMENTS TO WHICH ANDORRA IS A PARTY

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The following is a list of abbreviations related to the documentation used in the preparation of this Section.

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| BOPA | Butlletí Oficial del Principat d'Andorra (Official Journal of the Principality of Andorra). |
| ADMU | Arxiu de la Delegació de la Mitra d'Urgell (Archives of the Coprince-Bishop of Urgell). |
| CA | Constitució del Principat d'Andorra de 1993 (Constitution of the Principality of Andorra). |
| LQRAET | Llei Qualificada Reguladora de l'Activitat de l'Estat en matèria de Tractats (Qualified Law that regulates the State's Activity on Treaties). |

INTRODUCTION

For many years, what was once known as “Valleys of Andorra” and is now known as the Principality of Andorra, has been considered a separate or specific entity in the International Community. Historians and jurists have underlined the peculiarity of this enclave situated between Spain and France. It was agreed that Andorra possessed its own territory, being neither part of Spain nor part of France; it had its own population, which was legally distinct from those of the neighbouring countries; but it was denied the status of a State because the public powers exercised there did not fit into the traditional European definition of State powers. There were of course public powers whose legitimacy lay with the Coprinces, but these were hardly developed. The Coprinces held absolute power, some aspects of which was shared with the office-holders directly elected by the people. All this is based upon the *Pareatges* (two thirteenth century sentences which decide on various points of disputes between the Count of Foix and the Bishop of Urgell, about the exercise of their feudal powers over the Valleys of Andorra).

The power to represent Andorra internationally rested with the two Coprinces, although the French Coprince aspired to be the sole representative, and the General

Council of the Valleys of Andorra sought to assume charge of foreign relations independently of the Coprinces, taking advantage of social and political conditions in the 19th century. In this context it is important to stress the differences in opinion as to the international personality of Andorra and the right to represent Andorra abroad. While the French Coprince claimed sole authority as the principality's representative abroad, the Coprince-Bishop consistently and firmly argued for an equal share in this representative faculty.

The people of Andorra enjoyed the diplomatic and consular protection of Spain and France, even though there was no express resolution by the Coprinces providing for general and joint regulation of this aspect. The French foreign services acted with the approval of the French Coprince, and the Spanish foreign services with the approval of the Coprince-Bishop.

During the sixties, some foreign Consuls resident in Spain or France acted in relation to Andorra, for which they received the appropriate *exequatur* from the French Coprince. This way of proceeding was deficient in that Consuls had to be accredited with the Coprinces and had to receive the appropriate *exequatur* from both. Following conversations between the Coprinces' Permanent Delegations, a new procedure was arrived at whereby States wishing to establish consular relations with Andorra had to send a Consular Commission to the Coprince-Bishop and the French Coprince, bearing two different letters, one for each Coprince.

The Constitution of Andorra of 4 May 1993 establishes that the Principality of Andorra is a fully sovereign and independent State under the rule of law. Article 1 states: "Andorra is a democratic and social independent State abiding by the rule of law. Its official name is Principat d'Andorra". Where supreme authority once rested with the two Coprinces, today the regime is a parliamentary Coprincipality. The Constitution enshrines the traditional figure of the Coprinces. Thus, article 43 states: "1. In accordance with the institutional tradition of Andorra, the Coprinces are, jointly and indivisibly, the Head of State, and they assume its highest representation. 2. The Coprinces, an institution which dates from the *Pareatges* and their historical evolution, are in their personal and exclusive right, the Bishop of Urgell and the President of the French Republic. Their powers are equal and derive from the present Constitution. Each of them swears or affirms to exercise their functions in accordance with the present Constitution".

The General Council, a one-chamber parliament, elected by universal suffrage and majority system in two rounds of votes in the respective *Parroquies* (traditional division of the Principality of Andorra), represents the Andorran people, exercises legislative powers, approves the budget of the State and controls the political action of the Government.

The Government conducts the national and international policy of Andorra, under the direction of its Head. It conducts the State administration and is vested with statutory powers.

It would be useful here to provide an overview of the action of Andorra in the

international sphere, broken down into three stages: The first stage covers international relations up to the Decree of 15 January 1981; the second covers the period following this Decree on the process of reform of Andorran institutions, which marked the beginning of a new era in the Principality's foreign policy; and the third stage commences with the promulgation of the Andorran Constitution of 1993, when Andorra took its place in the International Community. In this third stage it will be simplest to follow Spanish practice as far as possible. In order to understand events during the first two stages, we must first briefly comment on the texts.

This first contribution to the Yearbook is intended to give a picture of the Principality's international activity from 1834 until the end of 1996, with some exceptions.

PART I

THE ACTION OF ANDORRA IN THE INTERNATIONAL SPHERE BEFORE THE DECREE OF 15 JANUARY 1981

The first period covers the years 1834 to 1981, that is about a century and a half. During this time we find two diametrically opposed conceptions of Andorra as a sovereign entity and Andorra's status in the International Community.

1. International Relations in the 19th Century

Activity in the international sphere in 19th-century Andorra was characterised by the attempts of the General Council of the Valleys to assume control of international relations independently from the Coprinces. According to doctrine, conventions or documents signed by the *Síndico General de los Valles* (President of the General Council) and the Spanish Government or the French Authorities were void because the General Council lacked the requisite powers; this supported the protests of the Coprinces themselves at such initiatives. Following are some of these documents.

- Agreement by the Authorities of the Valleys of Andorra regarding the protest of the Captain-General of Catalonia, concluded between the *Síndico General de los Valles* and a Spanish Government Commissioner on 22 December 1834.

The idea was to prevent the Andorrans from lending any kind of assistance to the Carlists; however, as the Andorrans failed to abide by it, a new agreement was signed in 1841.

- Convention signed by the Government of Her Catholic Majesty Isabel the Second and the Government of Andorra, 17 June 1841.
- Convention on suppression of smuggling, signed by the General Council and the Governor of Lerida, 15 November 1850.
- Convention on demarcation of the Hispano-Andorran border, signed by the General Council and the Spanish authorities on 12 August 1863.

The documents habitually cited in connection with trade relations between Spain and Andorra and France and Andorra are not actually conventions but simple exchanges of letters between the President of the General Council and the Spanish or French authorities.

- Letter from the Director of Trade Affairs at the Spanish Ministry of State to the President of the General Council of the Valleys, Baron de Senaller, 12 June 1867.

This in fact concerns a decision by the Spanish Government to restore privileges once enjoyed by the Andorrans which had been abolished because of smuggling. The reply came in response to a request by the President of the General Council of the Valleys, albeit in 1866 the Prince-Bishop had petitioned Queen Isabel the Second to the same effect.

- Exchange of letters between the President of the General Council of the Valleys, Baron de Senaller, and the French Foreign Minister, Marquis de Moustiers, 22/23 November 1867.

2. Foreign Relations in the First Half of the 20th Century

During the first half of the 20th century, the Coprinces resolved all foreign relations issues on a power-sharing basis, whereby the Coprince-Bishop dealt with all matters relating to Spain and the Coprince handled relations with France. In other cases, the international activity of the Coprinces was arranged either indirectly through contacts between Spain and France, or else by joint adoption of internal decisions.

There were also a number of attempts by the General Council to assume institutional leadership in representing the Principality abroad. There were three such attempts, as follows.

- International Convention on opium, adopted by the Second Opium Conference, Geneva 1925.

In response to an invitation addressed by the Secretary General of the League of Nations to the President of the General Council of the Neutral Republic of Andorra to join the International Convention on opium, the President replied that Andorra would be bound by the Convention and would take all necessary steps to enforce it. This initiative was neutralised by France on the grounds that Andorra was not a State, while Spain objected that the intervention of the Coprinice-Bishop was an absolute pre-requisite.

- Request that Andorra be admitted as a member of the Universal Postal Union, 31 October 1932.

Mr. F. Weilenmann, a Swiss citizen acting as representative of the General Council and duly authorised by it, requested that Andorra be admitted as a member of the Universal Postal Union. The Swiss Government, as depositary of the Universal Postal Convention, opposed the request on the grounds that it lacked the authorisation of the two sovereigns.

