

**Legal opinion on the project of the creation of the
Sovereign State the Romanov Empire, in free
association with The Gambia**

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of the Romanov Empire**

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The present legal opinion is prepared by the decree of His Imperial Majesty Nicholas III, By the Grace of God, Emperor of the Romanov Empire, the Governing Senate (Parliament) and the Ministry of Foreign Affairs of the Romanov Empire, and is a response to the proposal of the Arch-Chancellor of the Romanov Empire on the establishment of a federal monarchy, the Romanov Empire, which is in free association with The Gambia.

This proposal was also approved by the Government and the Parliament of The Gambia during their talks with the delegation of the Romanov Empire in September 2015. The essence of the project is to create an inherited Romanov Empire headed by the ruling Romanov dynasty, represented by the present Emperor Nicholas III, in the form of a new state on the territory of The Gambia.

The Gambia is a state on the Atlantic Ocean coast of Africa with a territory of 10,689 square kilometers and a population of 1,882 thousand people. The Gambia is a fully sovereign independent state. It pursues an independent foreign and domestic policy, is a full member of the UN, the Economic Community of West African States (ECOWAS) and other international organizations. The Gambia is a democratic constitutional state, headed by the President.

The project proposed by the Arch-Chancellor involves the signing of an already agreed upon text of the compact of free association between The Gambia and Romanov Empire, defining the boundaries of the territory and authority of Romanov Empire. Thus, the main tasks of the Governing Senate (Parliament) and the Ministry of Foreign Affairs in the preparation of this opinion are: the study of the international law governing the establishment and functioning of associated States, precedents of functioning of federal monarchies and the possibility of applying the existing legislation of the Romanov Empire.

Part I. Features of international law governing the establishment and operation of associated States

An associated state is a rather new and not too popular form of an administrative unit. The first historically fixed treaty of association between a main country and its

satellite was simply called an agreement of a customs union and was concluded between France and Monaco as long ago as 1865. This treaty was a huge breakthrough in the theory of state and law, because the relationship was based on a certain agreement, which proved to be fairly promising and forestalled the global changes in international law, putting the colonial empires and protectorates beyond the law.

The term "free associated state" appeared only in 1952 in course of the adoption of the constitution of Puerto Rico, ratified by the Congress of the USA. The official constitutional name of the new administrative unit in Spanish was Estado Libre Asociado de Puerto Rico. And despite its formal English name Commonwealth of Puerto Rico, it is exactly the term "free associated state" which took roots in the international practice.

At the same time Puerto Rico can not be called a classical free associated state, because the association treaty between it and the USA has not yet been concluded. Juridically the USA were ready to conclude the classical treaties of a free association only by 1986, when the treaties with the Federal States of Micronesia and the Marshall Islands, and later in 1994 with Palau were signed.

It is quite interesting that the Northern Mariana Islands rejected its formal treaty with the USA and got the association status, following the example of Puerto Rico, and finally adopted its own constitution in 1978.

Thereby, it is evident, that there are two ways to create an associated state:

1. A treaty is concluded between a main state and a satellite. Furthermore, several treaties can be signed in the course of decades, like between Italy and San Marino.
2. The adoption of a constitution, declaring the association status by a "minor state"

with its following ratification by the "main state". Herewith, only one precedent is known when the changes were introduced in the constitution of a "main state" - it was France in regard to New Caledonia. It's not a usual practice and moreover, it was France together with Spain, which renounced their Andorra's protectorate rights in 1993 and signed a treaty with it in such a way, that no amendments were made in their constitution.

Out of 21 administrative units, possessing these or the other signs of a free associated state, 13 states were created by the first method, and 8 by the second one. Along with this, many states have an associated status in order not to be recognized as colonial estates according to the Principle VI of the Resolution of the United Nations General Assembly 1541(XV) of 15.12.1960.

