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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**CONSTITUTION**

**OF THE PRINCIPALITY OF LIECHTENSTEIN**

**INCORPORATING PROPOSED AMENDMENTS  
BY THE PRINCELY HOUSE**

**AND DETAILING THE AMENDMENTS PROPOSED BY  
THE “CITIZENS’ INITIATIVE FOR CONSTITUTIONAL PEACE”\***

\* The amendments proposed by the Princely House are incorporated into the text of the Constitution and changes are indicated as such. The amendments proposed by the “Citizens’ Initiative for Constitutional Peace” appear as footnotes.

# Constitution of the Principality of Liechtenstein

of 5 October 1921

## Chapter I

### The Principality

#### Art. 1

1) The Principality of Liechtenstein ~~constitutes, by the union of both its regions, Vaduz and Schellenberg, an indivisible and inalienable whole; the~~ **is a state consisting of two regions with eleven communes. It is based upon the principle of enabling the people residing within its borders to live in peace and freedom.** 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.

The purpose of the amendment to Art. 1, para. 1 is to affirm that residence in the Principality of Liechtenstein is voluntary and that the State is not an end in itself but serves to enable its inhabitants to live in peace and freedom (Art. 4).

2) Vaduz is the capital and the seat of ~~the State authorities~~ **the Diet and the Government.**

#### Art. 2

The Principality is a constitutional, hereditary monarchy on a democratic and parliamentary basis (Arts. 79 and 80); the power of the State is inherent in and issues from the Prince Regnant and the People and shall be exercised by both in accordance with the provisions of the present Constitution.

#### Art. 3

The succession to the throne, hereditary in the Princely House of Liechtenstein, the coming-of-age of the Prince Regnant and of the Heir Apparent, as well as any guardianship which may be required, are to be determined by the ~~laws of the Princely House~~ **the Princely House in the form of a Law on the Princely House.**

The Law on the Princely House is a law "*sui generis*". Amendments to it cannot amend the State Constitution or vice versa.

#### Art. 4

**1) Changes in the boundaries of the territory of the State or of individual communes thereof, the creation of new may only be made by a law. Boundary changes between communes and the union of existing ones may take place only by virtue of a law also require a majority decision of the citizens residing there who are entitled to vote.**

**2) Individual communes have the right to secede from the State. A decision to initiate the secession procedure shall be taken by a majority of the citizens residing there who are entitled to vote. Secession shall be regulated by a law or, as the case may be, a treaty. In the latter event, a second ballot shall be held in the commune after the negotiations have been completed.**

Boundary changes must be effected by law. "Citizens residing there" means people who have their ordinary residence in the commune or residents of other communes currently living in the commune concerned. A law can regulate the secession of a commune in general. It would, for example, have to deal with the adaptation of Art. 1 or the division of assets and liabilities between the Principality of Liechtenstein and the seceding commune. If secession is not regulated by an ordinary law, a treaty would have to be concluded either with the seceding commune or, in the event of its not becoming an independent entity and joining another state, a state. Both methods of regulating secession require the assent of the Prince, the Diet and, where appropriate, the people. In the event of the conclusion of a treaty, it would in any event be necessary to hold a second ballot in the commune concerned in addition to obtaining the assent of the Principality of Liechtenstein following the completion of the negotiations.

Art. 5

The coat of arms of the State is that of the Princely House of Liechtenstein; the national colours are blue and red.

Art. 6

The German language is the national and official language.

Chapter II

**The Prince Regnant**

Art. 7

1) The Prince Regnant is the Head of State and shall exercise his sovereign authority in conformity with the provisions of the present Constitution and of the other laws.

2) ~~His person is sacred and inviolable~~ **The Prince Regnant is not subject to the jurisdiction of the courts and does not have legal responsibility. The same applies to any member of the Princely House who exercises the function of head of state in accordance with Art. 13bis.**

The text has been amended to correspond to the normal provisions relating to the immunity of heads of state in monarchies and republics.

Art. 8

1) The Prince Regnant shall represent the State in all its relations with foreign countries, without prejudice to the necessary participation of the responsible Government.

2) Treaties by which national territory is ceded, national property alienated, rights of sovereignty or State prerogatives disposed of, any new burden for the Principality or its

citizens imposed or any obligation to the detriment of the rights of the People of the Principality contracted shall not be valid unless they have received the assent of the Diet.

Art. 9<sup>1</sup>

Every law shall require the sanction of the Prince Regnant in order to acquire validity.

Art. 10<sup>2</sup>

**1)** The Prince Regnant shall take, through the Government, and independently of the Diet, the steps required for the ~~execution and administration~~ **implementation and enforcement** of the laws, and any action required in pursuance of the powers of administration and supervision, and shall issue the requisite ordinances (Art. 92). In urgent cases he shall take the necessary measures for the security and welfare of the State.

**2) Emergency decrees may not set aside the Constitution as a whole or individual provisions of it but may only limit the applicability of individual provisions. Emergency decrees can neither limit every person's right to life, the prohibition of torture and inhuman treatment or the prohibition of slavery and forced labour nor place any restriction on the "no punishment without law" rule. Moreover, the provisions of this article cannot limit the scope of Arts. 3, 13ter and 113. Emergency decrees shall cease to apply six months after they have been issued.**

The Prince can only issue emergency decrees in individual cases, i.e. when there is a current emergency. Emergency decrees must be published in the National Legal Gazette (Landesgesetzblatt, LGBl.). According to Art. 3 (g) of the Promulgation Act (LGBl. 1985/41), they are also subject to the obligation to publish legislation within the meaning of the second paragraph of Arts. 10 to 13. Art. 85 of the Constitution states they must be countersigned by the head of government. If there is no head of government or he/she or his/her deputy is unable to countersign an emergency decree, the oldest Government Councillor shall do so instead (Art. 88). If no member of the Government is authorised to

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<sup>1</sup> Proposal by the "Citizens' Initiative for Constitutional Peace":

**Article 9**

- 1) Every law shall require the sanction of the Prince Regnant in order to acquire validity, subject to the provisions of paragraphs 2) and 3) below.
- 2) Where the Prince Regnant withholds his sanction, or fails to grant his sanction within 30 days after expiry of the statutory period for requesting a referendum (Art. 66), the Diet may decide to hold a referendum on the law in question.
- 3) Where a referendum produces an absolute majority of votes validly cast throughout the country in favour of accepting the law, the latter shall come into force without the sanction of the Prince Regnant.

<sup>2</sup> Proposal by the "Citizens' Initiative for Constitutional Peace":

**Article 10**

- 1) In the event of war or any other state of public emergency threatening the existence of the country and the nation, the Prince Regnant may take the necessary precautions by issuing emergency decrees, which must be countersigned by the Head of Government.
- 2) Emergency decrees shall require the approval of the Diet, or at least of the National Committee, within two weeks from the time of issue, failing which the decrees shall lapse. If the approval is given by the National Committee, as soon as the Diet is recalled it must decide whether such approval shall stand.
- 3) This Constitution may not be amended or repealed by emergency decree. Restrictions of basic rights and freedoms shall be permitted only to the extent that they are permissible under the international agreements by which Liechtenstein is bound.

exercise this office, the Prince can, in urgent cases, take the necessary precautions for the security or welfare of the State.

Emergency decrees are limited in terms of their period of validity and their content. The legal limits laid down by the European Convention on Human Rights with regard to the rights of a state in an emergency are now incorporated into the Constitution. The normal legislative process must be followed if emergency decrees are to be integrated into ordinary legislation.

An emergency decree is a temporary measure and enables neither a provision of the State Constitution nor of the Law on the Princely House to be set aside. It can only limit the applicability of certain constitutional rules. After it has ceased to be valid, the Constitution must once again be fully applicable and no separate order is required for this. When an emergency decree ceases to be in force the impediment to the applicability of the rules concerned is removed *ipso jure*.