- Protest by the representatives of the General Council against the occupation of Andorra by French troops on 28 August 1933, presented to the League of Nations on 1 September 1933.

In response to the detachment of French gendarmes to the Principality of Andorra to restore order in the name of the Coprinces, a telegram of protest was sent to the League of Nations. This was followed by a full letter. The League of Nations authorities opted to ignore these communications.

During this period the Coprinice-Bishop concluded a number of conventions with Spain:

- Convention on the postal service, 1 May 1929.
- Convention on the creation of schools, 17 May 1930.
- Convention on Spanish cultural action in Andorra, 5 September 1930.

Unilateral French actions included the following:

- Decree concerning the creation of primary schools in the territory of the Principality of Andorra, 18 June 1917.

The French Government set up schools at the request of the General Council and with the approval of the Minister of Public Instruction and the Ministry of Foreign Affairs.

- Administrative Agreement between the French Post and Telegraph Minister and the Spanish Director General of Communications, on 28 June 1930, for the establishment of a postal service in the Valleys of Andorra.

Article 9 of the Universal Postal Convention of 28 June 1929 classified the Valleys of Andorra as “services by the Spanish postal administration and the French postal administration”. The Agreement cited established the organisation of this dual administration.

Following are some examples of joint action by the Coprinces:

- Reception of Resolution VI of the Bretton Woods Conference, by virtue of Andorran Decree dated 20 December 1945.

Andorra supported Resolution VI and declared the freezing of all assets belonging to Axis subjects in her territory. The legal instrument used was an Andorran Decree, dated 20 December 1945 and signed by the two *Vegueres* (Coprinces’ delegates), Episcopal and French.

- Convention of the World Meteorological Organisation.

On 5 December 1949, France notified the US Government that the Convention of the World Meteorological Organisation would be applicable to Andorra. This Declaration was made under article 34 of the Convention, which was a colonial clause. For her part, on ratifying the Convention, Spain gave notice that the Spanish Government would apply the Convention to the Valleys of Andorra. The Convention never became effective for Andorra.

As to diplomatic and consular protection of Andorrans abroad, following a practice consented to by the Coprinces, Spain and France afforded such protection, albeit the French services were more active in this respect.

3. Foreign Representation in the Second Half of the 20th Century

At the end of the nineteen-forties, the attitude of the Coprince-Bishop changed in response to the dispute over radio broadcasting in the Principality and the French decision to extend the Convention of the World Meteorological Organisation to Andorra under the colonial clause in article 34 of the WMO Convention as noted earlier. Seeing that the French Coprince sought to become Andorra’s sole representative abroad in name and in fact, the Coprince-Bishop took a new line aimed at reaffirming the equality of the Coprinces in the exercise of foreign representation.

- Universal Convention on copyright, Geneva 1952.

Andorra was not represented at the Conference to draw up a Universal Convention on copyright, but the UNESCO has always considered Andorra to be a “Contracting State” given that the Coprinces actually deposited the deeds of ratification. With the approval of the Coprince-Bishop, the Spanish Foreign Minister

authorised the Spanish Ambassador in Paris “to proceed to sign the ratification of the Universal Convention on copyright and the annexed Protocols 2 and 3”. This was done on 30 December 1952. The French Permanent Delegate at UNESCO deposited their deed of ratification of the Convention and Protocols 1, 2 and 3 on behalf of the French Coprince. In consequence, the Convention and Protocols 2 and 3 are in force in Andorra.

- Convention on road traffic, Geneva 1949.

On 19 January 1953, France gave notice of the extension of the Convention on road traffic to the Principality of Andorra. In September 1957, the French Coprince succeeded in having the UN Secretary General accept the initials AND as the national badge for Andorran motor vehicles.

- Convention on protection of cultural assets in the event of armed conflict, The Hague 1954.

Through the Spanish Embassy in Paris, the Coprince-Bishop was invited to take part in the Conference to be held at The Hague in 1954 to draw up a Convention on the protection of cultural assets in the event of armed conflict. The Coprince-Bishop accepted the invitation and vested full power to sign the Convention in the Spanish Delegation. The action of the Spanish Delegation was considered void by the French Coprince, who used the offices of the French Foreign Minister to advise the Director General of UNESCO that the Convention was applicable to Andorra by virtue of article 35 of the same Convention, a colonial clause. Despite the parallel activities of the two Coprinces, the fact is that Andorra is not a party to the Convention, since under article 31 ratification is required, and nothing was ever done about it. Under the internal constitutional rules of UNESCO, the Convention does not apply to Andorra.

- International Convention for the protection of performers, producers of phonograms and broadcasting organisations.

Andorra was invited to attend the Conference called by UNESCO, ILO and WIPO. At the time of signing, the French Delegation declared that the French signature of the Convention was also valid for Andorra, since France was Andorra's international representative. The fact is that Andorra does not appear among the signatories of the official documents, and no deed of ratification or of adhesion in the name of Andorra was ever deposited.

- European radio broadcasting conference on metric and decimetric waves, Stockholm 1961.

The Principality of Andorra was not invited to take part in the regional radio broadcasting administrative conference. However, the Coprince-Bishop did authorise the head of the Spanish Delegation to represent Andorran interests. The Spanish Delegation submitted requests for the allocation of frequencies to the Valleys of Andorra, but this was challenged by the French Delegation. In order not to disrupt the Conference, the Spanish and French delegations agreed to seek a technical solution to the problem, but nothing ever materialised.

- Universal Convention on revision of copyright, Paris, 1971.
- Convention on protection of phonogram producers and against unauthorised reproduction of their phonograms, Geneva 1971.

Andorra was invited to the universal conference on revision of copyright. Each Coprince appointed his representatives with signing powers, but because of the disputes about representatives' powers, the verification committee invited both parties to reach an agreement between them. According to article 4 of the Conference internal rules, all the delegates of the Coprinces could participate in the Conference on a provisional basis. Although steps were initially taken to reach an agreement, there was no positive outcome and neither party ever signed the Convention.

Having regard to the Conference on protection of phonograms, the Coprince-Bishop acted through Spanish diplomatic representatives, while the French Coprince issued two sets of credentials, one as President of the French Republic and the other as Coprince of Andorra, so that the same person acted as Delegate for France and Andorra. Once again the verification committee was faced with the issue of representation of Andorra. The Convention was not signed in the name of Andorra.

- XXXIV International Conference on education, Geneva 1973.

The Director General of UNESCO sent a letter to the Coprinces inviting the Principality of Andorra to send observers. The *Vegueres* of the Coprince-Bishop and the French Coprince jointly appointed an Andorran citizen as their representative.

- Sessions of the inter-government Committee on copyright, Paris 1973 and 1975.

To attend the sessions of the inter-governmental Committee on copyright, the two *Vegueres* jointly appointed an Andorran citizen.

- Satellite Radio Broadcasting Conference, Geneva 1977.

The French and Spanish delegations, each acting separately with the approval of the French Coprince and the Coprince-Bishop respectively, proposed the granting of

five channels for Andorra – one for Andorran territory, two oriented towards France and two oriented towards Spain. For reasons relating to the representation of Andorran interests within the framework of the Conference, no agreement was reached, although France did understand that as a bordering country, Spain should be interested in resolving the problem.

- Proposal for Andorra's accession to the World Tourism Organisation (WTO) as an associate member, 1978.

In 1978 the General Council of the Valleys of Andorra asked the Coprinces to initiate the process whereby the Principality could join the WTO as a full member. The two *Vegueres* of the Coprinces proposed Andorra's admission as an associate member. The *Veguer* of the Coprince-Bishop had overstepped his mandate from the Coprince, who therefore decided not to accept the proposal given that the status of "associate member" implied a definition of Andorra as a territory which did not have the direction of its own foreign relations, and besides, this was not the will of the members of the General Council. The French Ambassador in Madrid nonetheless requested Andorra's admission as an associate member, and the Coprince-Bishop therefore presented a request for admission as a full member. The discord between the Coprinces prevented Andorra's membership of the WTO from going any further.

- Consular relations in the 1970s.

In the 1970s an initial understanding was reached by the two Coprinces as to the procedure for accreditation of foreign Consuls with the authorities of Andorra. Any state wishing to establish consular relations with Andorra should address a Consular Commission to the two Coprinces, and the *exequatur* would be signed by both.

