Evolution of the Relationship Between the Head of State, the Head of the Government and the Speaker of Parliament in the Process of Democratization on the Example of European Microstates

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Abstract

The subject of the paper is an attempt to indicate the evolution of relations between people occupying three key positions in the state's constitutional system: the head of state, the head of government and the speaker of parliament in European micro-states.

Each of the four European democratic micro-states (ie Andorra, Liechtenstein, Monaco, San Marino) has gone through processes aimed at greater democratization in the last few decades. The most marked intensification of this process took place in Andorra. In the case of Monaco, this change took place in 2002 and appears to have been sham. In the case of San Marino, the change is evolutionary and has been going on since the 1970s. In turn, according to some researchers in Liechtenstein, in 2003 the democratization process was even stopped (or even withdrawn).

The changes were supposed to be such a reformulation of relations within the state apparatus so that its shape would correspond to European standards. These changes are to be the main subject of the speech, but with the focus primarily on the mutual relations of three state bodies: the head of state, the head of government and the speaker of parliament.

The choice of these bodies is justified primarily due to the fact that only in the case of San Marino does the head of state derive his legitimacy indirectly from general elections (while in the other three countries there is no such legitimation). This is important because in the process of democratization it was desirable to limit the role of the head of state in favor of the prime minister and / or the chairman of the parliament elected by parliamentarians.

Keywords: European Microstates, Head of State, Head of the Government, Speaker of Parliament.

Introduction and Methodology

All 4 European micro-states that are the subject of this study are quite commonly recognized as democratic countries[1]. Apart from the issues that constitute the concept of microstates (such as: a small population, a small area and very specific relations with larger neighbors)[2], the issue that connects all these countries is relatively poor scientific literature, which has adopted a detailed analysis of constitutional and political solutions in these countries as a research goal. In addition to the problem of the deficit of scientific literature, it is also worth mentioning that many times these countries are omitted in various types of comparisons, which additionally makes it difficult for researchers of these countries (known as micropathologists)[3]. This is all the more a challenge for researchers of political systems, because while many of the European political systems have been studied in detail, the political systems of microstates are still perhaps no longer *terra incognita*, but quite a large field for exploration.

Under an undemocratic regime, it is not unusual for the head of state, the head of government and the speaker of parliament to play a key role in the trio of political actors (both constitutionally and politically), and the head of government and the speaker of parliament are politically subordinate or constitutionally do not play a significant role. Within a democratic regime, it seems natural to be in a situation where, if the system is based on Montesquieu's idea of the tripartite division of powers, both the speaker of parliament and the prime minister (together with the authorities they lead) are empowered. The problem arises, however, when the head of state is a person whose legitimacy to rule does not come from the will of the sovereign (whether in the form of direct or indirect elections).

The author, using primarily a comparative analysis (through the analysis of constitutional acts), will attempt to verify the hypothesis that along with the democratization of the constitutional systems of European microstates, there was an evolutionary empowerment of the head of government and the chairman of parliament as representatives of two organs: the executive and the legislative branches, at the expense of the political position of the head of state. The choice of such a research method seems to be highly justified for examining the similarities and differences in the dynamics of democratization processes in all four microstates.

Model solutions - opinions of the Venice Commission

There is no one ideal governance model in Europe that it could set as an example for others. The Venice Commission, in many subsequent opinions and reports, pointed to certain constitutional solutions that are desirable and highly undesirable from the point of view of the proper division of powers. Thus, the adoption of such and not another systemic solution in the political conditions of a given country may be assessed positively, while in another country (e.g. due to certain socio-political conditions) it may be assessed negatively. The Venice Commission concludes that “democracies are not all the same. It is true that some democratic systems foster representation better than others. Certainly, the quality of representation of the citizens' interests in the

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[1] Freedom House recognizes Andorra as a free country (93/100 points), Liechtenstein (90/100), Monaco (84/100), San Marino (93/100). They are all member states of the Council of Europe.

[2] Without going into terminological issues, as a rule, European microstates are: Andorra, Liechtenstein, Monaco, San Marino (some researchers add Malta and / or Luxembourg) and the Vatican City State, and by adding the adjective "democratic", the smallest of these is removed from this group. More on this topic: M. Łukaszewski, *Research on European microstates in social science. Selected methodological and definitional problems*, “AD ALTA. Journal of interdisciplinary research” 2011, no. 1 (2), p. 74-77.

[3] T.M. Eccardt, *Secrets of the Seven Smallest States of Europe: Andorra, Liechtenstein, Luxembourg, Malta, Monaco, San Marino, and Vatican City*, 2005, p. 3.

politics of a given country depends widely on many variables such as: geography, history, tradition, the way in which democracy has come about, political culture, electoral and party system, leadership, civil society, media"[4]. Nevertheless, it should be clearly emphasized that the choice of the form of government (republic or monarchy) and the system of government (presidential, semi-presidential, parliamentarian) is a sovereign decision of the authorities and society of each country. One of the basic elements of the relationship between the executive and the legislature is the ability to control the former by the latter, thus the parliament must have constitutional tools allowing it to control the actions of the government. The same standard will be the right to control the government (and its head) by parliament.

Many doubts in the context of building an appropriate constitutional system (i.e. in line with European standards) were caused by the 2017 amendment to the Turkish constitution, which transformed a semi-presidential republic into a presidential republic. The new system of government in Turkey, however, differs in some aspects from the model solutions (i.e. the American ones), and therefore doubts arise as to whether such a system can be called presidential at all. However, due to the fact that none of the 4 analyzed countries is a presidential republic, this topic will be omitted.

Finally, moving to the position of the monarchical head of state, an attempt to set standards in democratic countries was undertaken after two amendments to the constitution in 2002, which were adopted in the 2003 constitutional reform in Liechtenstein, and also partly - after the constitutional reform in Monaco in 2002. In both cases, the Venice Commission issued its opinions and thus formulated the framework of the standards. At least a few should be mentioned:

- parliament should be elected freely and have the power to adopt its own rules of procedure[5];
- legislature must have the right to discuss, amend and adopt or rescind proposals for legislation, as well as the right to initiate new legislation[6];
- with respect to the accountability to parliament, this consensus states that the legislature has the right to ask questions that the executive must answer. The right of sanction depends on the political system that is in place[7];
- right of parliament to adopt the state budget is a necessary precondition to exercise effective supervision (parliament need to have a right to survey and adopt the state budget)[8];

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[4] *Compilation of Venice Commission opinions and reports concerning separation of powers, endorsed by the Venice Commission at its 124th Plenary Session (8-9 October 2020)*, CDL-PI(2020)012-e, p. 4.

[5] *Opinion on the balance of powers in the Constitution and the Legislation of the Principality of Monaco, adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013)*, CDL-AD(2013)018-e, p. 6-7.

[6] *Opinion on the balance of powers in the Constitution and the Legislation of the Principality of Monaco, adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013)*, CDL-AD(2013)018-e, p. 6-7.

[7] What is important the Venice Commission states that "in presidential systems, the electorate has the primary right of sanction. The people can exercise this right by voting a president out of office in the next election. In parliamentary systems, the legislature has the right of sanction by passing a no confidence vote, thereby forcing the resignation of the government. In all cases however, the final accountability is to the electorate, either in a direct way, or an indirect way through parliamentary control". It is important when we have 3 monarchies (Andorra, Liechtenstein and Monaco) which are to be examined.
Opinion on the balance of powers in the Constitution and the Legislation of the Principality of Monaco, adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013), CDL-AD(2013)018-e, p. 6-7.