The provisions of Art. 3 of the Constitution cannot be limited by an emergency decree as they are regulated by the Law on the Princely House (succession to the throne, Art. 12; the coming of age of the Prince Regnant and the Hereditary Prince, Art. 12; guardianship and regency, Art. 17).

Art. 18 of the Law on the Princely House states: "The Constitution of the Princely House of Liechtenstein can neither be amended nor repealed by the Constitution of the Principality of Liechtenstein". The same applies vice versa.

#### Art. 11

The Prince Regnant shall appoint ~~the State officials~~ **the judges** in conformity with the provisions of the present Constitution (**Art 96**). ~~New permanent official posts may be created only with the assent of the Diet.~~

#### Art. 12

1) The Prince Regnant shall possess the prerogative of remitting, mitigating or commuting sentences which have been legally pronounced, and of quashing prosecutions that have been initiated.

2) Only at the instigation of the Diet shall the Prince Regnant exercise his prerogative of remission or mitigation in favour of a member of the Government sentenced on account of his official acts.

#### Art. 13

1) Every **successor to the throne** shall, before receiving the oath of allegiance, declare upon his Princely honour and dignity in a written proclamation that he will govern the Principality of Liechtenstein in conformity with the Constitution and the other laws, that he will maintain its integrity, and will observe the rights of sovereignty indivisibly and in like manner.

The word "Regierungsnachfolger" (*translator's note: literally successor in government*) has been replaced by "Thronfolger" (*translator's note: successor to the throne, so unchanged in the translation*) in accordance with the general principle of this constitutional revision only to

use the word "Regierung" (government) in connection with the government in the usual sense of the word and not for the Prince. See also Arts. 13bis and 51.

## 2) Annulled

### Art. 13bis

The Prince Regnant may entrust the next Heir Apparent of his House who has attained majority with the exercise of the sovereign powers held by him as his representative should he be temporarily prevented or in preparation for the Succession.

The remarks in respect of Art. 13 also apply to this amendment. See also Art. 51. (*Translator's note: as above, no change in the translation.*)

### Art. 13ter

**Not fewer than 1500 citizens have the right to table a reasoned motion of no confidence against the Prince. The Diet must issue a recommendation on this at its next sitting and order the holding of a referendum in accordance with Art. 66, para. 6. If the motion is accepted in the referendum, it must be communicated to the Prince for consideration under the Law on the Princely House. The Prince must inform the Diet within six months of the decision reached in accordance with the said Law.**

If a motion of no confidence is accepted in a referendum, it is passed to the Prince for consideration. According to Arts. 14 and 15 of the Law on the Princely House, such a motion must be dealt with expeditiously, which means the decision of all the members of the Princely House entitled to vote must be made in such a way that the entire duration of the procedure to be carried out under the Law on the Princely House, including the time taken to inform the body appointed to represent the Liechtenstein people under the Constitution of the Principality, must not exceed six months (Art 16, para. 1 b and Art. 16, para. 2).

If the Prince behaves in a way detrimental to the reputation, honour or welfare of the Princely House or the Principality of Liechtenstein, the Family Council is entitled and obliged to institute disciplinary proceedings against him (Art 14, para. 1 of the Constitution of the Princely House). The Family Council can either issue him with a caution as a disciplinary measure or order his deposition.

A precondition for the deposition of the Prince as a disciplinary measure is either that the caution has not achieved the desired effect because he has failed to discontinue the misconduct he was accused of or that his misconduct was so serious with regard to its nature, extent, duration or consequences that the issue of the caution as a disciplinary measure must be seen to have been clearly insufficient from the outset (Art. 14, para. 2 c of the Law on the Princely House).

The body appointed by the people of Liechtenstein under the Constitution of the Principality (currently the Diet) must be informed of the decision, together with the reasons for it, without delay (Art. 16, para. 2 of the Law on the Princely House).

The Family Council may also depose the Prince at any time after the six-month time-limit has expired.

According to Art. 10, para. 2 of the Law on the Princely House, the Prince is not a member of the Family Council.

### Chapter III

#### **Functions of the State**

##### Art. 14

The supreme function of the State is to promote the general welfare of the People. For this purpose, the State shall provide for the institution and maintenance of law, and for the protection of the religious, moral and economic interests of the People.

##### Art. 15

The State shall devote particular attention to education and schooling. This must be so ordered and administered that, from the co-operation of the family, the school and the Church, the younger generation may be imbued with religious and moral principles and patriotic sentiments and may be fitted for their future occupations.

##### Art. 16

1) The whole field of education and schooling shall be under the supervision of the State, without prejudice to the inviolability of the doctrine of the Church.

2) Education shall be compulsory for all.

3) The State shall ensure that adequate compulsory instruction in the elementary subjects is given free of charge in public schools.

4) Religious instruction shall be given by the Church authorities.

5) All persons with children in their care shall ensure that they receive education of the standard prescribed for public elementary schools.

6) Annulled

7) Annulled

8) Private education shall be permissible provided that it conforms with the legal regulations governing the period of schooling, the educational aims and the arrangements prevailing in the public schools.

##### Art. 17

1) The State shall support and promote education and schooling.

2) It shall provide appropriate scholarships to help children of good intellectual attainments but without financial means attend institutes of higher education.

## Art. 18

The State shall be responsible for the public health system, assist institutions for the care of the sick, and seek by legislation to combat intemperance and to reform alcoholics and work-shy persons.

## Art. 19

1) The State shall safeguard the right to work and shall protect the workers, especially women and young persons employed in commerce and industry.

2) Sundays and public holidays recognized by the State shall be observed as public days of rest, without prejudice to the legal regulations concerning rest on Sundays and public holidays.

## Art. 20

1) To increase employment and to advance its economic interests, the State shall promote and assist agriculture, alpine farming, trade and industry. In particular, it shall promote insurance against damage and injuries to which workers and goods are exposed, and shall take measures to prevent such injuries and damage.

2) It shall pay special attention to the development of the transportation system in accordance with modern requirements.

3) It shall support landslide control measures and afforestation and drainage operations and shall monitor and encourage every endeavour to develop new sources of income.

## Art. 21

The State shall possess sovereign rights over waters in conformity with the laws existing or to be enacted hereafter in this matter. The utilisation and distribution of such waters and flood control measures shall be regulated by law and promoted, with due regard to the development of technology. Rights relating to electricity shall be regulated by law.

## Art. 22

The State shall exercise sovereign rights over hunting, fishing and mining; when legislating on these matters, it shall protect the interests of agriculture and of communal revenues.

## Art. 23

The currency and banking system shall be regulated by the State.

## Art. 24

1) By enacting the necessary legislation, the State shall provide for an equitable system of taxation, which shall exempt from taxation incomes below a minimum standard of living and shall impose heavier burdens on persons in higher wealth or income brackets.

2) The financial situation of the State must be improved to the utmost possible extent and every effort must be made to open up new sources of revenue to meet public needs.

Art. 25

Public poor relief shall be administered by the communes in conformity with specific laws. The State shall be responsible, however, for the supervision of such activities. It may grant appropriate assistance to the communes, especially for the proper care of orphans, the mentally handicapped, persons suffering from incurable diseases and the aged.

Art. 26

The State shall support and promote health, old age, disability and fire insurance schemes.

Art. 27

1) The State shall provide for a rapid procedure for legal actions and the execution thereof, under conditions that will safeguard material rights; it shall also provide for a system of administrative law based on the same principles.

2) The exercise of the professional representation of parties shall be regulated by law.

Chapter IV

**General Rights and Obligations of Citizens of the Principality**

Art. 28

1) Every citizen shall be freely entitled to reside in any locality within the territory of the State and to acquire property of any description, provided that he observes the detailed legal regulations relating to such matters.