PART II

INTERNATIONAL RELATIONS FROM THE DECREE OF 15 JANUARY 1981 TO 1993

The "Decree on the process of institutional reform" of 15 January 1981, approved by the Permanent Delegates of the Coprinces and the *Vegueres* by virtue of a special delegation from the Coprinces and with the prior consent of the General Council of the Valleys, constitutes a set of rules which marked a new phase in the development of Andorran institutions, both in terms of institutional dogma and the organisational structure of the Principality. This Decree and the creation of an "Executive Council" also marked the beginning of a new era in Andorran foreign policy.

Both the public and the authorities of Andorra had become conscious of the need for Andorra to have an international presence in order to promote and protect Andorran interests, and to project Andorra as a sovereign country. The most important initiatives in the international sphere include:

- Application for Andorran membership of the International Telecommunications Union (ITU) 1982.

When in the course of time the concessions granted by the General Council of the Valleys in 1961 to the Spanish company *Explotaciones e Inversiones Radiofónicas, S.A.* to operate the *Radio Andorra* station, and to the French company *Société Financière de Radiodiffusion* to operate the *Sud Radio* station expired, there was a resurgence of general opinion in favour of “Andorranisation” of the two radio stations on Andorran territory. The demand was essentially that the facilities and equipment be transferred to the public domain of Andorra and that the frequencies used be entered in the international register of frequencies in the name of Andorra. This last demand would entail Andorra becoming a full member of the ITU and the EBU. On the initiative of the Chief of the Andorran Executive, on 1 June 1982 the General Council approved the following resolution: “acceptance of Andorra as a member of the ITU and the EBU and the registration of the wave frequencies, the satellite orbital position and the five channels in the name of an Andorran entity is a prior condition for any present or future agreement on radio broadcasting “

The “prior condition” for Andorra’s accession to international organisations was rejected by the French Coprince, who argued that the membership process would be long and that *Sud Radio* could not survive the financial losses and the social problems to be expected from definitive closure. The General Council and the Executive of Andorra agreed that the Coprinces should apply for Andorran membership of the ITU and that once the application was formulated, new concession contracts could be drawn up to enable the stations to continue. The Coprinces separately sent letters of identical content to the President of the Swiss Federal Council expressing the willingness of the Co-principality to be bound by the International Telecommunications Convention signed at Málaga-Torremolinos on 25 October 1973. This approach signified major changes in the traditional posture of the French Coprince. Firstly, it accepted that Andorra could become a party to an international treaty and become a full member of an international organisation; secondly, it acknowledged the right of each Coprince to represent Andorra internationally. In the event, the Principality was unable to become a full member of the ITU since the votes required under article 1.c) of the Convention were not obtained within the given time, although sufficient votes were received later to have enabled Andorra to join the ITU. Ninety-eight votes were required for a two-thirds majority, but only eighty-three were received. After the deadline was past, sufficient votes came in to have exceeded the two-thirds requirements. These came from: the Bahamas, Barbados, Nauru, Uruguay,

Czechoslovakia, USSR, Pakistan, San Marino, Yemen, Tunisia, the Ukraine, Belorussia, El Salvador, Trinidad, Tobago, Ecuador, Nigeria, North Korea, Malaysia and Honduras.

– The Pyrenees Work Community.

Andorra has participated assiduously in the sessions, sector meetings and work of the Pyrenees Work Community since its creation. There was a problem with Andorra's participation relating to the homologation of the Principality with other Pyrenean regions given that if being a regional entity was a decisive characteristic for membership of the Community, this would not apply to Andorra. In order to avoid problems, the list of regions was followed by the legend "and with the participation of the Principality of Andorra", thus making clear that Andorra took part as a State and not a region.

– Regional radio broadcasting Conference, Geneva 1984.

The problem of international representation of the Principality of Andorra arose once again on the occasion of the Regional Radio Broadcasting Conference in Geneva in 1984. On learning of the Conference, the Andorran Executive decided to ask both Coprinces to request for Andorra the four FM stations between the bands 87.5–100 MHz, which had already been allocated by the Stockholm Plan of 1961. The *Conselleria* dealing with this failed to discharge its commission properly in that it passed on the request to the French *Veguer* and the Spanish Administration but not to the Coprince-Bishop. The Spanish Delegation at the Geneva Conference, believing itself duly authorised to act on Andorra's behalf, presented the request in the name of the Principality, which action was challenged by the French Delegation. The Spanish representatives subsequently remedied the lack of authorisation by asking the Coprince-Bishop to grant powers for them to act on behalf of Andorra. The Permanent Delegation of the Coprince-Bishop demanded an explanation from the Andorran Executive, who apologised for the faulty procedure used.

– Participation in the Inter-governmental Committee on Copyright, 1988.

Andorra consolidated her position as a party to the Universal Convention on Copyright of 1952 through participation in the work of the Inter-governmental Committee created under the Convention. The Letters from the Director General to the Coprinces address Andorra as "contracting party".

– Social Security Convention between the Portuguese Republic and the Principality of Andorra, signed on 28 February 1988.

Administrative and technical conventions were formerly signed by the Andorran administration with the consent of the Coprinces. The 1988 Convention with the Portuguese Republic was signed by the two *Vegueres* of the Coprinces, by the Portuguese authorities and by representatives of the Andorran Executive.

- Agreement in the form of an exchange of notes between the European Economic Community and the Principality of Andorra, signed in Luxembourg on 28 June 1990.

As Spanish and Portuguese integration in the European Community progressed, especially from the end of 1983 onwards, representatives of the Andorran people expressed concern about the repercussions that this could have on the economy of the Principality. There was also concern about how to tackle negotiations with the European Community given the institutional problems outstanding with regard to the international personality of Andorra and the exercise of foreign representation.

The negotiation of the Agreement between Andorra and the EEC presented serious difficulties from the very start due to the peculiarities of the Principality and its complex institutional system, to the concern of the Andorran authorities to obtain the widest possible recognition of Andorra's rights as a sovereign State, and also to the fact that the European Community was obliging the Principality to accept Community trade policy. Throughout the negotiations the sovereignty of Andorra and the rules of her institutions were respected, and the Principality's distinct personality vis-à-vis the International Community was made quite clear. This was a major step forward in the direction of international recognition of Andorra.

The Agreement in the form of an exchange of notes between the European Economic Community and the Principality of Andorra, signed in Luxembourg on 28 June 1990, was the first international Agreement between the EEC and a micro-State, and it signified the establishment, for the first time, of a complete Customs Union without a transitional period with a third country. The significance of the Agreement goes far beyond the confines of trade and must be evaluated in terms of its meaning within the political and institutional framework of openness to and participation in the European Community project.

PART III

THE PRINCIPALITY OF ANDORRA AND THE INTERNATIONAL COMMUNITY FOLLOWING THE CONSTITUTION OF 1993

I. THE ANDORRAN CONSTITUTION OF 1993. INTERNATIONAL LAW AND INTERNAL LAW.

1. Entry into Force of the Constitution and its Content

On 2 February 1993, the General Council of the Valleys accepted the draft Constitution of the Principality of Andorra. It was approved by the Andorran people in a referendum held on 14 March the same year, and the Coprinces sanctioned and promulgated it on 28 April 1993. The clauses came into force on 4 May 1993, the day of its publication in the *BOPA*.

The text of the Constitution consists of: a Preamble; 107 articles divided into nine Titles: On the Sovereignty of Andorra, On Rights and Freedoms, On the Coprinces, On the General Council, On the Government, On Territorial Structure, On Justice, On the Constitutional Court, On Constitutional Reform; Two Additional Provisions; Three Interim Provisions; One Repeal Provision and One Final Provision.

From the standpoint of International Law we would draw attention here to the position of the Principality as it relates to the value of the principles of Public International Law and the incorporation of treaties to the Andorran legal system, and the procedure or conclusion of treaties under internal Andorran law.

2. Position of the Andorran Legal System with Respect to General International Law

The Constitution of Andorra contains a rule on the formal reception of general International Law. As in art. 7 of the Spanish Constitution of 1931, article 3.3 CA provides thus:

“The universally recognized principles of Public International Law are incorporated into the legal system of Andorra”.