- accountability of the executive to the electorate, either in an indirect way through parliamentary control, or in a direct way through referendums or new elections. Those who exercise public power have to be removable by the people by means of regular elections[9] (which is important especially when we look at the Andorran, Monegasque and Liechtenstein solutions);
- primacy of power rests with the representative and democratically elected body. That body must have the right to discuss, amend and adopt or rescind proposals for legislation, as well as the right of initiative to initiate new legislation. This holds true also, and a fortiori, in relation to the Constitution[10];
- parliament must have the power of control (financially and otherwise) over the executive, which therefore, depends for its legitimisation on the confidence of the democratically elected body[11].

Andorra

The time mark of the beginning of Andorra's empowerment as a democratic and sovereign country is very commonly the year of 1993, when the presently binding constitution was adopted. In the same year, the trilateral neighborhood treaty, which is no less important for the empowerment of Andorra, was adopted. Finally, that same year, Andorra joined the United Nations, and a year later – the Council of Europe.

The beginning of Andorra's statehood is usually traced back to the 1278 Arbitration Treaty (Paréage, (Catalan: *Tractat de pareatge*)), as a result of which power over Andorra was held jointly by two feudal lords: the Catholic bishop and lord of Foix. This structure of Andorran administration survived with various vicissitudes until the French Revolution, when the revolutionary government refused to accept tributes (*questia*)[12] from the Andorrans. Eventually, Napoleon Bonaparte restored the former condition at the request of the Andorrans themselves[13].

The beginnings of the long process of democratization, which significantly accelerated in the 1980s, can be traced back to 1419, when, at the request of the Andorrans, a parliament (*Consell de la Terra*) was established, transformed by the reform of 1866 into the General Council (*Consell General*). Finally, in 1933, the right to vote was extended to all men who turned 25 years of age, and after World War II, the right to vote and electoral rights were further extended (the voting age was lowered and the right to vote was granted to women).

It is worth pointing to a very specific construction of a multi-person head of state, which is unique in itself: in Europe (which has a kind of monopoly on having a collegial head of state) there are only 4 such

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[8] *Opinion on the balance of powers in the Constitution and the Legislation of the Principality of Monaco, adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013)*, CDL-AD(2013)018-e, p. 6-7.

[9] *Opinion on the Amendments to the Constitution of Liechtenstein proposed by the Princely House of Liechtenstein, adopted by the Venice Commission at its 53rd plenary session (Venice, 13-14 December 2002),* CDL-AD(2002)032-e, p. 4-5.

[10] *Opinion on the Amendments to the Constitution of Liechtenstein proposed by the Princely House of Liechtenstein, adopted by the Venice Commission at its 53rd plenary session (Venice, 13-14 December 2002),* CDL-AD(2002)032-e, p. 4-5.

[11] *Opinion on the Amendments to the Constitution of Liechtenstein proposed by the Princely House of Liechtenstein, adopted by the Venice Commission at its 53rd plenary session (Venice, 13-14 December 2002),* CDL-AD(2002)032-e, p. 4-5.

[12] P. Christiaan Klieger, *The Microstates of Europe: Designer Nations in a Post-Modern World*, Lexington Books, 2013, s. 31.

[13] W.P. Veenendaal, *Politics of the four European microstates: Andorra, Liechtenstein, Monaco and San Marino*, [in:] *Handbook on the Politics of Small States*, G. Baldacchino, A. Wivel (eds.), Edward Elgar Publishing, Cheltenham 2020, p. 152.

countries: Andorra, San Marino, Switzerland and Bosnia and Herzegovina. In the case of Andorra, two people are the head of state: *ex officio* president of France and the bishop of one of the Catholic dioceses of Catalonia. Thus, Andorra remains a phenomenon of a sovereign democratic state whose head of state is not elected or from its territory: the French Co-Prince is elected by the citizens of a neighboring country, and the Episcopal Co-Prince is elected by the pope. The origin of the construction of such a head of state has its roots in the aforementioned treaty of 1278, under which successive bishops of the diocese, Seo de Urgell, and counts of Foix (and later the kings of France and its presidents) jointly governed Andorra. It was they who had sovereign power and only the constitution of 1993 transferred it to the Andorran people. It is this moment that should be considered of key importance if we take into account the changes in the systemic position of the three organs analyzed in this study. Nevertheless, it will not be a simple relation: the adoption of the constitution did not limit the unlimited power of the head of state. Hence, it is necessary to pay attention to the events at the turn of the 1970s and 1980s.

The democratization of the system took place gradually, although looking through the prism of the entire history of Andorra, it was initially a very slow process, but in the last several decades it has already become very dynamic: while for the previous 6 centuries the only form of limiting the rights of Co-princes were legal acts issued by them allowing the establishment of a parliament (1419), reforming its activities (1866), and finally allowing all men over 25 to vote (1933)[14], the last 30 years of the twentieth century markedly accelerated the process. The first stage was the granting of voting rights to women, which happened in 1970 (right to vote) and 1973 (right to be a candidate). The second was the gradual lowering of the voting age (in 1971 to 21, and in 1985 to 18), and the third was the institutional reforms that were initiated in 1978 on the 700th anniversary of the Paréage treaty founding the community of Andorra. This last stage was formalized in 1981, when the Co-princes agreed to issue a decree, under which a new state organ was created - the Executive Council (*Consell Executiu*), whose main task was to govern and execute resolutions of the parliament. Until then, all decisions of the Co-princes were enforced by their subordinate services, and the decisions of parliament – by their chairman (*Sindic General*). It should be clearly indicated that all decisions of the parliament could in practice be stopped by the Co-princes who, until the constitutional reform of 1993, had theoretically unlimited legislative, executive and judiciary power, which they partially delegated to the parliament, the Executive Council and the courts. The 1981 institutional reform transferred the right and duty to execute parliamentary acts from its chairman to the Executive Council. It was the government that would now have the right to prepare the draft budget and implement it after approval by parliament. In addition to these changes, the reform (or perhaps more empowerment) of local government units was also introduced. Thus, it is clearly visible that the reform clearly, although probably still insufficient from the Andorran point of view, reshuffled the competences and systemic position of the state organs that are the subject of this study[15].

Thus, we can distinguish periods of democratization of the system (assuming changes in the relationship between the 3 organs of the state as the criterion):

- until 1419 - the period of power in the hands of the Co-princes; in practice, the most important decisions were made by representatives empowered by the Co-princes (*viguier*);

[14] It must be clearly emphasized here that this *quasi*-universal electoral system lasted until 1941, when its solutions were withdrawn and the solutions from 1866 were returned to.
[15] M. Łukaszewski, *Pirenejskie współksięstwo. Współczesny system polityczny Andory*, Poznań 2016, s. 22-23.