2) The domicile rights of aliens shall be determined by treaties or, in their absence, on a basis of reciprocity.

3) Persons staying within the territory of the Principality shall be bound to observe its laws and shall be entitled to the protection afforded by the Constitution and the other laws.

Art. 29

1) All citizens shall be entitled to civic rights in conformity with the provisions of the present Constitution.

2) All citizens who have completed their 18th year, have their normal residence in the Principality and whose right to vote has not been lost may exercise all political rights in matters of State.

Art. 30

The conditions under which citizenship rights may be acquired or forfeited shall be determined by law.

## Art. 31

- 1) All citizens shall be equal before the law. The public offices shall be equally open to them, subject to observance of the legal regulations.
- 2) There shall be equality of rights between the sexes.
- 3) The rights of aliens shall be determined in the first instance by treaties, or, in the absence of such, on the basis of reciprocity.

## Art. 32

- 1) Personal liberty, the immunity of the home and the inviolability of letters and written matter are guaranteed.
- 2) Except in the cases specified in law and in the manner thus prescribed, no person may be arrested or detained in custody, no houses or persons may be searched and no letters or written matter may be examined or seized.
- 3) Persons arrested unlawfully or when demonstrably innocent and those proved innocent after conviction shall be entitled to full compensation from the State as determined by the courts. Whether and to what extent the State has a right of recourse against third parties in such cases shall be regulated by law.

## Art. 33

- 1) Nobody may be deprived of his proper judge; special tribunals may not be instituted.
- 2) Nobody may be threatened with or subjected to penalties other than those provided by the law.
- 3) Accused persons shall have the right of defence in all penal proceedings.

## Art. 34

- 1) The inviolability of private property is guaranteed; confiscation may only take place in such cases as determined by law.
- 2) Copyright shall be regulated by law.

## Art. 35

- 1) Where necessary in the public interest, property of any kind may be compulsorily assigned or subjected to an encumbrance, against appropriate compensation, the amount of which in cases of dispute shall be determined by the courts.
- 2) The procedure for expropriation shall be regulated by law.

## Art. 36

Trade and industry shall be free within the limits prescribed by law; the extent to which exclusive commercial and industrial privileges may be admissible for specified periods of time shall be regulated by law.

Art. 37

1) Freedom of belief and conscience are guaranteed for all persons.

2) The Roman Catholic Church is the State Church and as such enjoys the full protection of the State; other confessions shall be entitled to practise their creeds and to hold religious services to the extent consistent with morality and public order.

Art. 38

The right of ownership and all other proprietary rights of ecclesiastical communities and religious associations in respect of their institutions, foundations and other possessions devoted to worship, education and charity are guaranteed. The administration of Church property in the parishes shall be regulated by a special law; the assent of the Church authorities shall be sought before the said law is promulgated.

Art. 39

The enjoyment of civil and political rights shall not be dependent on religious belief nor may the latter constitute a ground for any dereliction of civil obligations.

Art. 40

Every person shall be entitled to freely express his opinion and to communicate his ideas by word of mouth or in writing, print or pictures within the limits of the law and morality; no censorship may be exercised except in respect of public performances and exhibitions.

Art. 41

The right of free association and assembly is guaranteed within the limits prescribed by law.

Art. 42

The right to petition the Diet and the National Committee is guaranteed; not only individuals whose rights or interests are affected but also communes and corporations are entitled to have their wishes and requests brought before the Diet by a member of that body.

Art. 43

The right of complaint is guaranteed. Any citizen shall be entitled to lodge a complaint regarding any action or procedure on the part of a public authority which is contrary to the Constitution, the law or the official regulations and detrimental to his rights or interests. Such complaint shall be addressed to that authority which is immediately superior to the authority concerned and may, if necessary, be pursued to the highest authority, except when the right of recourse may be barred by a legal restriction. If a complaint thus submitted is rejected by the superior authority, the latter shall be bound to declare to the complaining party the reasons for its decision.

## Art. 44

1) Every man fit to bear arms shall be liable, up to the completion of his 60th year, to serve in the defence of his country in the event of emergency.

2) Apart from this contingency, no armed units may be organised or maintained, except so far as may be necessary for the provision of the police service and the preservation of internal order. Detailed regulations regarding this matter shall be laid down by law.

## Chapter V

**The Diet**

## Art. 45

1) The Diet is the legal organ representing all the citizens of the Principality and as such has the duty of safeguarding and vindicating the rights and interest of the People in relation to the Government in conformity with the provisions of the present Constitution and also of promoting as far as possible the welfare of the Princely House and of the country while faithfully adhering to the principles laid down in this Constitution.

2) The rights appertaining to the Diet may only be exercised in the lawfully constituted assembly of that body.

## Art. 46

1) The Diet shall consist of 25 Representatives who shall be elected by the People by universal, equal, secret and direct suffrage according to the system of proportional representation. The Upper Country (Oberland) and the Lower Country (Unterland) shall each form a constituency. Of the 25 Representatives, 15 shall be elected by the Upper Country and 10 by the Lower Country.

2) In addition to the 25 Representatives, substitutes shall be elected in each constituency. For each three Representatives in a constituency, each electoral group shall have one substitute but if an electoral group has obtained one mandate it shall have at least one substitute.

3) Mandates shall be distributed among electoral groups which have obtained at least eight percent of the valid votes cast in the country as a whole.

4) The members of the Gouvernement and the Courts may not be members of the Diet at the same time.

5) Detailed regulations regarding the conduct of the elections shall be laid down in a special law.

## Art. 47

1) The Representatives shall be elected for four years, provided that the regular elections shall be held in the February or March of the year when the fourth year of their mandate ends. Representatives shall be eligible for reelection.

2) Annulled

Art. 48

1) The Prince Regnant has the right, subject to the exception laid down in the following paragraph, to convene the Diet, to close it, and, on warrantable grounds, which must on each occasion be communicated to the assembled Diet, to prorogue it for three months or to dissolve it. The prorogation, closing or dissolution of the Diet may only be proclaimed before the assembled Diet.

2) In pursuance of a substantiated written request submitted by not less than 1,000 citizens entitled to vote or of a resolution adopted by the communal assemblies of not less than three communes, the Diet must be convened.

3) Subject to the same conditions as in the preceding paragraph, 1,500 citizens entitled to vote or four communes which have adopted resolutions to that effect at their communal assemblies may demand a referendum with regard to the dissolution of the Diet.

Art. 49

1) The regular convocation of the Diet shall be issued at the beginning of every year in the form of a Princely edict, indicating the place, day and hour of the assembly.

2) The sessions of the Diet during the course of the year shall be decreed by its President.

3) When a period of prorogation has expired, a fresh summons convening the Diet shall be issued within one month in the form of a Princely edict.

4) Should a Representative be prevented from attending one or several consecutive sittings, a substitute from his electoral group shall sit and vote in his place.

Art. 50

Should the Diet be dissolved, new elections must take place within six weeks. The newly elected Representatives shall then be summoned to meet within fourteen days.

Art. 51

1) In the case of an accession to the Throne, the Diet shall be convened to an extraordinary session within 30 days for the purpose of receiving the declaration of ~~the successor to the Throne~~ **Prince Regnant** as provided for in Art. 13 and of taking the oath of allegiance.

2) If the Diet has already been dissolved, the new elections shall be expedited so that it may be convened at the latest on the fortieth day after the **accession of the new sovereign**.

The word "Thronwechsel" (*literally "throne change"*) has been replaced by "Thronfolgefall" (*"accession to the throne"*) because in a hereditary monarchy the crown, and therefore the throne, always remain the same and the only change is in the person who heads the state organ that is symbolised by the crown and the throne. *Translator's note: The change in the German wording does not affect the English translation.*

The other changes have been made in accordance with the general principle of this constitutional revision only to use the word "Regierung" (*government*) in connection with the government in the usual sense of the word and not for the Prince. See also Arts. 13 and 13bis.