This is a programmatic rule to which the conduct of the Andorran State must adapt. It places a limitation on the national legislator, who may not promulgate statutes conflicting with the universally recognised principles of Public International

Law. In a decision of 15 March 1994, the Constitutional Court of Andorra pronounced on this constitutional precept and stated that this was a limitation on the sovereignty of Andorra and was therefore binding upon the legislator. In the words of the Constitutional Court:

“This provision appears in Title I of the Constitution on the sovereignty of Andorra and hence must be construed as a limitation on that sovereignty and binding upon the legislator”.

There are no grounds for the contention that the said article of the Constitution allows the Andorran judge directly to apply the principles of general International Law to settle a dispute.

3. Position of the Andorran Legal System with Respect to International Conventional Law

The introduction of conventional law in the Andorran legal system is regulated in article 3.4 *CA*, which adopts a moderate monistic position:

“The treaties and international agreements take effect in the legal system from the moment of their publication in the *Bulletí Oficial del Principat d'Andorra* (Official Journal of the Principality of Andorra) and cannot be amended or repealed by law”.

International treaties are incorporated in the Andorran legal system following publication in the *BOPA* and cannot be amended or repealed by internal provision. It is not directly established that treaties rank higher than laws, but the primacy of an international treaty over internal law derives from International Law itself and does not depend on recognition by the *CA*. This primacy is only indirectly alluded to in article 3.4 *CA*; however, it should be remembered that article 3.2 *CA* guarantees the principle of statutory hierarchy.

From the foregoing, and from article 64.1.f) *CA*, which establishes that a treaty may alter legislative provisions, we may conclude that international treaties can alter current internal legislative provisions in so far as they conflict with the treaty, and that they are highly resistant to post-treaty internal statutes. The internal statutes of Andorra would be nullified in the event that they contradicted a treaty currently in force for the Principality of Andorra.

Regarding the publication requirement, article 3.4 *CA* specifies that the treaty must be published in the *BOPA*. Article 16 of the *LQRAET* of 19 December 1996 (*BOPA*, 15 January 1997) establishes that publication encompasses the following aspects:

- a) The full text of the treaty, regardless of whether it consists of one instrument or

two or more connected instruments; b) Any other instrument annexed or complementary to the treaty; c) In multilateral treaties, a list of the parties, declarations and objections tabled; d) Subjective amendments of temporal, territorial, material or other aspects which could influence the effects of already published treaties.

Publication in the *BOPA* is a condition for the direct application of international regulations, and it means that the rights and obligations contained in these regulations can be invoked in relations among private individuals and in relations with the Public Administration. Andorran judges encountering a conflict between a treaty and an internal statute must directly apply the treaty provision and treat the internal provision as amended, although not repealed.

4. Effective Acknowledgement of the Universal Declaration of Human Rights of 1948 in the Andorran Constitutional System

Article 5 *CA* states:

“The Universal Declaration of Human Rights is binding in Andorra”.

The *CA* acknowledges the internal effect of an international document, which *per se* is not legally binding and whose content is partially included in article 3.3 *CA*. Even before the Constitution of Andorra, article one of a Decree of the Coprinces dated 29 March 1989 incorporated the Declaration of Human Rights in the Andorran legal system, and article two stated that the laws shall determine “in what conditions such rights may be exercised, taking into account the specific peculiarities of the Principality”.

One’s impression is that the drafters of article 5 *CA* wished to stress the fact that the Universal Declaration of Human Rights was effective prior to the Constitution, in response to the campaigns against Andorra in the nineteen-eighties for failure to respect human rights. It should also be remembered that during the constituent process, two procedures were established for dealing with this subject: a) to make a specific, detailed list of each and every human right in the Constitution; b) to refer to an international instrument as the applicable regulation.

The expression “is binding in Andorra” appearing in article 5 *CA* means firstly that the international document is the source of reference for interpretation for the whole of Title II *CA*: “Rights and freedoms”. Thus, to exactly determine the scope and the substance of the freedoms acknowledged by the Constitution, the text of the Universal Declaration will be the reference. However, there is a second sense in which article 5 *CA* is a parameter directed essentially at the legislator and not directly at the ordinary judge. In a Decision of 15 March 1994, the Constitutional Court stated that the Universal Declaration of Human Rights “is therefore binding on the legislator”. This means that the legal force of the Universal Declaration is guaranteed against

conflicting legislative provisions by means of internal control of the constitutionality of the laws.

5. Control of the Constitutionality of Treaties

Articles 98.b) and 101 *CA* contemplate prior verification of the possible unconstitutionality of international treaties, from which it is clear that treaties must respect and be in conformance with the Constitution – in other words, they rank below the Constitution.

Article 101.1 *CA* provides for a mechanism for prior verification of the constitutionality of treaties:

“The Coprinces under the provisions of article 46.1.f), the Head of Government or a fifth of the General Council, may request an opinion about the constitutionality of international treaties prior to their ratification. The proceedings with that intent shall take priority”.

We would observe that, with a glaring technical defect (the term “ratification” is used instead of “expression of consent to be bound by treaties”), article 101.1 *CA* establishes that the control of constitutionality is the exclusive province of the Constitutional Court and that such control may be requested by either or both of the Coprinces, by the Head of Government or by one-fifth of the members of the General Council. If the request for a prior opinion refers to treaties governed by article 64.1 *CA*, the deadline for submission is “between the eighth and the fifteenth days granted by the Constitution to the Coprinces to express the consent of the State”. If it refers to treaties governed by article 64.2 *CA*, the deadline is during the “fifteen days following communication by the Government to the Coprinces and the General Council of the definitive text of the treaty and of the decision to express the consent of the State” (article 19 *LQRAET*).

If the Constitutional Court decrees that a treaty is unconstitutional, this does not mean that the treaty is void, but that it is not applicable. It is only void for internal purposes. The Constitutional Court cannot declare a treaty void, since the voiding of an international treaty can only be based upon cases contemplated in International Law. For the event that the Constitutional Court issues a decree of unconstitutionality, Article 101.2 *CA* establishes as follows:

“The judgement admitting the unconstitutionality of the treaty shall prevent its ratification. In all cases the conclusion of an international treaty including stipulations contrary to the Constitution shall require the previous revision of the latter”.

The new article 62 of the Constitutional Court (Qualified) Act, introduced by the Qualified Act regulating the procedure for prior control of the constitutionality of

international agreements referred to in article 64.2 of the Constitution and the amendment to article 62 of the Constitutional Court (Qualified) Act, 14 December 1995 (*BOPA*, 17 January 1996), once again confuses the concepts of “ratification” and “expression of consent by the State”, ignoring the fact that ratification is but one of the means whereby the State may express its consent. The new article 62.2 states:

“Should the opinion contain any pronouncement of unconstitutionality, the treaty may not be ratified and the State’s consent may not be given in the case of the Agreements. Where unconstitutionality does not arise from a procedural defect, the Court must indicate what constitutional provisions are affected in case the terms of article 101 article two paragraph two of the Constitution should apply”.

6. The Andorran Internal Mechanism for Conclusion of International Treaties

The Constitution of Andorra makes express and fairly comprehensive provision regarding the internal mechanism for conclusion of international treaties. The provisions of the *LQRAET* complement this regulation. We shall see how powers are attributed to the Coprinces, the Government and the General Council.

The Government has an outstanding role in the conduct of international relations, vide article 72.2 *CA*, which states:

“Under the direction of its Head, the Government conducts the national and international policy of Andorra. It conducts the State administration and is vested with statutory powers”.

The Coprinces are assigned the foremost faculties in international relations, but these must be exercised in accordance with the Constitution, and these faculties are moreover demarcated by the Constitution.

While article 43.1 *CA* declares that “the Coprinces are jointly and indivisibly the Head of State, and they assume its highest representation”, art. 43.2 *CA* qualifies: “their powers are equal and derive from the present Constitution”, and article 44.1 *CA* warns that the powers of the Coprinces are not unlimited: “The Coprinces ... proclaim the consent of the Andorran State to honour its international obligations in accordance with the Constitution”.