- 1419-1982[16] - the period of power in the hands of the Co-princes with the participation of the parliament, whose chairman (*Syndic General*) with time became a kind of one-man executive body (government) responsible for implementing parliamentary resolutions; the speaker of the parliament was assisted by two deputies; all three were elected by parliament (and therefore not dependent on Co-princes like the *viguiers*) for an indefinite period; had the right to convene an extraordinary parliamentary session in justified cases; the reform of 1866 changed the relationship between the above-mentioned organs in a very limited way;
- 1982-1993 - a period of power in the hands of Co-Princes with the participation of parliament, whose chairman was only a representative of the will of deputies, next to which there was a government (the Executive Council) coming from parliamentary support and largely independent of the trust of the head of state; finally, the institution of the prime minister (or, to be precise: the head of government (*cap de govern*)) was created, who, together with the government, was politically accountable to parliament[17];
- after 1993 - a period of strong empowerment of the parliament and the government as the most important organs deciding the fate of the state, while leaving the existing institution of the head of state (and the formula for its appointment) with limited (though not purely ceremonial) powers after the adoption of the constitution.

The last period established a kind of balance between the three organs: the head of state, the government and the parliament. It should also be pointed out that both the chairman of the parliament and the head of government were no longer only chairmen of the respective bodies, but also independent bodies with specific rights and obligations enshrined in the constitution.

An analysis of the contents of Andorra's constitution allows us to state that apart from the above-mentioned specific structure of the head of state, the position of the speaker of parliament seems to be very unique. Many times in the constitution, the *sindic general* is indicated interchangeably with the PM as the appropriate authority to undertake a specific task. In view of the different (and, above all, divergent) tasks of the representative of the executive (PM) and the legislature (the *sindic general*), such a structure seems to be very unique. In this context, it is worth mentioning, for example, art. 44 sec. 2, which grants both the PM and the *sindic general* a right to initiate the procedure of informing the Co-princes about state affairs. In turn, in art. 45, the constitution provides not only the political responsibility of the head of government (which seems to be the norm in many countries with a parliamentary system), but also of the speaker of the parliament if he/she would countersign the acts of the head of state. Such a solution is undoubtedly very unusual, as it is usually the representative of the executive who is subject to political responsibility for his activities[18].

Table 1. Powers of the Speaker of the Andorran Parliament (Syndic General)

Powers of the Syndic General	
in relations with other state authorities	• transmits parliamentary requests for documents, data and reports from public authorities (art. 5 and 49 of the Rules of Procedure); • announces the result of voting on the candidacy of the PM and informs

[16] The decree was issued in 1981, but the Executive Council was formed the following year.
[17] The legal requirement to dismiss the government itself was extremely difficult, as it required the support of as many as 2/3 of the deputies.
[18] M. Łukaszewski, *Pozycja ustrojowa przewodniczącego parlamentu Andory (Syndyka Generalnego) w kontekście zmiany ustrojowej z 1993 r.*, „Przegląd Europejski" 2018, no. 2, p. 133.

	the Co-princes of the name of the candidate for the head of government; • accepts government requests for a specific item to be included on the agenda.
within the competence to organize a parliamentary session	• opens and closes the meetings of the chamber; • convenes extraordinary meetings (a parliamentary session may be convened on its own initiative, but also at the request of the PM, by 1/5 of the statutory number of deputies or two parliamentary groups).
as part of the competence to keep relevant documentation of the work of the chamber	• approves of the transcripts of the various parliamentary colleges prepared by the secretaries of the chamber; • orders the publication of certain documents in the bulletin of the General Council (*Butlletí del Consell General*); • maintains a list of parliamentary groupings and committees;
in relations with deputies	• agrees to the deputy's non-participation in the debates of the parliament; • accepts the resignation from the parliamentary seat; • informs the parliament about the deputy's arrest; • requests the parliament to establish a commission.
as part of an ongoing debate and / or voting	• responsible for: disciplining parliamentarians; • for managing the removal of people obstructing the proceedings from the hall; • gives its consent to the participation of its guests in the debates of the parliament; • as part of the parliamentary debate, inter alia authorizes or prevents the floor from taking the floor by deputies and ministers; • asks parliament to close the discussion; • decides to extend the time for asking questions within the so-called question hours; • orders and conducts voting.
under the legislative procedure	• is constitutionally obliged to submit to the head of state a bill passed by the Council; • submits bills to parliament; • orders the inclusion of proposed amendments to the act on the agenda; • informs the government about the parliament's decision to return the bill; • directs bills and amendments to relevant parliamentary committees.

Source: M. Łukaszewski, *Pozycja ustrojowa przewodniczącego parlamentu Andory (Syndyka Generalnego) w kontekście zmiany ustrojowej z 1993 r.*, „Przegląd Europejski" 2018, no. 2, p. 136-137.

The obligation for the PM to countersignature, which may be "if necessary" (cat. *en el seu cas*) by the speaker of parliament, extends to, inter alia, ordering elections and referenda, dissolving parliament, expressing consent to concluding international agreements and performing other constitutionally defined official acts. Additionally, a countersignature (from the PM or the *sindic general*) is required when one of the Co-princes fails to perform the act. Then the Representative of the Co-Prince should inform the PM (or the *sindic general*) about such a situation, and then the act in question becomes valid if it is signed by the other Co-prince and after the PM (or the *sindic general*) has countersigned it. Other competences are presented in Table 1.

Noteworthy is the fact that in the political system not the parliament itself, but its chairman, which is, incidentally, a certain resemblance to the French system. An example is the appointment of members of the French constitutional court, who, apart from the president, are not appointed by individual chambers of parliament, but by the presidents of both chambers. In the same way, the composition of the five-person Supreme Council of the Judiciary (*Consell Superior de la Justícia*) was constructed, one of its members appointed by the *sindic general* (this member becomes the chairman of this body ex officio). It should be added, however, that the Andorran constitutional court is already staffed not by the *sindic general*, but by the entire

chamber (2 judges) and the head of state (one each). In neighboring France, a suitable body (*Conseil supérieur de la magistrature*) is also created, among others by the head of state and the presidents of both houses of parliament.

Finally, when pointing to the prime minister's political position, apart from the above-mentioned powers, which are vested in the general receiver in lieu of the PM, it is worth mentioning, inter alia, the right to ask the head of state to dissolve parliament (the constitution only requires him/her to consult within the government) and to order a referendum. The PM is politically accountable to parliament, which must step down if the parliament votes no confidence by an absolute majority of members of parliament. The prime minister may also, on his own initiative, request a vote of confidence, which is expressed by a simple majority of votes. The lack of a suitable majority entails the obligation to resign. It is also worth mentioning the creative right of the PM (and not the government itself), which consists in appointing one of the 5 members of the Supreme Council of the Judiciary (*Consell Superior de la Justícia*). In relations with the constitutional court, the prime minister (and again not the government) has the right to request it to review the constitutionality of decrees and statutes, as well as, under the preventive control procedure, of international treaties to be ratified.

The constitution prohibited the prime minister from holding this function for more than two full consecutive terms of office and forbids combining functions in the government with a parliamentary mandate, which is very similar to the French solutions, where the president (not the prime minister) is banned from multiple terms of office, and the ministers cannot be parliamentarians.

