

## Table of Contents

	<i>Para</i>	<i>Page</i>
Preface H.S.H. Prince Albert II of Monaco		V
Dedication		VI
Acknowledgements		VII
Preface Editor		VIII
List of Abbreviations		XVII
INTRODUCTION: UNDERSTANDING MONACO		1
Seven centuries of history – A dynasty		1
An identity forged by distress		3
Opening to the modern world		6
Chapter I		
THE PRINCIPALITY OF MONACO: SOVEREIGN STATE	1	9
1. General	1	9
2. The origins of Monegasque State		10
From commune to seignior	2	10
Conquest of independence	3	10
Sovereignty under Spanish and later French protection	4	11
Restrictions to sovereignty	5	12
Recognized sovereignty: Relations reviewed with France (from 1861)	6	14
3. The State of Monaco, today		15
In relation to the criteria for Statehood	7	15
Monaco's international status	8	16
Chapter II		
MONACO AND THE INTERNATIONAL COMMUNITY		18
1. General	9	18
2. Monaco in international organizations		19
International context	10	19
European context	11	20
Francophone institution	12	21

Organizations established in Monaco	13	21
3. Contribution to international law		22
Participation in international conferences and treaties	14	22
Human rights	15	23
Preservation of the environment	16	24
Development aid and humanitarian action	17	26
4. Diplomatic relations		28
Bilateral relations	18	28
Monegasque diplomacy	19	29
International Organisations and Organisms in Monaco and date of admission		31
Chapter III		
MONACO AND FRANCE		33
1. General	20	33
2. The Recognition of Monaco by France		34
Patent letter of the Kings of France of 1489 and 1512	21	34
3. The Treaty of Péronne 1641		34
The fundamentals of the French alliance	22	34
4. Monaco under the Revolution and the French Empire		36
Removal of the independence	23	36
5. The Treaty of 1861		37
Regained sovereignty and the customs union	24	37
6. The Treaty of 1918		38
The international and internal consequences	25	38
Neighbourhood relations	26	40
7. The Treaty of 24 October 2002		43
Adopting and confirming friendly relations	27	43
Treaty respecting Monegasque sovereignty	28	44
Strengthening of cooperation	29	45
8. The Franco-Monegasque relations today		46
The requirements of consensus	30	46
Franco-Monegasque Tax Agreements		49
Chapter IV		
MONACO AND EUROPE		50
1. General	31	50
2. Europe of peace and human values		51
Monaco facing human rights	32	51

The Council of Europe	33	51
The Conference on security and cooperation in Europe	34	53
3. The unification of Europe		54
From the EEC to the European Union	35	54
Adherence to the common customs territory	36	55
Belonging to the Euro zone	37	56
Monaco: a door to Europe	38	58
Penetration of European law in the Monegasque legal system	39	60
Which European perspectives for Monaco?	40	61
 Chapter V		
THE STATE OF LAW		63
1. General	41	63
2. The Constitution		64
Fundamental law of the State	42	64
3. The principality of Monaco is a constitutional monarchy		64
Historical foundation of the monarchy	43	64
4. The separation of powers is assured		65
Fundamental balances	44	65
5. Fundamental freedoms and rights are guaranteed		66
Recognition of rights and their control	45	66
6. Impacts of admission to the Council of Europe	46	68
 Chapter VI		
THE SOVEREIGN PRINCE		69
1. General	47	69
2. The Prince, head of State		70
The Prince embodies the Monegasque State	48	70
3. The powers of the Sovereign		71
Consistence and limits of the princely prerogatives	49	71
4. Other Sovereign prerogatives		75
Right of grace and amnesty	50	75
Right of naturalisation	51	76
Right to grant titles and distinctions	52	76
5. The Crown Council		77
Powers and composition	53	77
6. The State Council	54	79
7. Succession to the Throne		79
The dynastic rules	55	79

Prince Albert II Foundation for Protection of the Environment and Sustainable Development		81
Chapter VII		
THE MONEGASQUE NATIONAL IDENTITY		82
1. General	56	82
2. Origins of the national community		83
Common past, collective memory	57	83
3. The Monegasque identity		84
Social and cultural specifications	58	84
4. The national identity today		86
Demonstration of unity today	59	86
The Monegasque Nationality		89
Chapter VIII		
GOVERNMENT		91
1. General	60	91
2. The Government, organ of executive power		92
A distinct organ in the executive power	61	92
Exercised under the Prince's high authority		92
Minister of State and Government Councillors		93
3. Governmental powers		94
The preparation of law projects	62	94
The regulatory power	63	94
Powers of a general order	64	95
4. The executive services	65	96
5. The State Council	66	97
6. The Economic and Social Council	67	97
7. The consultative commissions	68	99
Administrative Cooperation between France and Monaco		101
Government Structure		102
Chapter IX		
NATIONAL COUNCIL		103
1. General	69	103
2. The National Council, representative assembly	70	104
3. The National Council, political assembly	71	106
4. National Council votes laws	72	109
5. National Council votes national budget	73	110
6. Organization and functioning	74	111