Article 45.1 e) *CA* completes the picture for the conduct of international relations, regulating *ius legationis* both active and passive:

“1. The Coprinces, with the countersignature of the Head of Government, or when appropriate, of the Speaker, as politically responsible:

e) Accredite diplomatic representatives of Andorra to foreign States. Foreign envoys present credentials to each of the two.”

A) Negotiation of treaties

It is clear from the Constitution (art. 72.2 CA) and the provisions of the *LQRAET* that the Government has the power to negotiate international treaties, although the Coprinces must, or may, depending on the nature of the case, intervene in this first stage of the conclusion of international treaties (arts. 66 and 67 CA).

Article 4 of the *LQRAET* establishes:

“1. It is the province of the Government to authorise the formal negotiation of treaties.

2. Negotiation is the province of the Ministry of Foreign Relations with the collaboration of the ministerial departments, where such is desirable by reason of the subject”.

a. Negotiation where the intervention of the Coprinces is mandatory

According to article 66.1 CA, the Coprinces must intervene in the negotiation of Treaties affecting relations with neighbouring States where such negotiations deal with matters listed in sections b), c) and g) of article 64.1 CA, that is:

“Article 64.1. International treaties shall be approved by the General Council by absolute majority of the Chamber in the following cases:

(...)

b) Treaties relating to internal security and to defence.

c) Treaties related to the territory of Andorra.

(...)

g) Treaties dealing with diplomatic representation or consular functions, or judiciary or penitentiary cooperation”.

In these cases the Government advises the Coprinces of its formal authorisation and the latter have fifteen days from then in which to acknowledge receipt. Each Coprince appoints one member of the Andorran delegation negotiating the treaty (article 5 *LQRAET*). According to article 66.2 and 66.3 CA, negotiations are to be conducted by agreement of all the Government representatives and the Coprinces' appointees:

“Article 66.

(...)

2. The Andorran delegation with the task of negotiating the treaties mentioned in the previous paragraph shall be composed of the members appointed by the Government and by a member appointed by each Coprince.

3. The adoption of the text of treaties shall require the agreement of the members appointed by the Government and the members appointed by the Coprinces”.

b. Negotiation where the intervention of the Coprinces is optional

The Coprinces may intervene in the negotiation of other treaties at the Government's request if such is in the national interest. Article 67 *CA* words it as follows:

"The Coprinces are informed of the other drafts of international treaties and agreements, and by request of the Government, they may be associated to the negotiation before their parliamentary approval, if the national interest of Andorra so requires".

Article 6 of the *LQRAET* ends by providing that "In its request the Government shall specify in what terms it wishes them to be associated".

c. Plenary powers

The persons acting in connection with a treaty in any way, such as negotiation, adoption or authentication of a text, and express the consent of the State, must be in possession of plenary powers signed by the Minister of Foreign Relations. If such persons lack sufficient powers, the international act shall be without effect unless it is confirmed by the Minister of Foreign Relations (art. 8 *LQRAET*).

In line with article 7 of the Vienna Convention on the Law of Treaties, article 9 *LQRAET* provides that the following persons are empowered to represent Andorra by virtue of their functions and without plenary powers:

"The following do not require plenary powers to represent Andorra:

a) The Coprinces, the Head of Government and the Minister of Foreign Relations.

b) The Heads of Diplomatic Missions and Permanent Missions to an inter-governmental organisation for the negotiation, adoption and authentication of the text of a treaty between Andorra and the State or Organisation to which they are accredited.

c) The Heads of Special Missions sent to one or more foreign States for the negotiation, adoption and authentication of a treaty between Andorra and any of the States to which the Mission is sent.

d) The accredited representatives at an international Conference or an inter-governmental Organisation or any body thereof for the negotiation, adoption and authentication of the text of a treaty drawn up within the Conference, Organisation or Organ concerned or, if appropriate, the signing of the Final Act of the Conference".

B) Adoption of the text of a treaty

The adoption of the text of a treaty is in principle a power of the Government according to article 72.2 *CA*; however, article 46.1 h) *CA* contains an exception where it states:

"Article 46.1. The Coprinces may perform the following acts of their free will:

(...)

h) The granting of the agreement for the adoption of the text of an international treaty, in accordance with the provisions of article 66, before its parliamentary approval”.

It follows from this that the adoption of the text of a treaty is a power of the Government, except as provided in article 66 *CA*.

Article 10 of the *LQRAET* simply states with regard to the adoption of a text:

“The adoption of the text of a treaty shall be with the consent of the negotiators. In the case of a text drawn up by an international Conference or within an inter-governmental organisation or a organ thereof, adoption of the text shall be in accordance with the rules of the conference, organisation or organ concerned”.

C) Parliamentary approval and information about treaties

Articles 64 and 65 *CA* identify three categories of Treaties or Agreements.

i) Treaties requiring the approval or authorisation of the General Council by absolute majority of the Chamber (art. 64.1 *CA*):

“International treaties shall be approved by the General Council by absolute majority of the Chamber in the following cases:

- a) Treaties linking the State to an international organisation.
- b) Treaties related to internal security and to defence.
- c) Treaties related to territory of Andorra.
- d) Treaties affecting the fundamental rights regulated in Title II.
- e) Treaties implying the creation of new burdens for the Public Finances.
- f) Treaties creating or modifying legislative provisions or requiring legislative measures for their implementation.
- g) Treaties dealing with diplomatic representation or consular functions, about judiciary or penitentiary cooperation”.

ii) Treaties requiring the approval of two-thirds of the members of the General Council (art. 65 *CA*):

“For the purpose of furthering the interests of the Andorran people and of international progress and peace, legislative, judicial and executive functions may be relinquished only to international organisations and by means of a treaty which shall be passed by a majority of two-thirds of the members of the General Council”.

iii) Treaties or agreements regarding which the Government only has to inform the General Council following their conclusion (art. 64.2).

D) *Expression of consent*

The Coprinces express consent to be bound by international treaties requiring parliamentary authorisation i.e., in the cases referred to in articles 64.1 and 65 *CA*. In the case of treaties or agreements not requiring such authorisation (art. 64.2 *CA*), the expression of consent to be bound is effected by the Government.

For the cases referred to in articles 64.1 and 65 *CA*, article 14 of the *LQRAET* specifies the procedure to be followed. Once the General Council has approved the treaty, the *Síndico* attests to such approval and so advises the two Coprinces simultaneously, so that “not less than eight days and not more than fifteen days following such notice they can express the consent of the State to be bound by the Treaty and order publication in the Official Journal of the Principality of Andorra”. The instrument incorporating the consent of the State is issued in the name of the two Coprinces or, where appropriate, of only one of them as provided in the *CA*.

In the case of treaties or agreements not requiring such authorisation, the Government notifies the General Council and the Coprinces and orders publication in the *BOPA* (art. 15 *LQRAET*).

II. INTERNATIONAL ORGANISATIONS

1. United Nations

In a letter dated 9 June 1993, the Andorran Head of Government requested that the Principality of Andorra be admitted as a member of the United Nations. On the recommendation of the Security Council, the UN General Assembly resolved to admit the Principality of Andorra, which thus became United Nations Member State number 184 (A/RES/47/232, 14 September 1993).

On this occasion the Head of Government did not adhere strictly to the constitutional rules, since the United Nations Charter is an international treaty, which means that the authorisation of the General Council and the consent of the Coprinces should have been sought according to articles 64, 44 and 45 of the Constitution. This situation was subsequently regularised: on 4 November 1993 the General Council approved the application for membership of the United Nations and the Coprinces expressed the consent of the State (*BOPA*, 29 November 1993).

2. Accession of the Principality of Andorra to the International Telecommunications Union (ITU)

In its session of 30 June 1994, the General Council approved a proposal that the

Principality accede to the ITU. This was sanctioned and approved by the Coprince-Bishop (*BOPA*, 27 July 1994). In this case the intervention of only one of the Coprinces is sufficient for the entry in force of acts, regulations or decisions. Article 45 of the Constitution provides that where circumstances prevent one of the Coprinces from expressing the consent of the State to be bound by international treaties, "his representative shall make this known to the *Síndico General* (Speaker), or where appropriate, to the Head of Government. In this case, the acts, regulations or decisions in question shall take effect once the aforementioned days have elapsed with the signature of the other Co-prince and the countersignature of the Head of Government, or of the *Síndico General* as appropriate".