The head of state herself is - as has been emphasized many times above - significantly limited in terms of her power, competences, political position and political role. Title III of the constitution emphasizes the principle of equality of the Co-princes, but does not specify the question of the method of appointing these institutions, leaving it to the existing solutions, which - which should be clearly emphasized - are outside the scope of the activities of the Andorran parliament. In many places, the constitution emphasizes the ceremonial role of the head of state. Co-princes are to be mediators in internal conflicts, but they are also to be a symbol and guarantor of the durability and continuity of the analyzed country. As for competences, apart from being the head of state, the constitution mentions: ordering elections and referenda; appointment of the prime minister; dissolution of parliament; accreditation of diplomatic representatives; appointing the heads of certain state institutions; signing and promulgating laws; expressing the consent of the state to conclude international agreements; carrying out other official acts which the Constitution expressly entrusts to them; initiating changes to the constitution; participation in the negotiation of international agreements (with veto rights); submitting applications to the Constitutional Tribunal on the constitutionality of various types of legal acts; they enjoy the law of grace (pardon). As part of the creative powers, the head of state: appoints members of the Supreme Council of the Judiciary and judges of the Constitutional Tribunal, and appoints its Personal Representatives[19]. It is also worth mentioning that the head of state is not subject to political responsibility.

Liechtenstein

Liechtenstein's statehood is usually indicated as the shortest of the four micro-states that are the subject of this study. Usually it is mentioned to 1719, when the lands purchased by the Liechtenstein family were recognized by the emperor as a sovereign principality within the borders of the German Empire. In 1806,

[19] Constitution of Andorra, art. 45, 46 i 48.

Emperor Francis II was forced by Napoleon to abdicate and renounce his title as Roman Emperor. Liechtenstein in 1806 became a member of the Confederation of the Rhine, which was to replace the empire, and remained in it until 1814. In the years 1815–1866 it was a member of the German Confederation. Throughout all these years, the Principality maintained close economic and political ties with Austria. Close relations with Austria ended with the defeat of the Habsburg monarchy during World War I. It was then that the direction of foreign policy was reversed to the west, and as a result, the government in Vaduz focused largely on strengthening ties with Switzerland[20].

From 1719, Liechtenstein was ruled by princes who did not stay in Vaduz, but in Vienna, leaving the matters of the Principality to envoys of their choosing. In the 18th century, the princes did not visit Liechtenstein even once. The absolute monarchy survived unchanged until 1818, when the monarch, obliged by a union act of the German Confederation, granted Liechtenstein a constitution. This act, however, did not constitute a far-reaching empowerment of citizens-subjects, but was only the fulfillment of the monarch's duty. Hence, it is legitimate to describe this act as a mock constitution, and therefore it is in vain to look for pro-democratic solutions in it. Pursuant to the constitution of 1818, the system was based primarily on the absolute power of the prince, advised by the parliament (*Landtag*). From the point of view of the subject of this study, it is worth noting that the parliament was chaired by a prince's commissioner. In order to be valid, any parliamentary decision required a prince's sanction. The government (*Oberamt*) was also subordinate to the monarch and consisted of its representatives. As a result of protests resulting from the events of the Spring of Nations and dissatisfaction with the rule of the princely officials, the prince decided to introduce a new act, which was to be temporary (1849). It is worth pointing out that the sovereign was no longer the monarch himself, but the prince and the people. It is important because such a structure of the political system survived until the 21st century. This act did not last long, however, because in 1852 it was repealed and the solutions from 1818 were restored.

Only the next constitution allowed for the actual system change. Without going into details of the provisions of this act, it is necessary to mention the political position of the head of state. First of all, the monarch's rights were derived only from the constitution, thus the monarchy could be called constitutional. Thus, all acts of the monarch were subject to the obligatory countersignature. In addition to competences typical of the head of state, such as representing the state outside, or the right to dispose of the army and convening parliamentary sessions, the prince was given a right to enact legal acts in urgent situations. The monarch's decisions were largely implemented through the government, which was responsible, inter alia, for the preparation of the state budget. Despite the lack of a clearly outlined division of powers in the constitution, the executive power belonged to the prince and his dependent government, the judiciary to the courts, and the legislative power to the monarch and the *Landtag*.

While the position and internal structure of the parliament were laid out quite extensively in the constitution, the government was treated much more modestly. This was made up of three people: a chairman and two ministers appointed for a six-year term. In turn, the composition of the parliament was determined at 18 people (of which 3 were nominated by the prince, and the remaining 15 were elected in indirect elections). The elections were compulsory. Parliament passed laws, but in order for them to come into force, they had to be approved by the monarch. In addition, it had the right to consider civic complaints about the actions of the state

[20] W.P. Veenendaal, *Politics of the four European microstates: Andorra, Liechtenstein, Monaco and San Marino*, [in:] *Handbook on the Politics of Small States*, G. Baldacchino, A. Wivel (eds.), Edward Elgar Publishing, Cheltenham 2020, p. 153.

administration, and agreed to accept various types of international agreements. Both the monarch and the deputies had the right to initiate the legislative procedure. Parliamentary sessions were opened by the prince. Another fundamental change for the system was brought about by the end of World War I, when, as a result of a conflict with the prince, the parliament passed a vote of no confidence (which it had no right to) against the head of government nominated by the prince. As a result of a deep political crisis, the prince finally decided to agree to a total revision of the constitution, which happened in 1921.

The constitution, although formally promulgated as an amendment to the constitution of 1862, somehow reoriented and empowered the parliament coming from universal and direct elections, thus removing the princely nominees. At the same time, it maintained the duality of the sovereigns, which were the people and the prince[21]. Over the next century, less than 50 amendments were adopted to the constitution. Without going into their content, and focusing only on the relations of the three organs constituting the subject of this study, it is worth noting that in the following decades there were no major changes in this respect. The changes concerned, inter alia, extending the institutions of direct democracy, electoral law, and the judiciary.

The most important change from the point of view of the subject of the study regarding the government was the one in 1963 and 1965. In the first of the amendments, the provisions on government were extended. It is written that the entire state administration is subject to a government supervised by the prince and parliament. Special committees were introduced to deal with citizens' complaints, and the possibility of establishing specialized public law institutions under the supervision of the government was introduced. In turn, in the amendment adopted two years later, inter alia:

- the composition of the government was extended to 5 members (including the prime minister) with an indication of the division of ministerial seats between the two constituencies of Liechtenstein;
- the term of office of the government was set for 4 years, removing the six-year term of prime minister and deputy prime minister;
- the rule on government accountability to citizens has been abolished;
- a government meeting quorum (4 members) has been established and other internal rules for the deliberations of this body have been established;
- clear separation of ministerial functions into those exercised as a member of the collegiate government and those exercised as head of a government department.

In turn, with regard to the monarch, the most important amendment was undoubtedly the one adopted at the turn of 2002 and 2003[22]. Under it, a significant number of articles were changed. The amendment itself was criticized by, among others, the Venice Commission, which believed that, in line with the current practice and the evolution of European monarchies, the power of monarchs could only be limited in subsequent amendments. According to the Venice Commission, Liechtenstein broke this rule. Without indicating all the elements changed under the 2003 amendment, in the context of the subject of this study, it is worth mentioning:

- clarification of the immunity of the head of state (no legal responsibility of the monarch and heir to the throne performing the duties of the head of state);

[21] J. Duursma, *The Principality of Liechtenstein*, (in:) *Small States in International Relations*, C. Ingebritsen, I. Neumann, S. Gsthl (eds.), University of Washington Press, 2012, p. 90-91.