## Art. 52

1) At its first regularly convened sitting, the Diet shall proceed, under the chairmanship of its oldest member, to the election of a President and a Vice-President from among its members to direct its business for the current year.

2) Annulled

## Art. 53

The Representatives shall be bound to attend in person at the seat of the Government in compliance with the notice of convocation. If a Representative is impeded from attending, he must, on receiving the first notice of convocation, promptly notify the Government and subsequently the President, stating the reasons preventing his attendance. If the impediment is of a permanent nature, a by-election shall be held, if the Representative cannot be replaced by the substitution system.

## Art. 54

1) The Diet shall be opened with due solemnity by the Prince Regnant, in person or by his proxy. All the new members shall swear the following oath to the Prince Regnant or his proxy:

"I hereby swear to observe the State Constitution and the existing laws and to promote in the Diet the welfare of the country, without any ulterior motives, to the best of my ability and conscience. So help me God."

2) Subsequent members of the Diet shall take this oath before the President.

## Art. 55

The Diet shall be closed by the Prince Regnant, in person or by his proxy.

## Art. 56

1) No Representative may be arrested while the Diet is in session without the assent of that body unless he is apprehended in *flagrante delicto*.

2) In the latter case, the arrest and the grounds therefore must be notified forthwith to the Diet, which shall decide whether the arrest is to be sustained. All papers relating to the case must be placed immediately at the disposal of the Diet if it so requests.

3) If a Representative is arrested at a time when the Diet is not in session, the National Committee must be notified forthwith, and informed at the same time of the grounds for the arrest.

Art. 57

1) The members of the Diet shall vote solely according to their oath and their convictions. They shall never be made to answer for their votes; for their utterances at sittings of the Diet or its committees, they shall be responsible to the Diet alone and can never be sued before a court of justice in respect thereof.

2) The exercise of disciplinary powers shall be regulated by rules of procedure to be issued hereafter.

Art. 58

1) For a decision of the Diet to be valid, at least two-thirds of the statutory number of Representatives must be present and it must be adopted by an absolute majority of the members present, except as may otherwise be provided in the present Constitution or in the rules of procedure. The same rules shall apply to elections which the Diet has to undertake.

2) In the event of an equal division of votes, the President shall have the casting vote: for an election, after the third round of voting and in all other cases after the first round.

Art. 59

1) Complaints relating to elections shall be referred to the State Court.

2) The Diet shall adjudicate on the validity of the election of its members and of the election as such on the basis of the election records and, if applicable, of the decision of the State Court (validation procedure).

Art. 60

The Diet shall adopt its rules of procedure by a resolution and with due regard to the provisions of the present Constitution.

Art. 61

Representatives shall receive from the State Treasury a daily allowance and travel expenses as prescribed by law.

Art. 62

In particular, the following matters shall fall within the sphere of activity of the Diet:

- a) participation in the work of legislation in accordance with the Constitution;
- b) participation in the conclusion of treaties (Art. 8);
- c) the establishment of the annual budget and the authorization of taxes and other public dues;
- d) resolutions on credits, pledges and loans chargeable to the State, and the purchase and sale of State property;

- e) the resolution on the annual report furnished annually by the Government on the whole of the State administration;
- f) the submission of suggestions and complaints **and the exercise of control** with regard to the State administration as a whole **(Art. 63)**; ~~and its various branches;~~

As in the case of Art. 63, the Commission proposed that express mention also be made in Art. 62 f) of exercising control over the government as one of the essential tasks of a parliament.

- g) the impeachment of members of the Government before the State Court for breaches of the Constitution or of other laws.

**h) taking a decision on a vote of no confidence against the Government or one of its members.**

A new sub-paragraph (h) should be added to Art. 62 stating that the functions of the Diet include taking a decision on a vote of no confidence against the Government or one of its members (Art. 80).

Art. 63

- 1) The Diet shall have the right of control over the whole of the State administration; it shall exercise this right **inter alia** through an audit committee which it shall elect. **Its right of control extends neither to the judgments of the courts nor the functions assigned to the Prince.**

A strict interpretation of the old wording could lead to the opinion being held that the Diet can only exercise control over the State administration through the audit committee, so the Constitutional Commission proposed clarifying the situation by inserting the words "*inter alia*". In order to make clear the scope of the Diet's right of control within the meaning of the concept of the separation of powers enshrined in the Constitution of the Principality, it appears sensible to make express mention of the activities of the courts and the Prince, which are not subject to such controls.

- 2) The Diet may at any time bring defects or abuses which it has observed in the State administration directly to the notice of the Prince Regnant **or the Government** by the submission of memorials or complaints and to request their redress. The results of the enquiry instituted in respect of such matters and the measures ordered in consequence shall be communicated to the Diet.

This addition corresponds better to the situation today and is particularly sensible in view of the Prince's decision not to appoint civil servants (Art. 11).

- 3) Annulled

- 4) The representative of the Government must be given a hearing and shall be bound to answer interpellations addressed to him by members of the Diet.

Art. 63bis

The Diet has the right to appoint investigational committees. It is obliged to do so when at least one quarter of the number of Representatives fixed by law requests this.

Art. 63ter

The Diet shall have the right to appoint a Finance Commission to which the passing of resolutions on the acquisition or alienation of landed property may also be transferred.

Art. 64

1) The right of initiative with regard to legislation, that is to say, the right of introducing bills, shall appertain to:

- a) the Prince Regnant, in the form of Government bills;
- b) the Diet itself;
- c) citizens with the right to vote, subject to the following provisions.

2) If not less than 1,000 citizens entitled to vote, whose signatures and qualification to vote are duly certified by the authorities of the commune in which they reside, submit a petition in writing or if at least three communes do so in the form of resolutions of the communal assembly in similar terms requesting the enactment, amendment or revocation of a law, such petition must be debated at the next session of the Diet.

3) If a petition from one of the organs referred to under a) to c) above concerns the enactment of a law which has not already been provided for in the present Constitution and the adoption of which would involve public expenditure, whether in a single sum not provided for in the Finance Bill or in payments extending over a longer period, such petition shall only be discussed by the Diet if it is accompanied by proposals for providing the necessary funds.

4) A petition submitted under the right of initiative and concerning the Constitution may only be brought by not less than 1,500 citizens entitled to vote or by at least four communes.

5) Further detailed regulations regarding this popular initiative shall be laid down in a law.

Art. 65<sup>3</sup>

1) Without the participation of the Diet, no law may be issued, amended, or declared to be in force. For a law to become valid, it must in every case receive the assent of the Diet and be sanctioned by the Prince Regnant, countersigned by the responsible Head of the Government or his deputy and promulgated in the National Legal Gazette (Landesgesetzblatt). **If the**

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<sup>3</sup> Proposal by the “Citizens’ Initiative for Constitutional Peace”:

Article 65 (1)

1) No law may be issued, amended, or declared to be in force without the participation of the Diet. For a law to become valid, it must in every case receive the assent of the Diet and be sanctioned by the Prince Regnant (subject to the provisions of Article 9 para. 3), countersigned by the responsible Head of the Government or his deputy and promulgated in the National Legal Gazette (Landesgesetzblatt).

**Prince does not give his assent within six months, it shall be deemed to have been refused.**

The Constitutional Commission has proposed this additional sentence to make the situation clear when the Prince does not give his assent to laws.

2) In addition, a popular vote (referendum) shall be held under the conditions set forth in the following **article**.