At the same time associated states demonstrate extreme legislative diversity, and their status is not actually regulated by international law. Thus, it is convincingly proven that associated minors do not cause any serious problems to the world community. Seven of them (one third) are monarchies, the rest are democratic republics.

Currently there are five administrative units which have a formal status of a free associated state according to a treaty:

Minor partner	Associated with	Level of association
Cook Islands	New Zealand, since 1965	New Zealand acts on behalf of the Cook Islands in foreign affairs and defence issues, but only when requested to do so by the Cook Islands Government and with its advice and consent.

Marshall Islands	United States, since 1986	The United States provide defence, funding grants and access to U.S. social services for citizens of these areas under the Compact of Free Association.
Federated States of Micronesia	United States, since 1986	The United States provide defence, funding grants and access to U.S. social services for citizens of these areas under the Compact of Free Association.
Niue	New Zealand, since 1974	New Zealand acts on behalf of Niue in foreign affairs and defence issues, but only when requested so by the Niue Government and with its advice and consent.
Palau	United States, since 1994	The United States provide defence, funding grants and access to U.S. social services for citizens of these areas under the Compact of Free Association.

8 other administrative units have the same treaties, despite the fact that the term “free associated state” is not being used:

Minor partner	Associated with	Level of association
Andorra	Spain, France, since 1993	Responsibility for defending Andorra rests with Spain and France.
Kiribati	Australia and New Zealand	Kiribati has no military. National defense is provided by Australia and New Zealand.

Liechtenstein	Switzerland, since 1923	Although the head of state represents Liechtenstein in its international relations, Switzerland has taken responsibility for much of Liechtenstein's diplomatic relations. Liechtenstein has no military defence.
Monaco	France, since 1865	France has agreed to defend the independence and sovereignty of Monaco, while the Monegasque Government has agreed to exercise its sovereign rights in conformity with French interests.
Nauru	Australia, since 1968	Nauru has no military. Australia informally takes responsibility for its defence.
Samoa	New Zealand	Samoa has no regular military. New Zealand provides defense under an informal agreement.
San Marino	Italy	Responsibility for defending San Marino rests with Italy.
Vatican City	Italy, since 1929	Italy has agreed to defend the independence and sovereignty of Holy See.

There are 8 similar administrative units, made by the way of adoption of their constitution with the following ratification of these documents, containing the signs of an associated state, by the main association partner:

Minor partner	Associated with	Level of association
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Puerto Rico	United States, since 1952	The United States provide defence, funding grants and access to U.S. social services for citizens of these areas. Insular areas are, however, afforded limited representation in the House by a Delegate who may vote in committee but not on the House floor.
Northern Mariana Islands	United States, since 1978	The United States provide defence, funding grants and access to U.S. social services for citizens of these areas. Insular areas are, however, afforded limited representation in the House by a Delegate who may vote in committee but not on the House floor.
Aruba	Netherlands, since 1985	The Netherlands provide independence; defence, foreign relations; Netherlands nationality; regulation of the orders of chivalry, the flag and the coat of arms of the Kingdom; regulation of the nationality of vessels and the standards required for the safety and navigation of seagoing vessels flying the flag of the Kingdom, with the exception of sailing ships; supervision of the general rules governing the admission and expulsion of Netherlands nationals and aliens; extradition.
Curaçao	Netherlands, since 2010	The Netherlands provide independence; defence, foreign relations; Netherlands nationality; regulation of the orders of chivalry, the flag and the coat of arms of the Kingdom; regulation of the nationality of vessels and the standards required for the safety and navigation of seagoing vessels flying the flag of the Kingdom.

Sint Maarten	Netherlands, since 2010	The Netherlands provide independence; defence, foreign relations; Netherlands nationality; regulation of the orders of chivalry, the flag and the coat of arms of the Kingdom; regulation of the nationality of vessels and the standards required for the safety and navigation of seagoing vessels flying the flag of the Kingdom, with the exception of sailing ships; extradition.
New Caledonia	France, since 1999	France provides independence; defence, foreign relations.
Macau	China, since 1999	China provides defence, foreign relations; nationality; immigration.
Hong Kong	China, since 1997	China provides defence, foreign relations; nationality; immigration.