[22] Incidentally, it is worth mentioning the 1984 amendment, which allowed the head of state to appoint the heir to the throne who would actually perform the tasks of the head of state without having to abdicate the current head of state.

- depriving the head of state of the right to appoint state officials and, at the same time, introducing the active role of the prince into the judicial appointment procedure;
- introducing the possibility of passing a vote of no confidence in the government or a minister (prime minister);
- an indication that the control of the parliament does not concern the actions of the prince;
- adding a government which, apart from the monarch, is also informed by the parliament about detected irregularities in the state administration;
- a clear indication that the lack of a princely sanction under a legal act adopted by parliament is to be treated as a refusal to grant it;
- the parliament acting in agreement with the monarch on the management of the state's property was replaced by the parliament with the government (the government need to submit relevant reports to the parliament);
- introducing a mechanism for dismissing the government in such a way that the monarch or the parliament may dismiss the entire government, but the resignation of one minister requires the consent of both bodies (the *Landtag* and the prince).

Of the above changes, the last point attracts special attention. It seems a very original solution that one member of the government may be dismissed upon agreement of both bodies, while the dismissal of the entire government may be triggered by the will of only one of them. The appointment of a government requires an agreement between the *Landtag* and the head of state. In the prince's contacts with the PM, it is worth paying attention to the legislative initiative, which is formally vested in the monarch, who, however, does so through the government. Additionally, the PM grants countersignature to acts of the monarch (including laws adopted and signed by the head of state), which transfers political responsibility for this act to himself. In contacts with the head of state, the prime minister is not only the head of the government, but also acts as a kind of liaison between the monarch and the parliament. The constitution even states that the prime minister performs the functions directly entrusted to him/her by the prince, and during official ceremonies he enjoys the privileges legally accorded to him as representative of the prince. The PM is obliged to present to the prince reports on matters falling within the competence of the head of state. The constitution distinguishes the PM from other members of the government also through the swearing-in institution: the PM takes the oath to the head of state, but the ministers – to the prime minister.

Turning finally to the chairman of the *Landtag*, the very limited number of mentions in the constitution on this function draws attention. The constitution merely mentions that the chairman of the *Landtag* orders its meetings and that the chairman is elected together with his deputy at the first session of parliament. This chairman is part of a special body that operates in the period between meetings. The chairman must be informed by the members of the reasons for their absence from the meetings (these are compulsory). In addition, the speaker of parliament has the typical powers of the head of a parliamentary chamber: the swearing in of deputies taking up a mandate during the term of office and resolving the voting result in the event of a tie. Thus, it can be seen that the chairman of the *Landtag* has quite limited powers and they do not differ significantly from those in other parliamentary democracies.

Monaco

Monaco is currently the only European city-state next to the Vatican. Its small size is related to the French annexation of 94% of the then territory under the prince of Monaco, which was confirmed by a bilateral treaty in 1861. Monaco itself associates its statehood with the events that were to take place more than 500 years earlier: in 1297, Francesco Grimaldi (a fugitive from Genoa) in the guise of a monk, deceiving the castle guards, killed the crew and took over Monaco. To this day, it is the Grimaldi dynasty that reigns in this country.

In the following years, Monaco came under the protection of regional powers (including the Spanish monarchy). During the French Revolution, Monaco was incorporated into France, and the Grimaldi family was deprived of the throne. The year 1814 changed when Monaco became a principality again. Half a century later it came under the protectorate of the kingdom of Sardinia, and soon after it became permanently politically tied with France: in 1861, the above-mentioned bilateral treaty was concluded, and 4 years later a customs union. In 1918, another treaty was concluded, which established bilateral relations for the next century.

Turning finally to the issue of the political system, it should be emphasized that Monaco, as one of the few countries on the European continent, survived as an absolute monarchy until the 20th century. It is true that in 1848, as a result of mounting revolutionary moods, Prince Florestian issued an ordinance which granted a wide catalog of rights and freedoms to the inhabitants of the principality, but this act was never implemented. Thus, the people of Monaco had to wait for the first constitution in the history until 1911. And it was only this date that allowed for the establishment of the first parliament in the history of the Principality. It is true that the successive rulers of Monaco previously consulted with the heads of great aristocratic families, but these consultations were only informal, and the full power of the prince of Monaco lasted until 1911[23]. The current constitution was adopted in 1962.

The constitution of 1911 largely shaped the systemic role of the head of state not for the next half a century (i.e. until the present constitution was adopted), but for the next over 100 years. The analysis of the systemic solutions of the constitution of 1962 confirms this statement. The Constitution of 1911 deals, in a slightly limited form, with the very institution of the head of state, which is vested with all state power, not reserved to other organs, and - which should be clearly stipulated - the constitution does not formulate this principle *expressis verbis*. As for the division of powers, the legislative power was to be held by the prince and the parliament (the National Council - *Conseil national*), and the executive by the Prime Minister (or Minister of State – *Ministre d'État*) supported by the Governmental Council (*Conseil de Gouvernement*) under the authority of the prince. The judiciary power did not undergo a radical change, as the constitution explicitly stated that "no changes are made to the existing judicial organization of the Principality, enshrined in the ordinance of May 18, 1909" (Article 57). However, one cannot fail to mention the establishment of the Supreme Court, which was granted the right to adjudicate in cases of violations of the rights and freedoms of an individual[24].

The organization and functioning of the government was defined in just 4 articles of the constitution. The Minister of State was granted the right to represent the prince, to administer public authority, to direct the judicial service, and to preside over two organs with a decisive vote: the Governmental Council and the Council of State. Additionally, he was given the duty of special responsibility for the foreign relations of the Principality. The Constitution defined the composition of the Governmental Council, indicating that it was required to appoint

[23] G. Grinda, *La principauté de Monaco*, Paris 2009, p. 107, p. 238.
[24] The court was to consist of 5 members appointed by the prince after presenting the candidacies (these were to be presented, inter alia, by the parliament and courts of various instances).

3 counselors: of internal affairs, finances, public works and various matters. At the same time, it was indicated that the monarch had the right to establish subsidiary organs.

As part of the Council of State - the body appointed to prepare draft legal acts (including the draft budget) to be submitted to the monarch - sat the said head of government (who chaired this body *ex officio*), the secretary of state, all 3 government counselors, the president of the Court Appellate and Attorney General. It is worth noting that there is no representative of the parliament here. Moving on to parliament, apart from the already mentioned issue of granting legislative power to the parliament and the head of state, it is worth pointing to one of the most glaring manifestations of the lack of empowerment of the parliament under the Monaco regime in 1911: the National Council was headed by the chairman (he was replaced by the vice-chairman, who together with the chairman were to create a chamber office) nominated for a one-year term by the prince from among the deputies. This radically differs from the modern principles of the autonomy of the parliament, the chairman of which should be appointed (elected) by this body. In addition, the rules of the chamber, if adopted by deputies, were subject to approval by the head of state, which also clearly violated the principle of parliamentary autonomy.

Regarding the position of the government in relation to the parliament, the constitution indicated that government councilors had to be heard by the parliament when they asked for it. The monarch could dissolve the parliament by calling early elections only as a result of his own decision, which had to be preceded by a non-binding opinion of the Council of State, the composition of which depended mostly on the monarch. In addition, the monarch communicated with the parliament by means of messages that were read by the Minister of State. Thus, the head of government was a kind of institutional link between the parliament and the head of state.

