



“La Costituzione del Liechtenstein nel diritto pubblico comparato.
In occasione dei 100 anni dell’approvazione della Costituzione del 1921”
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Article 4 para 2 LV – its placement in the historical context and in the systematics of the Constitution of the Principality of Liechtenstein

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- 1699 Prince Johann Adam Andreas purchases the Domain of Schellenberg from the Count of Hohenems.
- 1712 Prince Johann Adam Andreas purchases the Earldom of Vaduz from the Count of Hohenems.
- 1719 Vaduz and Schellenberg become the Imperial Principality of Liechtenstein.
- 1806 Inclusion in the Confederation of the Rhine: Liechtenstein becomes a sovereign state.
- 1862 § 1 KonV (*Konstitutionelle Verfassung*): Confirmation that the territory of the State belongs to the State itself. The territory of the State is independent of its Head of State. Neither the Head of State nor the Princely House may dispose of it, even in the Law on the Princely House.
- 1921 Article 1 LV repeats § 1 KonV literally: Continuation of the union of the two landscapes, the sovereignty in existence since 1806 and the linkage of the territory to the State confirmed in 1862.

1921-2003 (and unchanged today)

- Two regions (*Landschaften*): The Upper Country (*Oberland*) and the Lower Country (*Unterland*):
 - The regions are neither public corporations nor legal entities.
 - Each region forms a voting district for a vote in Parliament (Article 46 para 1 LV). The National Committee must be composed of two members of the Upper Country and two members of the Lower Country plus the President of the Parliament (Article 72 para 1 LV). Two ministers must originate from the Upper Country and three from the Lower Country, or three from the Upper Country and two from the Lower Country (Article 79 para 5 LV).
 - Beside these articles in the Constitution, the regions are mentioned neither in the Constitution nor in a law.
- Quite often, the municipalities of the Lower Country work together, as do those belonging to the Upper Country. But there are also examples of collaboration of municipalities between the Lower Country and the Upper Country.
- No living apart from each other, no differentiation or friction between the municipalities.

- No disagreements or even disputes between the municipalities (individually or collectively) and the country.
- No desire for greater autonomy on the part of the municipalities.
- If one of the more prosperous municipalities (Vaduz, Schaan) seceded from the country, the future existence of Liechtenstein would be in danger.
 - It is a contradiction to include an article in the Constitution that could put the whole State in great danger.
 - There is a difference between the very small state of Liechtenstein, with its 11 municipalities, and bigger states.

2003

- The decision to change the wording of Article 1 LV and Article 4 para 2 LV was taken by Prince Hans-Adam II.
- Everybody was sure that the new Article 4 para 2 LV would never be applied.
- There were no efforts (neither in 2003 nor later) on the part of Prince Hans-Adam II to change the country to a more federalist state by giving more rights to the regions and/or to the municipalities.
- There was no draft law to show how the municipalities could secede from the union. Even after 2003 no draft was presented.
- Concerning the rights of the regions, see 1921-2003.
- Concerning **the rights of the municipalities**:
 - The right to secede from the union: Article 4 para 2 LV (since 2003)
 - The right to petition to Parliament and the National Committee: Article 42 (unchanged since 1921)
 - Each municipality with at least 300 inhabitants had the right to one member of Parliament (when Parliament was composed of 15 members): Article 46 para 2 (1921-1939)
 - Three municipalities:
 - have the right to convene Parliament: Article 48 para 2 LV (unchanged since 1921)
 - have the right of initiative (to enact, amend or repeal a law): Article 64 para 2 LV (unchanged since 1921)
 - have the right to demand a popular vote on the revision of a law or a new expenditure: Article 66 para 1 LV (unchanged since 1921)
 - Four municipalities:
 - may demand a popular vote on the dissolution of Parliament: Article 48 para 3 LV (unchanged since 1921)
 - have the right of initiative concerning the Constitution: Article 64 para 4 (unchanged since 1921)
 - have the right to demand a popular vote on the revision of the Constitution: Article 66 para 2 LV (unchanged since 1921)
 - have the right to demand a popular vote on assent to an international treaty: Article 66^{bis} para 1 LV (introduced in 1992, unchanged since then)
 - Autonomy of the municipalities: Article 110 LV (unchanged since 1921)
- Article 4 para 2 LV did not strengthen the position of the municipalities.
 - They did not acquire the position of veto player.
 - Article 4 para 2 LV has never been used as an argument in political discussion about the competences of the municipalities.

- Prince Hans-Adam II applied the Constitution of Liechtenstein to send a message to other countries. As he said, he wanted to strengthen the right of self-determination of the Liechtenstein people in international law. He wished to impose a new interpretation of the right of self-determination through new wording of the national Constitution.
 - In March 2001 Prince Hans-Adam II had written: "The majority has interpreted the right to self-determination in such a way that it only applies to groups that differ from their neighbours by race, religion, language or culture. [...] For the Liechtenstein population, this interpretation is a direct threat to their own right to self-determination, because they do not differ from their neighbours in race, religion, language or culture. [...] Only a new interpretation of the right to self-determination at the community level will both secure the Liechtenstein population's right to self-determination in international law in the long term and prevent the oppression of minorities and ethnic cleansing." (Translation by P. Schiess)
- Article 4 para 2 LV was criticised before the new Constitution passed the popular vote.
 - See notably: Venice Commission, Opinion no. 227/2002, CDL-AD (2002) 32:
 - § 36: "This proposed right to secede cannot be seen as the incorporation into the Liechtenstein Constitution of the internationally recognised right of (political) self-determination, [...]."
 - § 39: "From the perspective of an effective functioning of the international community of States, opening the way in the Liechtenstein Constitution for the diminution of an already very small State, and the creation of a new, even smaller State, would seem to be inappropriate and undesirable, [...]."
- One could claim – somewhat exaggeratedly – that this constitutional amendment represents a disposition over the territory of the country, which § 1 KonV of 1862 and Article 1 LV in the 1921 wording wanted to prevent.