The word "paragraph" in the current text originates from the 1862 Constitution. The 1921 Constitution contains the word "article" instead, so the Constitutional Commission proposed amending the new text accordingly. (*Translator's note: there is no change in the translation, in which "article" is already used.*)

Art. 66

1) Every law passed by the Diet which it does not declare to be urgent or any financial resolution which it does not declare urgent, if it involves a new non-recurrent expenditure of not less than 300,000 francs or a new annual expenditure of 150,000 francs, shall be submitted to a referendum if the Diet so decides or if not less than 1,000 citizens with the right to vote or not less than three communes submit a petition to that effect, according to the procedure prescribed in Art. 64, within 30 days of the official publication of the resolution of the Diet.

2) If the issue affects the Constitution as a whole or in part, the demand for a referendum must be made by not less than 1,500 citizens with the right to vote or by not less than four communes.

3) The Diet is authorized to call for a referendum on the adoption of any of the principles embodied in a proposed law.

4) The referendum shall be held by communes; the acceptance or rejection of the resolution on the enactment of the law shall be decided by an absolute majority of the valid votes recorded in the whole of the country.

5) Resolutions on the enactment of laws subject to a referendum shall not be submitted to the Prince Regnant for sanction until the referendum has been held or until the statutory period of thirty days within which a petition for a referendum may be submitted has expired without any such action.

The phrase "nach fruchtlosem Ablauf der für die Stellung des Begehrens" was not contained in the original 1921 Constitution and was subsequently inserted by hand by Government Secretary Ferdinand Nigg (1923-1945). As this is a correction of an editorial error, the Constitutional Commission proposed inserting it in the full version. (*Translator's note: There is no change in the English translation as it already takes account of this correction.*)

6) If the Diet rejects a bill drawn up in due form and accompanied if necessary by proposals for providing the necessary funds and which has been submitted to it through the procedure of the popular initiative (Art. 64 Para. 1 lit. c), the said bill shall be submitted to a referendum. The acceptance of the bill by the citizens entitled to vote shall then have the same force as a resolution of the Diet otherwise necessary for the adoption of a law.

7) Further detailed regulations regarding the referendum shall be issued in the form of a law.

Art. 66bis

1) Any resolution of the Diet concerning assent to a treaty (Art. 8) must be submitted to a referendum if the Diet so decides or if not less than 1,500 citizens with the right to vote or not less than four communes submit a petition to that effect, according to the procedure prescribed in Art. 64, within 30 days of the official publication of the resolution of the Diet.

2) In the referendum, the acceptance or rejection of the resolution by the Diet shall be decided by an absolute majority of the valid votes recorded in the whole of the country.

3) Further detailed regulations regarding the referendum shall be issued in the form of a law.

Art. 67

1) Unless it contains any other stipulation, a law shall come into force on the expiry of eight days after the date of its publication in the National Legal Gazette.

2) The manner and extent of the publication of laws, finance resolutions, treaties, regulations, resolutions of international organizations and of the law applicable by reason of international treaties shall be regulated by law. For the law applicable in Liechtenstein by reason of international treaties, a publication may be arranged in a simplified form, in particular as a reference publication to foreign codes.

3) The legal regulations coming into force in future and applicable to Liechtenstein by reason of the Agreement of 2 May 1992 on the European Economic Area shall be published in an EEA compendium of laws. The manner and extent of the publication in the EEA compendium of laws shall be regulated by law.

Art. 68

1) Without the approval of the Diet, no direct or indirect taxes or any other public dues or general levies, under any designation whatsoever, may be imposed or collected. The fact that this approval has been given must be expressly mentioned in the tax demand notice.

2) The system by which all public taxes and dues are to be apportioned, their incidence on persons and objects, and the manner in which they are to be collected shall also require the approval of the Diet.

3) Taxes and dues shall normally be authorized for the period of one administrative year.

Art. 69

1) With regard to the State administration, the Government shall submit to the Diet for examination and approval preliminary estimates of all expenditures and revenues for the coming administrative year, accompanied by proposals for the taxation which is to be levied.

2) In the first half of each administrative year, the Government shall submit to the Diet an exact statement relating to the preceding administrative year, showing the manner in which

revenues approved and collected were applied to the purposes set forth in the preliminary estimates, with the provision, however, that if the latter have been exceeded on justifiable grounds the Diet must give its approval, and that in the absence of justification the Government shall be answerable.

3) Government shall be entitled, subject to the same conditions as above, to incur expenditure of an urgent character not provided for in the estimates.

4) Economies effected in the case of individual items of the estimates may not be applied to cover excess expenditure for other items.

#### Art. 70

~~The Diet, acting in agreement with the Prince Regnant, shall have control over the assets of the State Treasury.~~ **The Government shall administer the financial assets of the State in accordance with principles which it shall lay down in agreement with the Diet. It shall submit a report to the Diet together with the annual accounts (Art. 69, para. 2).**

The new wording of this article proposed by the Constitutional Commission corresponds better to the situation today.
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### Chapter VI

#### The National Committee

#### Art. 71

The National Committee (Landesausschuss) shall be constituted to act in place of the Diet for any business which requires the participation of the latter or of its committees during the period between the adjournment, closing or dissolution of the Diet and the date of its next meeting, without prejudice, however, to the provisions of Arts. 48 to 51 concerning the time limits for the reconconvocation of the Diet and for the holding of new elections.

#### Art. 72

1) The National Committee shall be composed of the President of the Diet, who shall be represented if unable to attend by his deputy, and of four other members, to be elected by the Diet from its midst, equal consideration being given to the Upper Country (Oberland) and the Lower Country (Unterland).

2) Under all circumstances, the Diet must be enabled to hold this election during the same session at which its prorogation, closing or dissolution is announced.

#### Art. 73

The term of office of the National Committee shall expire when the Diet reconvenes.

#### Art. 74

The National Committee shall have the following special powers and duties:

- a) to ensure that the Constitution is observed, that steps are taken for the execution of the decisions of the Diet, and, if the Diet should have been dissolved or adjourned, that it is reconvened within the prescribed time;
- b) to audit the accounts of the State Treasury and to transmit the same to the Diet, together with its report and proposals;
- c) to append its signature to acknowledgements in respect of debts and securities made out against the State Treasury in pursuance of a previous resolution of the Diet;
- d) to carry out special tasks entrusted to it by the Diet for the preparation of future proceedings of the latter;
- e) in urgent cases, to bring matters to the notice of the Prince Regnant **or the Government**, and to lodge representations, protests or remonstrances in the case of any menace to or violation of constitutional rights;
- f) should the circumstances require it, to propose the convocation of the Diet.

Art. 75

The National Committee may not enter into any permanent obligation on behalf of the Principality and shall be responsible to the Diet for its conduct of affairs.

Art. 76

1) The meetings of the National Committee shall take place as required at the seat of the Government upon convocation by the President.

2) For its decisions to be valid, at least three members must be present.

Art. 77

During the sessions of the National Committee, its members shall receive the same daily allowance and travel expenses as the members of the Diet.

Chapter VII

**The Authorities-The Government**

**A. The Government**

Art. 78

1) Subject to the following provisions of this article, the whole of the national administration shall be conducted by the Collegial Government responsible to the Prince Regnant and the Diet in conformity with the provisions of the present Constitution and the other laws.

2) To be dealt with independently, specific functions may be transferred by law or by legally binding authorizations to certain officials, government offices or special commissions, subject to recourse to the Collegial Government.

3) Special commissions for dealing with complaints may be set up by law to act on behalf of the Collegial Government.

4) For the performance of economic, social and cultural obligations, special corporations, institutions and foundations of public law may be established by legislation and placed under the supervision of the Government.

#### Art. 79

1) The Collegial Government shall consist of the Head of the Government and four Government Councillors.

2) The Head of the Government and the Government Councillors shall be appointed by the Prince Regnant with the concurrence of the Diet and on the proposal of the latter. A substitute shall be appointed in like manner for the Head of the Government and for each Government Councillor to represent the member of the Government in question who may be prevented from attending the meetings of the Collegial Government.