Parliament did not have a monopoly on legislation. Moreover: the monopoly on initiating the legislative procedure was held by the prince, who had the right to initiate and sanction bills, thus he stood at the beginning and at the end of the legislative procedure, which clearly meant that no legal act could enter into force without the prince's consent. It is true that the deputies were granted the right to propose bills, but it was only the prince who decided whether he would submit such a proposal to the parliament in the form of a bill. What's more: if the relevant bill was submitted to parliament, and the deputies introduced changes to the bill that the monarch would not accept, the head of state might simply not sign the bill.

One of the few elements of parliamentary empowerment under the Monaco regime of 1911 was the granting of the parliament the right to approve the draft budget. Even in this case, the lack of parliamentary consent to the draft budget resulted in the monarch managing its shape based on the data from the previous year.

Finally, it is worth mentioning the role of the Minister of State in relation to local government institutions. The constitution of 1911 divided the territory of the Principality into 3 communes. It granted the Minister of State the right to initiate (and consent to) extraordinary sessions of the municipal council. In addition, he could dissolve this body (after consulting the Council of State), and also object to the notification of the commune council meeting. The Minister of State had the right to approve the commune's expenses submitted to him by the mayor. He also had supervisory tools in relation to the commune authorities (including the suspension of the mayor and his deputy). Thus, the very strong political position of the Minister of State in relations with local government authorities should be emphasized.

When analyzing the provisions of the constitution of 1911, it is clearly visible how an enormous role was played by the monarch and, to a limited extent, the Minister of State, who was dependent on him. The

composition of the government depended solely on the decision of the head of state, and not at least a compromise with the elected parliament (not to mention the parliament's monopoly on appointing, for example, the head of government). Finally, attention should be paid to the speaker of parliament who is the subject of this study. His position was radically marginal not only because of the very limited position of the parliament, but also the procedure for electing the speaker himself, who was not elected by the representative body, but without having to be guided by any criteria - the monarch himself.

The constitution has been amended several times. From the point of view of this study, the most important change was introduced in 1917, when the role of the Minister of State was limited. Thus, the head of government became more *primus inter pares* within the government than the "deputy prince in the state". In addition, the conduct of foreign affairs of the Principality, for which the head of government was responsible, was to be specified in the monarch's act, which clearly limited the already small freedom of action of the Minister of State.

Another major change in the political system was brought about by the adoption of the presently binding constitution in 1962, which was an attempt to resolve the political conflict at the turn of the 1950s and 1960s between the monarch and parliamentarians. However, this act should not be treated as radically changing the balance of power and political positions. The constitution reaffirmed that legislative power rested with the parliament and the prince. As for the executive power, the constitution indicated the prince as the only guardian, and entrusted the judiciary power to courts and tribunals. While the previous constitution did not mention the powers of the monarch (thus placing in the prince's domain all matter not reserved for other entities), the one from 1962 indicated that the monarch was obliged to act in accordance with the constitution, and also specified the rules of succession quite precisely indicating that the issue of the regency is determined by the provisions of the statute of the princely family. It is worth pointing to the monarch's extensive powers in the field of foreign policy. The monarch was to represent the Principality in relations with foreign powers and to sign and ratify treaties and submit them to parliament; in the case of ratification, it was necessary to consult the Crown Council, and in the case of treaties concerning the constitutional organization, the consent of the parliament was additionally required. The monarch retained the right of grace and amnesty, as well as the right to naturalization and reintegration of nationality (in this case, the opinion of the Crown Council was also required. The head of state grants orders, titles and other decorations.

As for the systemic position of the government and the Minister of State, in Art. 43 provides for a solution that appeared in the previous constitution: Government is exercised, under the high authority of the Prince, by a Minister of State, assisted by a Council of Government. The Minister of State was explicitly given the right to represent the head of state. In addition, he was given responsibility for executive services and the disposition of public authority. Within the Governmental Council, he was granted the right to grant a deciding vote, should a vote take place. In addition, the monarch has been given a special role in the relationship between the Governmental Council and the head of state: some government acts are presented by the Minister of State to the monarch for approval[25]. It is the signature of the head of state that makes a given act valid.

It is worth pointing out that the constitution grants the monarch a right to object to the protocol after the deliberations of the Governmental Council, and in turn clearly indicate that both the Minister of State and other

[25] It is worth noting that the constitution enumerates matters that are not subject to this procedure (Articles 46 and 47).

members of the government are responsible to the head of state for the administration of the Principality. At the same time, it should be noted that while the previous constitution clearly indicated the matters of individual government departments and the number of cabinet members, the current constitution does not do it any more. Similarly, the constitution regulates the position of the Council of State, as it does not indicate the number of members of this body or the manner of appointing it, which was the case in the previous constitution. As for the parliament, the constitution clearly emphasizes the right of deputies to elect the chairman of this body, which is an obvious change compared to the provisions of 1911. The formula for the election of the chairman and the vice-chairman for annual terms remains. The issue of the rules of the chamber was also removed from the monarch's authority, who cannot raise any objections to it[26]. At the same time, the formula of messages used by the monarch to communicate with the parliament through the Minister of State, who reads them at the forum of the National Council, was maintained. The right of members of the government to be heard by parliamentarians was also left, should ministers so wish.

In terms of legislation, no major changes were made, as it was still the monarch who had a formal monopoly on initiating legislative proceedings (deputies could only ask the monarch to submit a bill) and he stood at the end of the legislative procedure, granting or refusing to grant sanctions to laws passed by parliament. Thus, the enactment of the law required the agreement of the common will of the parliament and the head of state. There have also been no radical changes as far as the adoption of the budget is concerned. It is true that the provisions regulating this issue were extended, but the final opinion on this issue was still in the hands of the head of state. Finally, it is worth mentioning that the National Council established its agenda, which it had to submit to the Minister of State in advance. Additionally, at the request of the Government, at least one of the two sessions had to be devoted to discussing the bills proposed by the head of state.

The monarch also decided on his own to dissolve the parliament. The only difference compared to the solutions from 1911 was the change of the body that had to issue an opinion on this matter: from the Council of State to the Crown Council. It did not matter much, as the organ was under the influence of the monarch. The seven-person Crown Council in the case of 4 members (including the chairman) was cast independently by the prince, and the remaining 3 by the parliament, which already clearly indicated the advantage of the head of state in relations with the parliament. The authority was to be asked for opinions on the following issues: conclusion of international treaties, dissolution of parliament, applications for naturalization and restoration of citizenship, pardon and amnesty. At the same time, it should be clearly noted that the constitution did not oblige the prince to act in accordance with these councils.

As far as the relationship between the government and the commune is concerned, it is worth noting that many of the solutions from the previous constitution were repeated. Still, the Minister of State could request or consent to an extraordinary meeting of the commune's decision-making body. This body could be dissolved by the government (after consulting the Council of State), and the Minister of State had the right to object to the decisions made by the commune body.