Chapter X		
THE LEGISLATIVE SYSTEM		113
1. General	75	113
2. Initiative of the law by the Prince		114
State proposals	76	114
3. The right of the National Council to vote the law	77	115
4. Sanction of the law by the Prince	78	117
The Legislative System		118
 Chapter XI		
NATIONAL BUDGET		119
1. General	79	119
2. Preparation of the budget	80	120
3. Voting the budget		121
Exclusive responsibility of the National Council	81	121
Corrected budgets	82	122
The national budget	83	123
Triennial public equipment programmes	84	123
Special treasury accounts	85	124
4. Execution of the budget		124
Execution of the revenues and expenses	86	124
5. Control of budget execution		125
Control <i>a priori</i>	87	125
Control <i>a posteriori</i>	88	126
National Budget 2010		128
 Chapter XII		
INSTITUTIONS AND FINANCIAL INSTRUMENTS		129
1. General	89	129
2. Public treasury	90	130
3. Superior Accounts Commission	91	130
4. Constitutional Reserve Fund	92	132
5. SICCFIN	93	132
6. Control Commission of Financial Activities	94	134
 Chapter XIII		
ECONOMIC AND SOCIAL ORGANIZATION		135
1. General	95	135
2. Trade union organization		136

Right to trade-unions	96	136
Function of representation: the trade union freedom	97	136
The study of problems relating to labour and the functioning of enterprises	98	137
Defence of professional interests	99	137
3. Labour relations		138
Collective labour agreements	100	138
Working relationships within the enterprise	101	139
Jurisdictional regulation of labour conflicts	102	140
4. Social organisms		141
The notion of collective responsibility	103	141
Social services for salaried staff	104	141
Retirement office for salaried staff	105	142
Health and retirement office for independent workers	106	142
Occupational medicine office	107	143
Conventional organisms	108	143
5. Participation of trade union organizations in defining objectives of general interest		143
Consultative mixed commissions	109	143
Economic and Social Council	110	144
6. Economic Development Chamber	111	144

## Chapter XIV

CULTS		146
1. General	112	146
2. Catholic religion, religion of the State		147
The origins	113	147
The Bull 'Quemadmodum'	114	148
Status of the Church in Monaco	115	148
Impact of the Bull 'Quemadmodum' on spiritual life of the Principality	116	150
The Convention of 1981	117	151
Catholicism, State religion	118	152
3. Freedom of religion		153
Freedom and consciousness and its public exercise	119	153

## Chapter XV

COMMUNE		155
1. General	120	155
2. Origins	121	156

3. The assignments of the Commune	157
The Mayor, Communal Council and Commune	122 157
4. Organization and functioning	158
The Communal Council; the Commune	123 158
5. The Commune and the State	159
The tutelage and the budgetary autonomy	124 159
6. Commune's autonomy	125 161
 Chapter XVI	
JUSTICE	164
1. General	126 164
2. Independence of justice	127 165
Principle of delegated justice	127 165
3. Civil and penal jurisdictions	128 166
Judge of the Peace	129 166
Tribunal of First Instance, common law jurisdiction of first degree	130 167
Tribunal of First Instance and expropriation	131 168
Court of Appeal, common law jurisdiction of second degree	132 168
Criminal procedure – Examining Judge and Criminal Tribunal	133 168
Examining Judges	134 169
Chamber of the Council	135 170
Criminal Tribunal	136 170
Court of Judicial Revision	137 170
4. Special jurisdictions	171
Tutelar Judge	138 171
Judge Supervising Prison Sentence Conditions	139 173
Labour jurisdictions	140 174
– The regulation of individual labour conflicts	141 174
– The regulation of collective labour conflicts	142 175
Arbitration Commission of Leases	143 176
Arbitration Commission of Commercial Leases	144 176
5. Public Prosecutor	145 176
6. Auxiliaries of justice	177
Clerks and bailiffs	146 177
Barristers and defending counsels	147 178
Public Notaries	148 178
7. International judicial cooperation	149 178
Judicial Organization	180

Chapter XVII		
SUPREME TRIBUNAL		181
1. General	150	181
2. Constitutional judge		182
Recourse in annulment	151	182
Recourse in indemnity	152	183
Recourse in appreciation of validity	153	183
Conformity with internal rules of National Council	154	183
3. Administrative judge		183
Recourse in annulment for excess of power	155	184
Recourse in revision	156	184
Recourse in interpretation and validity	157	185
4. Judge of conflicts		185
Determining the competent jurisdiction	158	185
5. Procedure and organization		186
Procedure	159	186
Organization	160	187
6. Supreme Tribunal guarantor of the State of law	161	187
 Chapter XVIII		
MONEGASQUE LAW		189
1. General	162	189
2. Written law	163	190
Law sources	164	190
Law and treaties	165	191
Jurisprudence	166	192
3. Autonomous law	167	193
4. Legislative specificities	168	194
 Annexes		
Text of the Constitution of 17 December 1962		199
Text of the Franco-Monegasque Treaty of 24 October 2002		222
Text of the Franco-Monegasque Convention of 8 November 2005		226
 Bibliography		230
Documentation		232
Books and publications of the same author		233
Index		234