3) On the proposal of the Diet, one of the Government Councillors shall be appointed by the Prince Regnant as the Deputy Head of the Government.

4) The members of the Government must be ~~natives~~ **residents** of Liechtenstein and eligible for the Diet.

Under the present Constitution, various public offices are reserved for natives of Liechtenstein. This rule affects such people as the members of the Government, the President and Deputy Presidents of the Administrative Court and the President and majority of members of the State Court. Corresponding provisions are to be found in Arts. 79, 102 and 105 of the Constitution. In a motion tabled by the Patriotic Union in 1992, the Government was invited to examine whether the Constitution could be amended to allow important offices (ie, the members of the Government, the President and Deputy Presidents of the Administrative Court and the President and majority of members of the State Court) to be open to non-native residents of Liechtenstein. In the Government's opinion, the rule that only natives of Liechtenstein may be appointed to the most important state offices – understandable given the genesis of the present Constitution – is outdated and no longer has the importance it had when the text was originally drafted. On the contrary, the relevant articles of the Constitution contain unjustifiable rules providing for the unequal treatment of native and non-native residents of Liechtenstein. Important public offices should therefore be open not only to natives of Liechtenstein but also all residents of the Principality. This amendment thus also concerns Art. 79, para. 4, Art. 102, para. 1 and Art. 105.

5) When the Collegial Government is appointed, care must be taken that at least two members are chosen from each of the two regions. Their substitutes must be chosen from the same region.

6) The period of office of the Collegial Government shall be four years. Until a new Government is appointed (*translator's note: the change in German here does not affect the English translation*), the previous members shall be responsible for carrying on Government business **unless Art. 80 is applied**.

Art. 80

1) If a member of the Government, through his conduct of affairs, should lose the confidence of the Diet, the latter may request the Prince Regnant to remove the member of the Government in question from his office, without prejudice to its right to bring a charge before the State Court. **If the Government loses the confidence of the Prince Regnant or the Diet, its shall lose its power to exercise its functions. For the period until the new Government comes to office, the Prince shall, in application of the provisions of Art. 79, paras. 1 and 4, appoint an interim Government to carry out the administration of the state (Art. 79, para. 1). After four months at the latest, the interim Government shall submit itself to a vote of confidence in the Diet unless the Prince has previously appointed a new Government on the Diet's recommendation (Art. 79, para. 2).**

After losing the confidence of the Prince or the Diet, the Government cannot continue to exercise its functions. For the period until the new Government enters office, the Prince must appoint a caretaker Government to carry out the entire administration of the state. According to Art. 79, para. 6, the new government would have to be appointed for four years.

2) **If a member of the Government loses the confidence of the Prince Regnant or the Diet, the decision on whether to allow him or her to stay in office shall be taken by the Prince Regnant in agreement with the Diet. Until the new member is appointed, the official duties shall be carried out by his deputy.**

The member's "deputy" is understood to be the member of the Government specified in the organisation chart of the department concerned.

Art. 81

For a decision of the Collegial Government to be valid, at least four members must be present and a majority of those members present must vote in favour. In the event of a tie, the chairman has the casting vote. Voting is compulsory.

Art. 82

The grounds on which a member of the Government may be debarred from the performance of an official act or invited to abstain therefrom shall be laid down in law.

Art. 83

Government business shall be dealt with partly on a collegial basis and partly on a departmental basis.

Art. 84

The Collegial Government shall issue its rules of procedure in the form of a Government regulation.

Art. 85

The Head of the Government shall preside at meetings of the Government, deal with business directly entrusted to him by the Prince Regnant, and countersign the laws and any decrees or ordinances issued by the Prince Regnant or a Regent. At public ceremonies he

shall be accorded the honours prescribed by the regulations for the Representative of the Prince Regnant.

Art. 86

1) The Head of the Government shall submit reports by word of mouth or in writing to the Prince Regnant with regard to matters placed under the authority of the Sovereign.

2) The texts of the decisions adopted by the Sovereign on his proposal shall be signed by the Prince Regnant with his own hand and shall also be countersigned by the Head of the Government.

Art. 87

The Head of the Government shall take his oath of office before the Prince Regnant or the Regent; the other members of the Government and the State officials shall be sworn in by the Head of the Government.

Art. 88

If the Head of the Government should be prevented from attending to his duties, the Deputy Head of the Government shall take over those functions which, according to the Constitution, expressly appertain to the Head of the Government. If the Deputy Head of the Government should also be prevented, the eldest Government Councillor shall take his place.

Art. 89

The Head of the Government shall sign the decrees and orders issued by the Government in pursuance of its decisions taken in council. He shall further exercise direct supervision over the conduct of business in the Government.

Art. 90

1) All important matters assigned to the Government, especially the settlement of administrative disputes, shall be discussed and decided by the Government in council. Certain less important matters may be assigned by law to the appropriate members of the Government in accordance with the distribution of Government business to be dealt with independently.

2) Minutes shall be taken at Government meetings by the Government Secretary, or, if he should be prevented, by a substitute to be appointed by the Collegial Government.

3) The Head of the Government is responsible for executing the decisions of the Collegial Government. Only if he is of the opinion that a decision is contrary to existing laws or regulations may he delay its execution. He must, however, immediately notify the Administrative Court of the matter which, without prejudice to the right of appeal of a party involved, shall determine whether the decision shall be implemented or not. *Translator's note: the word "Verwaltungsbeschwerdeinstanz" has been replaced by "Verwaltungsgerichtshof" (Administrative Court), so there is no change in the English translation.*

Art. 91

At the beginning of each period of office, the Collegial Government shall distribute its business between the Head of the Government and the Government Councillors to prepare the matters to be determined in council and to deal with that business which by law may be treated independently. A system of mutual deputizing shall be arranged for cases of indisposition.

Art. 92

1) The Government shall be responsible for the execution of all laws and of all such tasks as may be lawfully entrusted to it by the Prince Regnant or the Diet. To give effect to the laws, it shall issue the necessary implementation regulations which must, however, remain within the limits of the said laws.

**2) To give effect to the laws and directly applicable treaties, it shall issue the necessary implementation regulations which must, however, remain within the limits of the said laws and directly applicable treaties.**

**3) To meet other treaty obligations, the Government may issue the necessary decrees provided that no new laws are required.**

**4) All organs of the national administration may only act within the limits of the Constitution and the other laws and the provisions of treaties. Even in matters where the law allows the administrative authorities freedom of judgement, the limits imposed thereon by the law must be scrupulously observed.**

The purpose of the additions to paragraphs 2 and 3 is to incorporate the meeting of treaty obligations in the Constitution.
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Art. 93

The following matters in particular shall fall within the sphere of action of the Government:

- a) surveillance over all authorities and officials placed under the Government, and the exercise of disciplinary powers in respect of officials;
- b) the allotment of the staff required for the Government and the other authorities;
- c) supervision of the prisons and of the treatment of persons detained in custody and of convicts;
- d) the administration of buildings belonging to the State;
- e) supervision of the despatch of business by the Princely Court to ensure that it is conducted lawfully and diligently and the notification to the High Court of Appeal of any irregularities observed;
- f) the preparation of the report on its official activities to be submitted annually to the Diet;

- g) the preparation of Government bills for submission to the Diet and the expression of its opinion on proposals submitted to it for that purpose by the Diet;
- h) the deciding of urgent expenditure not provided for in the estimates.

Art. 94

The organization of the administration shall be established by law.

### **B. The National Board of Education**

~~Art. 95~~

~~Annulled~~

~~Art. 96~~

~~Annulled~~

### **Chapter VIII** \*

#### **The Courts**

##### **A. General Provisions**

Art. 95

1) The whole administration of justice shall be carried out in the name of the Prince Regnant **and the people** by responsible judges **appointed by the Prince Regnant (Art. 11)** **The decisions of the judges in the form of judgments shall be delivered and drawn up "in the name of the Prince and the people"**.