Out of 21 administrative units, having certain signs of an associated state, 12 are independently participating in international relationships. It should be specified that out of all the states, which have concluded a treaty with the main patron state, only Niue rejected its own international relationship right, that obviously is connected either with its remote location or small population. Niue has only 1600 inhabitants.

The territory of an associated state is a part of an indivisible territory of a main state. One can draw this conclusion relying on the analysis of the constitutions of France and Italy, including the thesis of their indivisibility. Herewith, the constitution council of France adopted the resolution that no constitutional amendments are required in case of an associated state creation, and the constitution of Italy directly proclaims in its Article 7 that the alteration of Vatican status does not influence the indivisibility of Italy and does not cause the changes of the constitution of the country.

Only 7 of the associated states (one third) are economically significant and can be considered to a certain extent free economic zones

Part 2. Precedents of functioning of federal monarchies

The history of the federal monarchy, obviously, has to begin with the coronation of the ancestor of Emperor Nicholas III – Charlemagne, Emperor of the West in 800 AD. At the same time, we decided to limit ourselves to examples much closer to us from a historical point of view. Between the Peace of Westphalia in 1648AD and the Napoleonic wars 8 Prince-Electors, 37 spiritual princes, 61 secular princes and 51 imperial cities peacefully coexisted on the territory of the Holy Roman Empire - without taking the numerous autonomous counties, abbeys, and even free villages into consideration. Ultimately, before 1918 the German Empire included 4 kingdoms, 3 free cities, 6 grand duchies, 6 duchies and 7 principalities.

Moreover, these forms of government were revived at the end of the 20th century.

For example the United Arab Emirates – a federal state of seven emirates, the absolute monarchies Abu Dhabi, Ajman, Dubai, Ras al-Khaimah, Umm al-Quwain and Fujairah Sharjah. Their union is headed by the president of the United Arab Emirates, who is the Emir of the largest Emirate Abu Dhabi. The Emir of Dubai is a hereditary head of the government of the UAE and the Emir of Sharjah is a hereditary minister of foreign affairs. All of them, as well as the members of their families are inviolable and do not have to hold elections and pay taxes.

Also interesting is the experience of Malaysia, which is basically a Federation in the form of a state-territorial organization, composed of 13 States and two federal territories. In Chapter 9 of the Federal Constitution, the Malay States are hereditary constitutional monarchies (the heads of the States of Kedah, Johor, Kelantan, Pahang, Perak, Selangor and Terengganu are Sultans, in the State of Negeri Sembilan - a great ruler and in the State of Perlis- a Raja). Hereditary rulers form the Council of State governors and elect from among its members for a term of 5 years, the Supreme

Ruler i.e. constitutional monarch mainly performs the functions of the President. According to the Constitution, the Monarchs of the States are given immunity. No legal proceedings can be initiated in court against the Ruler of the State.

Part 3: The current legislation of the Romanov Empire

In order to realize the plan for the establishment of Romanov Empire "The Law on the Imperial Nobility" was adopted by the Governing Senate on November 11, 2015 and was signed by the Emperor on December 19, 2015. It came into force in connection with its publication on January 11, 2016

Conclusions:

1. The right to form an associated state does not belong only to large countries such as the US, China, France and Italy. In recent years it was used by smaller countries, such as Australia, the Netherlands, Switzerland and New Zealand. Signing the agreement with The Gambia, a full-fledged member of the international community, does not contradict the norms of international law.
2. Creation of the Associated States does not require changes of the Constitution of The Gambia and the Imperial legislation.
3. The signing of the compact between The Gambia and Romanov Empire does not require the approval of any international organization (the UN, the Commonwealth, the ECOWAS or any other).