

## Forms of participation in the Council of Europe for non-member states

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**Last updated:** 08/07/2016

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### Observer status with the Council of Europe

On 14 May 1993, the Committee of Ministers of the Council of Europe adopted Statutory Resolution (93) 26 on observer status. This status enables those states, particularly non-European states, which are willing to cooperate with the Council of Europe and to accept the conditions of Article 3 of its Statute to send observers to the committees of experts and to the conferences of specialist ministers. It does not, however, confer the right to be represented on the Committee of Ministers or in the Assembly, unless a specific decision has been taken by one of these bodies. States with observer status are the Holy See since 1970, Canada, Japan and the United States of America since 1996 and Mexico since 1999.

### Observer status with the Parliamentary Assembly

It is important not to confuse observer status with the Council of Europe with observer status with the Parliamentary Assembly. National observer parliaments with the Parliamentary Assembly are those of Israel since 1957, Canada since 1997 and Mexico since 1999. Members of delegations of observers attend the Assembly but have no right of vote. They are entitled to speak if authorised to do so by the President of the Assembly.

Before they became Council of Europe members, Austria enjoyed such status from 1951 to 1956 and Switzerland from 1961 to 1963.

### Special guest status with the Parliamentary Assembly

On 11 May 1989, the Council of Europe's Parliamentary Assembly decided to create a special guest status for the national parliaments of the countries of Central and Eastern Europe which had applied or implemented the Helsinki Final Act, with a view to those countries' possible membership of the organisation. Delegations from national parliaments may attend the Assembly's proceedings, but they are not entitled to vote. States which have enjoyed such status, prior to membership of the organisation, include Bosnia-Herzegovina from 1994 to 2000, Azerbaijan from 1996 to 2001, Armenia from 1997 to 2001 and Serbia-Montenegro from 2001 to 2002.

Belarus acquired this status on 16 September 1992 but was suspended by the Bureau of the Assembly on 13 January 1997 as a result of the country's very serious violations of human rights and of the principles of pluralist democracy and the rule of law.

### States which are party to the European Treaties

There are many Council of Europe treaties which were open for signature and for accession by non-member states of the organisation. A noteworthy example is that of the European Cultural Convention, which was opened for signature by member states and for accession by European non-member states in Paris on 19 December 1954. Apart from the founding states, most of the Council of Europe's member states were party to this Convention prior to membership of the organisation, sometimes long before accession. The most striking example of this was that of Spain, which signed the Cultural Convention in 1957, 20 years before it became a member of the Council of Europe.

### States which are party to enlarged partial agreements

In instances where certain issues interest only some Council of Europe member states, the Committee of Ministers, at its ninth session of 2 August 1951, provided for the possibility for the member states concerned to adopt partial agreements that would not be binding on all the other members. The Committee of Ministers recognises that 'in certain circumstances individual members may wish to abstain from participating in a course of action advocated by other members'.

On 14 May 1993, considering that, in some instances, the problems dealt with at the Council of Europe outstripped the geographical framework of the territory of its members, the Committee of Ministers adopted Statutory Resolution (93) 28 enabling non-member states of the organisation to participate in *enlarged partial agreements*. The aim is to facilitate the participation of any interested member state in flexible and non-institutionalised arrangements for intergovernmental cooperation. The decision instituting the agreement provides for the bodies involved and lays down specific arrangements for the pursuit of its activities.