In the constitution of 1962, the chapter on the judiciary was clearly expanded, granting the Supreme Court the right to consider the constitutionality of parliamentary regulations, as mentioned earlier. The manner of filling this five-person body was also recorded: two members were appointed by the appropriate courts, and one

[26] However, it is subject to review by the Supreme Court, which rules on its compliance with constitutional provisions and, where applicable, with statutory provisions.

each: the Council of State, the Crown Council and the parliament. It is worth noting that the monarch's right of veto was left with regard to all candidacies, which meant that in the event of the prince's disagreement with a given candidature, the authority had to present a new candidate to the head of state.

A very important change to the constitution was adopted in 2002, when Monaco tried to join the Council of Europe. At that time, it was noticed how many changes should be made within the structure of the Principality to make it meet the requirements of a democratic state, which are the fundamental criterion of the member state of this organization. The second reason for adopting the amendment to the constitution was the new neighborhood treaty, under which the principles of institutional cooperation were agreed. Ultimately, the 2002 amendment changed 15 articles of the constitution concerning: succession to the throne and regency, ratification of international treaties and agreements, citizenship, freedom of association, property rights, issuing rulers' orders, defining the category of persons who have the right to vote, summoning parliamentary sessions, legislative procedure , budget approval, local elections and local government organization[27]. Apart from the issues that are not the subject of this study, the following changes should be noted:

- in terms of concluding treaties - the position of the parliament was strengthened by delineating the subject matter of the treaties, which requires the support of the parliament from the monarch (passing a law); the monarch must submit to parliament the treaties to be ratified before ratification; additionally, the government was obliged to submit an annual government report on foreign policy;
- with regard to issuing rulers' orders - the list of acts that do not require consideration by the government has been extended;
- with regard to passing laws - the parliament was granted the right to submit legislative proposals.

It might seem that the above list of changes would require adopting a position according to which the role of the head of state and the head of government in relation to the parliament has been significantly limited. Such a conclusion, however, would be wrong, because in the event of passing laws, the parliament would still not be able to push through a legal act that is not supported by the head of state (including amendments to the constitution).

Finally, moving on to the topic of the following study, it is worth paying attention to an important, although not fundamental, change that took place in 1962, when the chairman was no longer selected from among the deputies by the monarch, but was subject to the election of the parliamentarians themselves. There can be no doubt that in the triangle: head of state-head of government-chairman of parliament, the latter has the least powers and thus - mainly (though not exclusively) due to the very weak political position of the parliament, he has little to play on the political scene. When pointing to the relationship between the head of government and the head of state, there is no doubt that there is a radical inequality here, which has its origin in the very relationship of appointing the Minister of State, who is appointed independently by the head of state, regardless of the results of parliamentary elections.

San Marino

San Marino claims to be the world's longest-standing, uninterrupted republic and dates its statehood to the year of 301, when Saint Marinus was to found a religious community on the top of Monte Titano, where, according to legends, it was supposed to hide from the then persecutors of Christians. The state community

[27] M. Łukaszewski, *Lazurowe księstwo. Współczesny system polityczny Monako*, Poznań 2016, s. 39.

underwent many changes, but unlike Andorra and Monaco, these changes were not radical only in the last several dozen years, but mainly during the Middle Ages. It was then that political institutions such as *Arengo* (a community of heads of families authorized to make decisions important for the community) were to appear, which in time handed over power to the parliament and two consuls. Over time, from these institutions emerged the modern institutions of the Grand General Council (parliament – *Consiglio Grande e Generale*) and Captain-Regents (two-person head of state – *Capitani reggenti*). The contemporary character of these institutions was shaped at the beginning of the 20th century, when the assembly of the heads of families (*Arengo*) was convened, which decided to democratize the parliamentary system.

Finally, it is worth mentioning the very specific structure of the Sammarinese constitution, which consists of acts from 1600 supplemented with norms of customary law and specific constitutional conventions. Sammarinese thus recognize that the Statutes of the community of San Marino are the oldest constitution in the world. Contrary to the popular theory in the literature that the constitution of the Republic is dated 1974, it should be stated that the act adopted by the parliament at that time (Declaration on The Citizens' Rights and Fundamental Principles of San Marino Constitutional Order 1974)[28] was only intended to organize the legal fundamental principles. This act (hereinafter: the Declaration of Rights) was amended and supplemented several times in the following years.

San Marino's political structure is a bit complicated. The head of state is the Captains-Regents, who are the two-person head of state. They are elected by parliament for a term of six months[29] from among its deputies. Direct re-election is forbidden. Parliament (Grand General Council) comes from general election and is headed by Captains-Regents. At the same time, the third body which is the subject of this analysis is the head of government, whose appointment in the San Marino regime gives rise to certain difficulties. Typically, it is indicated that the government of the Republic (Congress of State) is headed by Captains-Regents, who do not, however, play a role similar to that of prime ministers in other European regimes, but are merely coordinators of the government's work. In the last few decades, a very slow but consistent evolution of the formation of the prime minister's institution in the person of one of the ministers - the Secretary of State for Political and Foreign Affairs (*Segretario di Stato per gli Affari Esteri e Politici*) has been noticeable.

Thus, unlike the other three micro-states in San Marino, we will not have to deal with a major system change in the last several dozen years. It is worth pointing out, however, that over the centuries, a change in the nature of the body of the head of state has been noticed: initially it was a more coordinating and judging body, and now it is largely a body that is to be an arbitrator guarding the state order (the head of state) and an institution that is a kind of a keystone in legislative proceedings (the granting of rights is issued by decrees).

Finally, the act of 1974 itself, referring to the institutions constituting the subject of this study (i.e. in fact to one, i.e. Captains-Regents) only sparingly indicated that the Captains-Regents hold the office of the head of state in accordance with the principle of collegiality. At the same time, it granted (and being more correct: confirmed) them the right to issue decrees with the force of law[30] in urgent cases. Despite successive

[28] *Dichiarazione dei diritti dei cittadini e dei principi fondamentali dell'ordinamento sammarinese*.
[29] The term of office begins on October 1 and April 1.
[30] The act required the head of state to consult the government and submit such an act for parliamentary approval within three months.

amendments to the act, no changes were made to the political position of the head of state. It was only the 2002 amendment that made the rules related to the position of the head of state more detailed:

- election method enshrined in other acts was confirmed (election by parliament);
- representing the state (the act clearly stipulates that it is to be done jointly, ie by both Captains-Regents);
- the status of the supreme guarantor of the constitutional order;
- chairing and representing the Grand General Council;
- chairing other state bodies based on other regulations.

In addition, the Captains-Regents were to be regularly informed by the government about state matters. This amendment additionally established a new state body - the constitutional court (*Collegio Garante della costituzionalità delle norme*), one of whose powers was to settle complaints against Captains-Regents after their termination of office. The Captains-Regents finally gained the right to submit applications to the constitutional court for the resolution of a dispute over powers. The most important competences of the head of state was defined in 2005 in the Constitutional Act no. 185. In addition to those typical of presiding over parliament (convening and chairing sittings; announcing the results of voting in the chambers and dissolving them) and the powers of the head of state (admitting diplomatic representatives; awarding decorations and distinctions) the following competences have been confirmed or granted: to ensure the proper conduct of procedures related to the institutions of direct democracy, as well as to set the date of referendum voting and local elections; convening and chairing various types of consultative bodies (including the Council for the Judiciary); consideration of complaints submitted by citizens against the activities of state bodies, offices and public administration agencies. Finally, it is worth paying attention to the competences in relations with the government, which include: coordinating coalition talks leading to the appointment of a government; accepting ministers' resignations and swearing them in; calling government meetings, coordinating its work and signing acts adopted by the Congress of State. This list clearly indicates that the Captains-Regents are a kind of keystone of the system and are to ensure the efficient functioning of the state.