The administration of justice is to be carried out in the name of the Prince and the people instead of only on behalf of the Prince, thus emphasising the independence of the courts. *(Translator's note: the expression "im Auftrage" (on behalf of) has been changed to "im Namen" (in the name of). There is no change in the English translation.*

**2) The judges**, within the lawful limits of their powers and when engaged in judicial proceedings, shall, **in the exercise of their judicial office**, be independent ~~of any influence on the part of the Government~~. Their decisions and judgements shall be accompanied by a statement of reasons. **The influence of non-judicial bodies on these decisions and judgements is only permissible to the extent expressly provided for by the Constitution (Art. 12).**

The word "Courts" has been replaced by "judges" to guarantee the independence of individual persons and not only the courts as a whole.

The existing reference to the independence "of any influence on the part of the Government" is too narrow as it leaves open the possibility of influence by the Diet or the Prince. However, it would be incompatible with the separation of powers in a state subject to the rule of law if

\* The structure and the numbering of the articles in this and the following Chapters is changed in the proposal from the Princely House. Only changes of substance, not changes of numbering are indicated.

it were possible, if only "through the back door" owing to a right of supervision, to exert direct influence on judicial decision-making. However, this does not conflict with the prerogative of remitting, mitigating or commuting sentences mentioned in Art. 12.

**3) Judges within the meaning of this article are the judges at all ordinary courts (Arts. 97 to 101), the Administrative Court (Arts. 102 and 103) and the State Court (Arts. 104 and 105).**

Judges within the meaning of this article are all judges, lay judges and *ad hoc* judges.

Art. 96<sup>4</sup>

**1) For the selection of judges, the Prince Regnant and the Diet shall employ a joint commission chaired by the Prince, who shall have a casting vote. He may appoint as many members to this body as the Diet sends representatives. The Diet shall appoint one member for each electoral group represented in it. The Government shall appoint its own member responsible for supervising the administration of justice. The commission's deliberations shall be confidential. The commission may only recommend candidates to the Diet with the Prince's assent. If the Diet chooses the recommended candidate, he or she shall be appointed a judge by the Prince.**

The commission will seek candidates, assess all those nominated and issue a recommendation (eg, an assessment according to their expertise, professional experience, integrity and personal aptitude, etc). It will draw up its rules of procedure, which will, *inter alia*, deal with the question of deputising for members, the consultation of experts, the candidate selection procedure and the assessment criteria.

If appointments to the judiciary are to be made, the Government must inform the Prince and the Diet in good time.

The President of the Diet must provide the Diet with the name of the recommended candidate. The commission's deliberations and recommendations, apart from the recommendation of candidates to the President of the Diet, should remain confidential. The commission not only makes recommendations to the President of the Diet but also requests references for individual candidates.

After the end of his period of office, a judge can be nominated for, and appointed to, the position to be filled. The commission may also propose more than one candidate to the Diet for selection.

**2) If the Diet rejects a candidate recommended by the commission and no agreement on a new candidate can be reached within four weeks, the Diet shall propose its own candidate and set a date for a referendum. In the case of a referendum the citizens**

<sup>4</sup> Proposal by the "Citizens' Initiative for Constitutional Peace" for a new Article 107bis (the "Citizens' Initiative" follows the article numbering of the present Constitution):

**Article 107bis**

1) The Prince Regnant, the Diet and the judiciary shall each appoint three representatives for four-year terms, to a committee responsible for transmitting to the Diet nominations for judges of the Princely Court (Landrichter), for presiding judges, and at the request of the Diet, for other judicial functions.

2) A two-thirds majority of votes cast by members of the Diet in attendance is required for the election of judges and deputy judges, subject to the provisions of Article 58.

**entitled to vote shall have the right to nominate candidates under the conditions of an initiative (Art. 64). If more than two candidates are voted on, a second ballot must be held in accordance with Art. 113, para. 2. The candidate who receives the absolute majority of votes cast shall be appointed a judge by the Prince.**

**3. A judge appointed for a fixed period shall remain in office until his successor is sworn in.**

### **B. The Ordinary Courts**

#### Art. 97

1) Jurisdiction **on ordinary civil and criminal matters** shall be exercised in first instance by the Princely Court (Landgericht) at Vaduz, in second instance by the High Court of Appeal at Vaduz, and in third instance by the Supreme Court.

2) The organization of the **ordinary** courts, the procedure and the scale of fees shall be laid down by law.

#### Art. 98

The execution of individual, precisely specified kinds of business of the judicial authority of the first instance may be assigned under the law to specially trained, non-judicial officials of the Princely Court (Senior Court Officials; Rechtspflegern) who are bound by instructions.

#### Art. 99

The revenue authorities and the officials of the Crown lands shall appear before the ordinary courts as plaintiffs and defendants.

#### Art. 100

1) The procedure in civil disputes shall conform to the principles of oral proceedings, direct hearing and free evaluation of facts and evidence. In penal cases the principle of arraignment shall also be observed.

2) **Ordinary** civil cases, in first instance, shall be heard by one or more judges, acting individually.

3) The High Court of Appeal and the Supreme Court are collegial judicial bodies. ~~whose members shall be appointed by the Prince Regnant in agreement with the Diet on the proposal of the latter.~~

The change in the wording corresponds to the new procedure for appointing judges set out in Art. 96.
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4) In criminal cases, justice shall be administered in first instance in the Princely Court by this court, if need be by the magistrates court, by the Criminal Court or by the Juvenile Court.

Art. 101

1) The **One of the judges** judge of the Princely Court (Landrichter) shall be **appointed the President** in charge of that court (**Art. 96**) and shall exercise, in first instance, disciplinary authority over the non-judicial officials of the said court.

2) The High Court of Appeal shall supervise the administration of justice and shall exercise disciplinary authority over the judicial officials of the Lower Court; it shall also exercise disciplinary authority in second instance over the non-judicial officials of the Princely Court.

3) The Supreme Court shall exercise disciplinary powers over the members of the High Court of Appeal and shall also act as a court of appeal in disciplinary questions for the judicial officials of the Princely Court.

**C. The Administrative Court**

*Translator's note: as in Art. 90 (3), the word "Verwaltungsbeschwerdeinstanz" has been replaced by "Verwaltungsgerichtshof" (Administrative Court), so there is no change in the English translation.*

Art. 102

1) ~~Except as otherwise provided by law, all decisions or dispositions of the Government shall be subject to appeal before the Administrative Court. The said Court shall consist of a chairman versed in law who shall be appointed by the Prince Regnant on the proposal of the Diet, of his deputy, and of four appeal judges and their substitutes elected by the Diet. The chairman and his deputy must be natives of Liechtenstein.~~ **The Administrative Court shall consist of five judges and five substitutes appointed by the Prince Regnant (Art. 96). The majority of the judges must possess Liechtenstein citizenship and have legal training.**

2) ~~Its term of office shall coincide with that of the Diet and end with its re-appointment. At its first sitting the Diet shall nominate a chairman and his deputy for the Court and shall elect the appeal judges and their substitutes.~~ **The term of office of the judges and substitutes of the Administrative Court shall be five years. It shall be organised in such a way that one judge or substitute retires every year. In the case of the first appointments, the duration of the term of office of the judges and substitutes shall be determined by drawing lots. If a judge or substitute retires early, a successor shall be appointed for the rest of his term of office.**

3) **The five judges shall hold an annual election in their own ranks to choose a President and a Deputy President. A judge may stand for re-election.**

4) **If a judge is unable to attend court, a substitute shall deputise for him or her. In such cases a rota system should be used.**

5. **Unless otherwise provided for by law, all decisions or orders made by the Government and the special commission appointed instead of the Collegial Government (Art. 78, para. 3) are subject to an appeal to the Administrative Court.**

The use of substitute judges is to be based on a rota system in order, as far as possible, to rule out any danger of manipulation. In practice, it will be necessary to distinguish between two different cases: 1) a judge must refuse to deal with a case owing to a conflict of interests and is replaced by a substitute; 2) a judge is unable to attend a hearing and is replaced by a substitute at this sitting and when the cases concerned are dealt with.