3. Accession of the Principality of Andorra to the United Nations Educational, Scientific and Cultural Organisation (UNESCO)

The proposal for the Principality's accession to UNESCO was approved by the General Council in the session of 30 June 1994 and was sanctioned and promulgated by the Coprince-Bishop (*BOPA*, 27 July 1994).

In pursuance of article VII of the UNESCO Constituent Convention of 16 November 1945, the Government of Andorra approved the Statutes of the Andorran National Commission on 23 February 1996 (*BOPA*, 28 February 1996).

4. Accession of the Principality of Andorra to the World Intellectual Property Organisation (WIPO)

In its session of 30 June 1994, the General Council approved a proposal for the Principality's accession to the WIPO in view of the need for greater legal security with respect to intellectual property. The proposal was sanctioned and promulgated by the Coprince-Bishop (*BOPA*, 27 July 1994).

For the purpose of determining the Principality's contribution to the Conference budget, Andorra has been classified in category IX.

5. Accession of the Principality to the European Telecommunications Satellite Organisation (EUTELSAT)

In its session of 30 June 1994 the General Council approved a proposal for the Principality's accession to EUTELSAT, given the desirability of participation in satellite telecommunications systems. The proposal was sanctioned and promulgated by the Coprince-Bishop (*BOPA*, 27 July 1994).

6. Accession of the Principality to the Statutes of the World Tourism Organisation (WTO)

The Principality of Andorra deposited the deed of accession to the WTO with the Spanish Ministry of Foreign Affairs on 10 May 1996, in obedience to a proposal by the Andorran Government approved by the General Council and signed by the Coprinces on 5 February 1996 (*BOPA*, 29 May 1996).

7. Accession of the Principality of Andorra to the Statute of the Council of Europe.

Following the first general elections under the new Electoral System Act of 3 September 1993, which were attended by observers from the Council of Europe, provision was made for the accession of the Principality to the Council of Europe. The deed of accession to the Statutes of the Council was signed by the Coprinces on 26 October 1994 and was deposited on 10 November 1994. In accordance with article 4, the Principality of Andorra became a full member on 10 November 1994 (*BOPA*, 7 December 1994).

III. TREATIES INVOLVING QUESTIONS OF PUBLIC INTERNATIONAL LAW TO WHICH ANDORRA IS A PARTY.

This survey covers the treaties, within the meaning of article 2.1a) of the Vienna Convention on the Law of Treaties, published in the *BOPA* from 1993.

1. The Individual and International Law

A) Human Rights

- Ratification of the European Convention on Human Rights, Rome, 4 November 1950.

Ratification: 22 January 1996

Effective for Andorra from: 22 January 1996

In pursuance of article 64 of the Convention, the Principality of Andorra expressed reservations in respect of articles 5, 7 11 and 15. Regarding the right of individual appeal, the Principality of Andorra recognises, for a period of three years as of the deposit of this deed, the competence of the Commission to consider complaints addressed to the Secretary General of the Council of Europe by any

private individual, non-governmental organisation or private group claiming violation of their rights under the Convention at any time after the Convention became effective for Andorra. It also recognises the jurisdiction of the Court as it relates to the interpretation and application of the Convention for a period of three years as of the deposit of the deed.

(*BOPA*, 21 December 1995, with amendments published in the *BOPA* of 22 December 1995, 7 February 1996 and 20 March 1996).

- Ratification of Protocol 6 to the European Convention on Human Rights in respect of the abolition of the death penalty, Strasbourg, 28 April 1983.

Ratification: 22 January 1996

Effective for Andorra from: 1 February 1996

(*BOPA*, 7 February 1996).

- Ratification of additional Protocol 11 to the European Convention on Human Rights and fundamental freedoms in respect of the restructuring of the control mechanism established by the Convention, Strasbourg, 11 May 1994.

Ratification: 22 January 1996

(*BOPA*, 7 February 1996).

- Ratification of the Convention on the Rights of a child adopted by the UN General Assembly on 20 November 1989.

Ratification: 2 January 1996

Effective for Andorra from: 1 February 1996

(*BOPA*, 24 January 1996).

2. Organs of the State

A) Diplomatic Relations

- Accession to the Vienna Convention on diplomatic relations, Vienna, 18 April 1961.

Accession: 3 July 1996

Effective for Andorra from: 2 August 1996

(*BOPA*, 17 July 1996).

B) Consular Relations

- Accession to the Vienna Convention on consular relations, Vienna, 24 April 1963.

Accession: 3 July 1996

Effective for Andorra from: 2 August 1996

(BOPA, 17 July 1996).

C) *International Status of the Coprinco-Bishop*

- Agreement between the Kingdom of Spain and the Principality of Andorra relating to the Status of the Coprinco-Bishop, signed in Madrid on 23 July 1993. *Effective from:* 1 December 1994 (BOE, 6 May 1995).

The bilateral Agreement takes into account the characteristic fact that the Coprinco-Bishop “has his see in Spanish territory”, specifically in the city of La Seu d’Urgell in the province of Lleida. For this reason the status of the Coprinco-Bishop is that of an internationally protected person while his services are treated as those of the Head of State of Andorra. The Agreement contains the following provisions.

a) Article 1 expressly acknowledges that the Coprinco-Bishop has the status of an internationally protected person, for which reason Spain “shall take all steps necessary to prevent any attempt against his person, his freedom or his dignity”.

b) Article 2 recognises the inviolability of the person of the Coprinco-Bishop and his criminal, civil and administrative immunity in the exercise of his functions as Head of State:

“The person of the Coprinco of Andorra is inviolable. He may not be subjected to detention or arrest of any kind. He shall enjoy immunity from criminal jurisdiction. He shall likewise enjoy immunity from civil and administrative jurisdiction in the exercise of his public functions as Head of State of Andorra”.

The second part of article 2 excludes the Coprinco’s delegates from liability in the exercise of their functions, albeit the content and the limits of such exclusion are clearly defined.

c) Article 3 recognises the inviolability of the Coprinco’s private residence and of the documents, correspondence, files and premises devoted exclusively to the function of headquarters of the services at the disposal of the Bishop of Urgell for the discharge of his functions as Head of State of Andorra. The article goes on to define this inviolability more specifically:

“The inviolability referred to means that the agents of the Kingdom of Spain may not enter the residence or premises referred to in the foregoing paragraph without the express consent of the Co-prince or other person to whom he delegates his authority. The correspondence and files shall be inviolable at all times wherever they may be”.

d) Finally, article 4 recognises and protects the freedom of communication between the Coprinco and Andorra and the inviolability of his agents and the means of transport of official correspondence.

3. Legal aspects of international cooperation

A) *General Treaties*

- Treaty of neighbourliness, friendship and cooperation between the Principality of Andorra, the Kingdom of Spain and the French Republic, signed in Paris and Madrid on 1 June 1993 and in Andorra la Vella on 3 June 1993.

Effective from: 1 December 1994

(*BOPA*, 29 November 1993; 7 December 1994).

The trilateral Treaty takes into account the peculiar geographic situation of a small State, Andorra, sandwiched between two large States, Spain and France. We shall now look at the principle governing the conduct of Andorra's foreign policy in her relations with Spain and France, the spirit being a continuance of the traditional relations of neighbourliness, friendship and equilibrium.

a) Spain and France recognise the Principality of Andorra as a sovereign State (art. 1).

b) Spain and France establish diplomatic relations with the Principality of Andorra and facilitate the Principality's participation in international conferences and organisation, and likewise its accession to international conventions (art. 2).

c) The Agreement establishes the principle of spatial cooperation among the three States to guarantee the sovereignty, independence and territorial integrity of Andorra (art. 3).

d) Spain and France undertake to watch over and foster the European and Community conventional policy of Andorra (art. 4).

e) Article 5 is a clause characteristic of agreements between a small State and a major neighbouring State. The article reads:

“The principality of Andorra promises not to undertake anything in or from its territory which could be prejudicial to the internal and external security of the Kingdom of Spain or the French Republic, or to their international commitments in this sphere”.

f) Articles 6 and 7 situate the external relations of the Principality of Andorra in a system of special wardship in the care of Spain and France. This recalls earlier practice due to the peculiarity of the Principality's situation in the sphere of international relations.