Article 1 and Article 4 of the Constitution: 1862 – 1921 – 2003

Article 1 LV (2003) *

1) The Principality of Liechtenstein is a union of two regions with eleven municipalities. The Principality of Liechtenstein shall serve to enable the people within its borders to live together in freedom and peace.

The region of Vaduz (Oberland, Upper Country) consists of the municipalities of Vaduz, Balzers, Planken, Schaan, Triesen and Triesenberg; the region of Schellenberg (Unterland, Lower Country) consists of the municipalities of Eschen, Gamprin, Mauren, Ruggell and Schellenberg.

Article 1 LV (1921) **

1) The Principality of Liechtenstein constitutes, by the union of both its regions, Vaduz and Schellenberg, an indivisible and inalienable whole;
the region of Vaduz (Oberland) consists of the communes of Vaduz, Balzers, Planken, Schaan, Triesen and Triesenberg; the region of Schellenberg (Unterland) consists of the communes of Eschen, Gamprin, Mauren, Ruggell and Schellenberg.

§ 1 KonV (1862) ***

The Principality of Liechtenstein constitutes, by the union of both its regions, Vaduz and Schellenberg, an indivisible and inalienable whole and as such a component of the German Confederation.

Article 4 LV (2003)*

1) The borders of the territory of the State may only be changed by means of a law. Changes to borders between municipalities, the establishment of new municipalities, and the unification of existing municipalities shall additionally require a majority decision of the Liechtenstein citizens eligible to vote who reside there.

2) Individual municipalities shall be entitled to secede from the union. The decision on whether to initiate a secession procedure shall be made by a majority of the Liechtenstein citizens eligible to vote who reside there. Secession shall be regulated by a law or, as the case may be, by an international treaty. If secession is regulated by a treaty, a second vote shall be held in the municipality after the treaty negotiations have been concluded.

Article 4 LV (1921)**

Changes in the boundaries of the territory of the State or of individual communes thereof, the creation of new communes and the union of existing ones may take place only by virtue of a law.

* <https://www.gesetze.li/konso/1921.015>, Translation:

https://www.regierung.li/files/medienarchiv/101_05_02_2021_en.pdf.

** <https://www.gesetze.li/chrono/1921.015>, Translation: Venice Commission in CDL (2002) 145.

*** www.e-archiv.li/D42357.

The municipalities

		Inhabitants (31.12.2020)	Workplaces (full- and part-time jobs) (31.12.2020)	Assets (2020, million CHF)	Equalisation payments received (2020, million CHF)
Balzers	O	4 684	3 543 (8,3%)	139,5	5,4
Eschen	U	4 523	5 245 (12,3%)	118,2	6,9
Gamprin	U	1 686	2 780 (6,5%)	98,0	3,4
Planken	O	483	87 (0,2%)	28,1	2,4
Mauren	U	4 424	2 370 (5,5%)	107,8	6,6
Ruggell	U	2 404	1 992 (4,7%)	69,1	3,0
Schaan	O	6 037	10 081 (23,6%)	415,9	0
Schellenberg	U	1 109	207 (0,5%)	48,4	5,7
Triesen	O	5 330	3 952 (9,2%)	175,2	3,2
Triesenberg	O	2 634	999 (2,3%)	97,7	7,4
Vaduz	O	5 741	11 502 (26,9%)	782,3	0
Oberland	O	24 909	70,5 %	1'638	18,4
Unterland	U	14 146	29,5 %	441	25,7

- Bevölkerungsstatistik, p. 29: <https://www.llv.li/files/as/bevolkerungsstatistik-31-dezember-2020.pdf>
- Beschäftigungsstatistik, p. 12: https://www.llv.li/files/as/i2020_beschaefigungsstatistik.pdf
- Regierung des Fürstentums Liechtenstein, Rechenschaftsbericht 2020, p. 93: https://www.llv.li/files/srk/rb20_rechenschaftsbericht_gesamt.pdf
- See also: *Brunhart, Andreas*, Economic and financial data on Liechtenstein. Data as of 24 June 2021, edited by the Government of the Principality of Liechtenstein, Vaduz 2021, p. 35 <https://www.liechtenstein-institut.li/application/files/3316/3058/6915/Economic-and-financial-data-2021-1-.pdf>

Further reading

About the amendment of the Constitution in 2003

- *Merki, Christoph Maria (ed.)*, Liechtensteins Verfassung 1992-2003. Ein Quellen- und Lesebuch, Zürich 2015
- <https://demokratiebewegung.li/de/die-verfassungsdiskussion>

Online-Kommentar zur liechtensteinischen Verfassung (The online commentary on the Constitution of the Principality of Liechtenstein, edited by the Liechtenstein Institute): <https://verfassung.li/Verfassung.li>

Historisches Lexikon des Fürstentums Liechtenstein online (The online encyclopaedia on history of Liechtenstein, edited by the Liechtenstein Institute): <https://historisches-lexikon.li/>

Wille, Herbert, Die liechtensteinische Staatsordnung. Verfassungsgeschichtliche Grundlagen und oberste Organe, LPS 57, Schaan 2015: <https://www.eliechtensteinensia.li/viewer/image/000451671/1/>

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