Conclusion

Summing up, it is worth paying attention to the very different political position of the head of state in all four microstates. A common feature of all microstates is the almost complete lack of direct influence of the citizens of these states over who will be the head of state. Almost, because in a limited form, the appointment of the head of state is influenced by the Sammarinese who, through parliamentary elections, have a direct impact on limiting the number of candidates to 60, but the choice of specific people for this position depends solely on the will of the parliament.

The analysis carried out above clearly shows the inequality of the political position of the head of state in European microstates. Undoubtedly, the prince of Monaco has the strongest position before the prince of Liechtenstein (although many times in scientific literature and other sources one can find the opposite to be the case)[31]. On the other hand, in the case of San Marino, the political position of the head of state is moderately

[31] There is no doubt, however, that each of the monarchs have enormous constitutional power.
J. Corbett, W. Weenendaal, *Democracy in Small States. Persiting against all odds*, Oxford University Press, 2018, p. 73.

strong, due to the comparatively strong position of the parliament itself, from which the head of state draws his mandate. A very short term of office, the systemic equality of both Captains-Regents, the prohibition of direct re-election, competences being limited more to coordinating state affairs (and the ceremonial role of the head of state) than to actual governing, do not allow us to state that the Captains-Regents have a very strong political position, and thus themselves, they could compete in a kind of race with the head of state of Liechtenstein or Monaco.

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The researcher's attention may undoubtedly be caught by the specific empowerment of the head of state in Andorra in relation to the negotiation and ratification of international agreements. The extremely strong position of the head of state in this aspect seems to be clearly visible, thus showing that the relatively weakened political position of the head of state under the 1993 constitution does not only fulfill the ceremonial role envisaged for many European monarchs of the Scandinavian or Benelux states. Nevertheless, compared to the heads of state in Liechtenstein and Monaco, it is clear that the head of state plays a relatively small role in the constitutional system. At the same time, one should not forget about the political role which seems to go beyond the constitutional framework for both Co-princes. In this context, it is worth pointing out that, unlike in Liechtenstein and Monaco, in the case of Andorra, the head of state has no influence over who will be the head of government[32]. In the case of Monaco, the monarch is not even elected, and the right to dissolve parliament has not been taken away...

It is also worth paying attention to the possibility of dissolving parliament by the prince in Monaco. This is an important power in the hands of the head of state, as the Venice Commission, paying attention to the reform of the system in Turkey, indicated that in the presidential system (i.e. in a system in which the head of state is elected by citizens (directly or indirectly)), the president does not have as a rule, the right to dissolve parliament, because it would harm the balance of power of the three powers. If we look again at the beginning of the elements of the European standards of the Venice Commission, we can clearly see that the solutions of Monaco, unlike Andorra and San Marino (and even Liechtenstein to some extent), deviate from these standards in a significant way: the parliament may now independently choose its speaker (which should be assessed positively), but already has a very limited right to control the government and its chairman (Minister of State). It also has very limited power to make laws. The principle of "primacy of power rests with the representative and democratically elected body" is fully met in San Marino and Andorra, but in the case of Liechtenstein it is not so clear, and it is not the case of Monaco.

Finally, moving on to the mutual position of the heads of government and parliament, attention is drawn to a very typical system solution in Liechtenstein (despite the fact that the government is accountable both to the parliament and to the prince), where the chairman does not play any special role in the parliament apart from typical tasks such as convening meetings, settling ties in voting, swearing in of deputies who did not appear at

[32] *Compilation of Venice Commission opinions and reports concerning separation of powers, endorsed by the Venice Commission at its 124th Plenary Session (8-9 October 2020)*, CDL-PI(2020)012-e, p. 9.

the first session of parliament. The situation is somewhat different in Andorra, where the *sindic general* plays a very important role and he could be called a *quasi*-deputy prime minister who has the right to replace the head of government when he cannot countersign the act of the head of state. In the case of Monaco, the situation is exceptional in that the head of government is in no way accountable to parliament. Due to the fact that as a result of parliamentary elections no government majority is formed within the parliament (because the duration of the given people in ministerial positions does not depend on the support of the parliament, but on the trust of the head of state), the elections lose a lot of rivalry. At the same time, the practice of organizing election campaigns in Monaco makes it possible to notice the rivalry - somewhat contrary to what has been written above - personal. Since the two main political parties do not have major program differences, in practice voters cast their votes guided by their sympathy for the people at the top of the list. Thus, the election is won by the party leader, who would certainly become prime minister in the parliamentary regime, but due to the structure of the constitutional system in Monaco, he can become "only" chairman of the parliament.

Finally, we should move on to the issue raised in the introduction, i.e. the evolution of the political position of the three state organs and their mutual relations. Andorra draws attention, where we dealt with a very small number and level of changes lasting for several centuries, only to deprive the *sindic general* of the right to execute parliamentary resolutions at the end of the 20th century, the final solution of which was the adoption of the constitution in 1993 and the actual empowerment of the parliament and the government. Finally, it is impossible not to mention the very strong political position of the speaker of parliament under the rule of the actual basic law. The constitution clearly limited the political position of the head of state and raised the rank of the head of government.

In the case of Liechtenstein, there is a certain degree of stability in the case of the speaker of parliament, who for decades was greatly influenced by the head of state. Only the current constitution has led to its actual empowerment. Thus, it should be emphasized that the current political position of the speaker of parliament does not differ from those that we can encounter in other parliamentary democracies. The prince's strong political position is noteworthy, which has an impact on the composition of the government and which may lead to his resignation even if the elected parliament still trusts him. On the one hand, the position of the prime minister is a derivative of the result of the parliamentary elections and support in the *Landtag*, but on the other hand, the prime minister is also the prince's representative, whom he must inform about state matters and whom the prince himself may commission to speak on behalf of the head of state.

With regard to Monaco, there is a noticeable evolution in the political position of the speaker of the parliament, who was initially a deputy appointed by the monarch to chair the chamber's sessions, and in the current legal regime is already autonomously elected by the National Council. However, this must not lead to the conclusion that the constitutional position of the speaker of parliament is comparable to its counterparts in other democratic countries. Such a conclusion cannot be drawn, inter alia, due to the very limited role of the parliament in the Principality of Monaco. However, the systemic position of the head of government remains a certain phenomenon, as he is one of the few European prime ministers without the legitimacy to rule with the support of parliament and / or voters, but only with the support of the head of state (which, incidentally, also does not come from elections). It should also be noted that there have been no major changes in the political position of the head of government in the course of successive constitutions of Monaco.

In the case of San Marino, it is difficult to talk about any evolution towards the democratization of the system in the last several dozen years in relation to the three bodies that are the subject of this study, because they all gather in one institution - Captains-Regents. There are many indications that in the near future the institution of the prime minister may be permanently established in the person of one of the ministers, which seems to be a natural consequence of the conduct of foreign policy by the San Marino authorities: while the Captains-Regents may act as head of state, they cannot fully represent the government, which may have a different party affiliation than the heads of state. This difference may lead to the establishment of the prime minister's institution.

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