Regarding diplomatic representation, article 6 establishes as follows:

“In the event that the Principality of Andorra does not itself undertake the protection of its interests and its diplomatic representation to third States with which it wishes to maintain relations, or to international conferences or organisations in which it wishes to take part, it shall request either the Kingdom of Spain or the French Republic to discharge these functions, in accordance with the

provisions of the Vienna Convention on Diplomatic Relations.

The specific forms of such representation and such protection, which are guaranteed under the principle of equilibrium between the Kingdom of Spain and the French Republic, shall be determined by specific agreements”.

Article 7 refers to consular relations:

“In States where the Principality of Andorra lacks consular representation, without prejudice to the precepts of International Law governing diplomatic and consular relations, or agreements with the said States, Andorran nationals may at need turn to either a consular office of the Kingdom of Spain or a consular office of the French Republic in so far as the two coexist”.

g) Article 8 refers to the obligation to inform Spain or France about any Treaty that the Principality of Andorra may conclude with either one:

“Any arrangements, agreements or bilateral treaties that the Principality of Andorra may conclude with the Kingdom of Spain or the French Republic must from the outset of negotiations to their conclusion be reported fully and regularly through diplomatic channels by the contracting States to whichever of the two States is not a participant”.

h) Finally, the Agreement establishes the principle of fostering trilateral conventional cooperation in matters of common concern to the three States:

“Should it transpire that the object of a bilateral arrangement, agreement or treaty that the Principality of Andorra intends to conclude with the Kingdom of Spain or with the French Republic is of common concern to the three States, these may decide to conclude it in tripartite form”.

B) Protection of Cultural and Natural Heritage

– Ratification of the European Cultural Convention, Paris, 19 December 1954.

Ratification: 22 January 1996

Effective for Andorra from: 22 January 1996

(BOPA, 7 February 1996).

4. International Organisations

– Acceptance of the United Nations Charter, San Francisco, 26 June 1945.

(BOPA, 29 November 1993).

– Accession to the Convention instituting the World Intellectual Property Organisation (WIPO), Stockholm, 14 July 1967, amended 28 September 1979.

Adhesion: 28 July 1994
(*BOPA*, 27 July 1994).

– Accession to the Convention for the creation of the European Satellite Telecommunications Organisation “EUTELSAT”, Paris, 15 July 1982, amended at the inter-governmental Conference of Paris, 15 December 1983.
(*BOPA*, 27 July 1994).

– Accession to the International Telecommunications Convention (ITU), Nairobi, 6 November 1982.
(*BOPA*, 27 July 1994).

– Accession to the constituent Convention of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), London, 16 November 1945.
(*BOPA*, 27 July 1994).

– Accession to the Statute of the Council of Europe, London, 5 May 1949.
Adhesion: 10 November 1994
Effective for Andorra from: 10 November 1994
(*BOPA*, 7 December 1994).

– Accession to the Statutes of the World Tourism Organisation (WTO), Mexico City, 27 September 1970.
Adhesion: 10 May 1996

The General Assembly of the WTO unanimously approved Andorra’s membership, effective as of 17 October 1995, in El Cairo.
(*BOPA*, 29 May 1996).

5. War and Neutrality

– Accession to the Treaty on non-proliferation of nuclear weapons, London, Moscow and Washington, 1 July 1968.

Accession: Deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Russian Federation on 7 June 1996, 25 June 1996 and 2 July 1996.

Effective for Andorra from: 2 July 1996
(*BOPA*, 10 July 1996).

IV. TREATIES AND OTHER INTERNATIONAL AGREEMENTS TO WHICH ANDORRA IS A PARTY INVOLVING QUESTIONS OF PRIVATE INTERNATIONAL LAW

1. Recognition and enforcement of foreign judgments, decisions and documents

- Accession to the Convention abolishing the requirement for legalisation of foreign public documents, The Hague, 5 October 1961.

Accession: 15 April 1996

Effective for Andorra from: 31 December 1996

Authorities competent to issue the Apostille:

1. The Minister of Foreign Relations.
2. The Minister of the Interior.
3. The Minister of the Presidency.

(*BOPA*, 6 March 1996; 27 December 1996; 29 October 1997).

PART IV

STATES WHICH HAVE ESTABLISHED DIPLOMATIC RELATIONS WITH THE PRINCIPALITY OF ANDORRA

Albania, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, China (People's Rep.), Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Germany (Federal Republic), Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Moldavia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Rumania, Russia (Fed.), San Marino, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela.

By virtue of Royal Decree 852/1993, 4 June, the Kingdom of Spain created a Permanent Diplomatic Mission in the Principality of Andorra, and an Order of the Ministry of Foreign Affairs of the same date created a Consular Office with the status of Consulate General in Andorra la Vella (*BOE*, 23 and 24 June 1993).

The French Republic has also established a Permanent Diplomatic Mission and a Consular Office in the Principality of Andorra.

The Principality of Andorra has opened Embassies in Madrid, Paris and Brussels. It also has a Permanent Representative at the United Nations, who also represents the Principality in the United States of America and Canada.

PART V

LITERATURE IN THE FIELD OF PRIVATE AND PUBLIC INTERNATIONAL LAW AND ANDORRAN INSTITUTIONS

- ARMENGOL, A.: "La reforma de l'any 1866. Anàlisi i comentari", *Quaderns d'Estudis Andorrans*, n. 4, Andorra, 1979, pp. 71–90.
- BARTUMEU, J., MAS, M., MORELL, A.: *L'Estat Andorrà*, Barcelona, 1988.
- BAUDON DE MONY, Ch.: *Rélations politiques des Comtes de Foix avec la Catalogne jusqu'au commencement du XIVème siècle*, Paris, 1886.
- "La Vallée d'Andorre et les Evêques d'Urgell au moyen-âge. Réponse à J.A. Brutails", *Revue des Pyrénées et de la France méridionale*, IV, Toulouse, 1892, pp. 561–571.
 - "Origines historiques de la question d'Andorre", *Bibliothèque de l'Ecole de Chartres*, XLVI, Paris, 1885, pp. 95–107.
- BELINGUIER, B.: *La condition juridique des Vallées d'Andorre*, Paris, 1970.
- "Le régime juridique et international des Vallées d'Andorre", *Les problèmes actuels des Vallées d'Andorre*, Paris, 1970, pp. 88–118.
- BONET PEREZ, J.: "El estatuto jurídico internacional del Principado de Andorra en la Jurisprudencia del Tribunal Europeo de Derechos Humanos: El asunto Drozd y Janousek contra Francia y España", *Andorra en el ámbito jurídico europeo*, Marcial Pons, Madrid, 1996, pp. 61–73.
- BREGOLAT, E.: *La Andorra contemporánea*, Memoria de la Escuela Diplomática, Madrid, 1971 (typed copy).
- BRICALL, J. M., CAMPS, C., CULLELL, J. M., FARRE-ESCOFET, E. P., PETITBO, A., SOGUES, J., TOMAS, R.: *Estructura i perspectives de l'economia andorrana*, Barcelona, 1975.
- BRUTAIS, J. A.: *La coutume d'Andorre*, Paris, 1904.
- CANTURRI, M. A.: "Aspectes de la història demogràfica andorrana", *Actas del VII Congreso Internacional de Estudios Pirenaicos*, Jaca, 1976, pp. 109–118.
- COLLIARD, J. C.: "L'Etat d'Andorre", *Annuaire Française de Droit International*, 1993, p. 337 et seq.
- CORRIENTE, J. A.: "La nacionalidad del Principado de Andorra: noticia y crítica de su evolución reciente", *Anuario de Derecho Internacional*, vol. XII, 1996, pp. 253–295.
- CRAWFORD, J.: "The international legal status of the Valleys of Andorra", *Revue de*

- Droit International, de Sciences Diplomatiques et Politiques*, n. 55, 1977.
- DUVERGER, M.: *La réforme des institutions andorranes*, Paris, 1981 (Typed copy).
- FIGAREDA I CAIROL, P.: "Aproximación a las instituciones del Principado de Andorra", *Revista Española de Derecho Administrativo*, n. 72, Oct–Dec. 1991, p. 530.
- FITER I ROSELL, A.: *Manual Digest de las Valls d'Andorra*, [1748], edition of the Consejo General de los Valles, Andorra la Vella, 1987.
- FONT, J. M., GUBERN, R.: "Perfil esquemático de historia constitucional andorrana", *Problèmes actuels des Vallées d'Andorre*, Toulouse, 1970, pp. 9–31.
- FORNER, J., GONZALEZ, C.: "El futuro de la protección de menores en Andorra", *Andorra en el ámbito jurídico europeo*, cit. pp. 203–211.
- HECKER, H.: *Das Staatsangehörigkeitsrecht der Tälen von Andorra*, Hamburg, 1958.
- JANE GUASCH, J.: "Comentarios a la Constitución andorrana de 1993", *Autonomies*, n. 18, July 1994, p. 502
- JOHNSON, V. W.: *Two Quaint Republics: Andorra and San Marino*, Boston, 1913.
- LEARY, L. G.: *Andorra the hidden Republic*, London, 1913.
- MARQUES OSTE, N.: *La reforma de les Institucions d'Andorra (1975–1981)*. *Aspectes interns i internacionals*, Lleida, 1989.
- "Derechos humanos y Constitución andorrana", *Andorra en el ámbito jurídico europeo*, cit. pp. 417–427.
- MERIGNAC, A.: *Etude sur la situation actuelle des Vallées et leurs rapports avec la France et la Mitre d'Urgell*, Paris, 1950.
- MONTES, F. J.: "Radio Andorra: 1939–1984", *Andorra en el ámbito jurídico europeo*, cit. pp. 127–141.
- MORELL, A.: "Andorra a la segona meitat del segle XVIII", *Quaderns d'Estudis Andorrans*, n. 1, Andorra, 1976, pp. 39–63.
- "Andorra a l'època de la revolució francesa", *VII Congreso Internacional de Estudios Pirenaicos*, Jaca, 1976, pp. 91–100.
- "Una revolució andorrana", *Quaderns d'Estudis Andorrans*, n. 2, Andorra, 1978, pp. 65–80.
- OURLIAC, P.: "Existe-t'il une nationalité andorrane?", *Mélanges Jacques Maury*, vol. 1, Paris, 1960, pp. 403–415.
- "La réforme des institutions andorranes", *Les problèmes actuels des Vallées d'Andorre*, Paris, 1970, pp. 119–151.
- PALLEROLA, F.: *El Principado de Andorra y su constitución política*, Lleida, 1912.
- PANIAGUA REDONDO, R.: "Andorra: Naciones Unidas y los Derechos Humanos", *Andorra en el ámbito jurídico europeo*, cit. pp. 45–59.
- PARIS, E.: *Estudi sobre les institucions andorranes*, Andorra, 1980.
- PONCE, C. F.: "Algunos aspectos relevantes para el Derecho Internacional Público en la Constitución de Andorra de 1993", *Andorra en el ámbito jurídico europeo*, cit. pp. 99–126.

- PUIG, A.: *Polítar andorrà* [1763], edition by ARMENGOL, MAS, MORELL, Andorra, 1983.
- RATON, P.: *L'estatut internacional d'Andorra*, Andorra, 1984.
- RIBERAYGUA, B.: *Les Valls d'Andorra. Recull documental*, Barcelona, 1946.
- RIOS URRUTI, F. DE LOS: *Vida e instituciones del pueblo de Andorra. Una supervivencia señorial*, Madrid, 1920.
- ROMANA, I.: *El Principado de Andorra, su constitución política y su organización administrativa*, Barcelona, 1918.
- ROUSSEAU, CH.: "Les frontières de la France", *Révue Générale de Droit International Public*, 1954, pp. 23–52, 208–229, 345–374.
- "Le territoire de la France", *Cours de doctorat* (1960–1961), pp. 281–309.
 - "Les Vallées d'Andorre, une survivance féodale dans le monde contemporain", *Symbolae Verzyil*, The Hague, 1958, pp. 337–346.
- SANCHEZ RODRIGUEZ, L. I.: "La Constitución de Andorra y el Derecho Internacional Público", *Andorra en el ámbito jurídico europeo*, cit. pp. 21–44.
- STOFFEL VALLOTTON, N.: "Reflexiones en torno a las repercusiones, para el Principado de Andorra, de la adhesión de España a la CEE y el Acuerdo del Principado con la CEE", *Andorra en el ámbito jurídico europeo*, cit. pp. 75–98.
- TAPINOS, G.: *Rapport sur l'immigration en Andorre. Diagnostic et perspectives*, Paris, 1987 (typed copy).
- TOURENG, R.: *Statut juridique des Vallées d'Andorre*, Toulouse, 1939.
- TRIAS I GIRO, J. DE DIOS: *Constitución política y personalidad internacional del Principado de Andorra*, Barcelona, 1890.
- TRIAS DE BES, J. M.: *Informe sobre Andorra*, Barcelona, 1952, preserved in ADMU, n. 711000--711100.
- VV.AA.: *Andorra en el ámbito jurídico europeo*, Madrid, 1996.
- VALLS, A.: *Memoria acerca de la soberanía que corresponde a la Nación Española en el Valle de Andorra como parte integrante de la provincia de Cataluña*, Barcelona, 1820.
- VALLS, F.: *Textes de Dret Català. Privilegis i Ordinacions de les Valls Pirinenques. III. Vall d'Andorra*, Barcelona, 1920.
- VIDAL, J. M.: *Instituciones políticas y sociales de Andorra*, Madrid, 1949.
- VIÑAS FARRE, R.: "El Treaty-Making Power y la representación internacional del Principado de Andorra", *Revista Jurídica de Catalunya*, n. 2, 1976, pp. 53--76.
- *La nacionalitat andorrana*, Barcelona, 1980.
 - "La normativa andorrana sobre nacionalidad", *Revista Jurídica de Catalunya*, 1980, pp. 725–756.
 - "La protección de los andorranos en el extranjero y el establecimiento de relaciones consulares con el Principado de Andorra", *Book in tribute to Prof. Luis Martín Ballestero*, Zaragoza, 1983, pp. 639–663.
 - "Andorre", *Nationalité. Notarial Répertoire*, Editions du Juris-Classeur, Paris 1983.

- "El régimen de los trabajadores fronterizos en las relaciones de vecindad hispano-andorranas", *Las relaciones de vecindad*, San Sebastián, 1987, pp. 327-333.
 - *Nacionalitat i drets polítics al Principat d'Andorra*, Andorra, 1989.
 - "El Acuerdo en forma de canje de notas entre la Comunidad Europea y el Principado de Andorra", *Noticias CEE*, n. 83, 1991, pp. 11-25.
 - "La reforma del estatuto internacional del Principado de Andorra", *Revista Española de Derecho Internacional*, 1993, pp. 596-604.
 - "La Ley sobre nacionalidad andorrana. Repercusión de la sentencia del Tribunal Constitucional de 15 de marzo de 1994", *Revista Jurídica de Catalunya*, 1994, pp. 1057-1067.
 - "Régimen de la nacionalidad y de la extranjería en el derecho andorrano", *Andorra en el ámbito jurídico europeo*, Madrid, 1996, pp.143-192.
 - "Reconocimiento y ejecución de decisiones judiciales y de laudos arbitrales extranjeros en Andorra", *Andorra en el ámbito jurídico europeo*, Madrid, 1996, pp. 193-201.
 - "Andorre", *Nationalité. Notarial Répertoire*, Editions du Juris-Classeur, Paris, 1996.
 - "Cuestiones sobre Derecho internacional privado andorrano después de la Constitución de 1993. Incidencia en las relaciones con España y Francia", *Revista Española de Derecho Internacional*, 1997, pp. 29-46.
- WAAGENAR, S.: *Les cinc petits: Andorra, Liechtenstein, Monaco, San Marino, Vatican*, Bruna, 1960.
- ZEMANEK, K.: *Le statut international de l'Andorre. Situation actuelle et perspectives de réforme*, Vienna, 1980 (Typed copy).