#### Art. 103

Further detailed instructions ~~for ensuring the judicial independence of the members of the Administrative Court~~ regarding procedure, abstention, allowances to be paid to the members, and fees to be paid by the parties involved shall be laid down in a separate law.

### **D. The State Court**

#### Art. 104

1) A State Court shall be established by a special law as a court of public law to protect rights accorded by the Constitution, to decide in conflicts of jurisdiction between the law courts and the administrative authorities and to act as a disciplinary court for members of the Government.

2) The said court shall also have jurisdiction to determine whether laws **and treaties** are in conformity with the Constitution and whether Government regulations are in conformity with the laws; in such cases it may declare their annulment. It shall finally act as ~~an administrative court and as an~~ electoral tribunal.

As the Principality of Liechtenstein has its own administrative tribunal in the organisational form of the Administrative Court (Art. 102), the elimination of the State Court's function as an administrative tribunal serves to avoid duplication and misinterpretations.

#### Art. 105

~~The State Court shall consist of a President and four other persons entitled to vote; its members shall be elected by the Diet in such a manner as to ensure a majority of natives of Liechtenstein; two of its members must be versed in law. The election of the President, who must be a native of Liechtenstein, shall be subject to confirmation by the Prince Regnant. **five judges and substitutes appointed by the Prince Regnant (Art. 96). The President of the State Court and the majority of the judges must possess Liechtenstein citizenship. Moreover, the provisions of Art. 102 apply mutatis mutandis.**~~

#### Art. 106

~~The members of the State Court shall enjoy the protection of judicial independence.~~

### **Chapter IX**

#### **Administrative Bodies and Civil Servants**

#### Art. 106

**1) New permanent civil service posts may only be created with the assent of the Diet.** Candidates for **permanent** employment in the Liechtenstein civil service must possess civic

rights in the Principality, without prejudice to any further conditions required by the present Constitution **and treaty obligations**. No exception to this rule may be made without the assent of the Diet.

The first sentence of Art. 106 has been adopted from the old article on civil service appointments. On the recommendation of the Constitutional Commission, the requirement that candidates for permanent civil service appointments must possess Liechtenstein citizenship has been inserted in addition to the proviso concerning treaty obligations.

**2) The same applies to new permanent appointments to the judiciary.**

Art. 107

The organization of the authorities shall be determined by legislation. **Subject to treaty obligations** all authorities must have their seat within the territory of the State; collegial authorities must include at least a majority of natives of Liechtenstein.

Here, too, the Constitutional Commission proposed, for the sake of order, that the proviso concerning treaty obligations be inserted.

Art. 108

Members of the Government, State officials, and all mayors, their deputies and the treasurers of the communes shall take the following oath on appointment:

"I swear that I will be loyal to the Prince Regnant, that I will obey the laws and that I will strictly observe the Constitution. So help me God."

Art. 109

1) The State, the communes and other corporations, establishments and foundations of public law are liable for damage caused to third persons by individuals acting as their bodies who in their official capacity act illegally. In the case of wilful damage or gross negligence, restitution by the responsible persons is reserved.

2) Individuals acting as bodies are answerable to the State, the commune, or other corporation, establishment or foundation of public law which they serve for any damage directly caused to such bodies through the wilful or grossly negligent breach of their official duties.

3) Further provisions, especially those relating to competence, shall be laid down in a separate law.

Chapter **X**

**Communal Affairs**

Art. 110

1) Provisions concerning the number, organization and duties of the communes in their own sphere of action and in that assigned to them shall be laid down in the laws.

- 2) The laws concerning the communes shall establish the following principles:
- a) free election of the mayor and of the other officials of the commune by the communal assembly;
  - b) autonomous management of the communal property and administration of the local police under the supervision of the Government;
  - c) maintenance of a well-ordered poor-relief system under the supervision of the Government;
  - d) the right of the commune to grant citizenship and the freedom of citizens of the Principality to reside in any commune.

Art. 111

Every citizen<sup>1</sup> of Liechtenstein who is eighteen years of age and residing in a commune but who does not yet possess the right to vote or to take part in elections may vote or take part in elections in communal affairs.

## Chapter XI

### **The Maintenance of the Constitution and Final Provisions**

#### **Art. 111 ~~111~~ 112**

1) The present Constitution shall be universally binding after its promulgation as a fundamental law of the country.

2) Any amendments to or **universally binding** interpretations of this fundamental law ~~which~~ may be proposed either by the Government or by the Diet or through the initiative procedure (Art. 64). **They** shall require the approval of the Diet, either by unanimous vote of the members present or by a majority of three-quarters of the members present at two successive sittings of the Diet, **where appropriate a referendum (Art. 66) and in any event the subsequent assent of the Prince Regnant, with the exception of the procedure to abolish the monarchy (Art. 113).**

Art. 112<sup>5</sup>

~~Should any doubts arise with regard to the interpretation of certain clauses of the Constitution which cannot be removed by agreement between the Government and the Diet, the State Court shall decide in respect thereof.~~

The purpose of this amendment is to establish that only universally binding interpretations of the Constitution require the same procedure as a constitutional amendment and to clarify the procedure for a constitutional initiative.

<sup>5</sup> Proposal by the "Citizens' Initiative for Constitutional Peace":

#### Article 112

In the event of doubts concerning the interpretation of specific clauses of the Constitution which cannot be cleared up by subsequent legislative interpretation in accordance with Article 111, the State Court shall decide in respect thereof, at the request of the Prince Regnant, the Diet or the Government.

The exception concerning the procedure to abolish the monarchy is necessary because of the new Art. 113.

### Art. 113

**1) Not fewer than 1500 citizens have the right to introduce an initiative to abolish the monarchy. In the event of this proposal being accepted by the people, the Diet shall draw up a new, republican Constitution and submit it to a referendum after one year at the earliest and two years at the latest. The Prince Regnant has the right to submit a new Constitution for the same referendum. The procedure specified in the following therefore replaces the procedure to amend the Constitution laid down in Art 112, para. 2.**

The adoption of the initiative to abolish the monarchy means the Diet is asked to draw up a new, republican Constitution. The Diet assumes the role of a constituent assembly, which can then adopt such a constitutional proposal by a simple majority and submit it to the people.

**2) If only one draft has been submitted, an absolute majority is sufficient for its adoption (Art. 66, para. 4). If two drafts have been submitted, the citizens entitled to vote may choose between them and the existing Constitution. In this case, the citizens have two votes in the first ballot and give them to the two alternative Constitutions that they wish to go through to the second ballot. The two alternatives with the most first and second votes shall go through to the second ballot. In the second ballot, which must be held 14 days after the first, the citizens shall each have one vote. The Constitution that obtains an absolute majority is then adopted (Art. 66, para. 4).**

## Chapter XII

### Final Provisions

#### **Art. 114**

All laws, regulations and statutory provisions which contradict any express provision of the present Constitution are hereby revoked and declared invalid; legal provisions which are inconsistent with the spirit of this fundamental law shall be revised to conform with the Constitution.

#### **Art. 115**

- 1) The Government shall be entrusted with the execution of the present Constitution.
- 2) The Government shall prepare the laws provided for in the present Constitution with all possible despatch, and shall proceed with them as laid down in the Constitution.
- 3) The Diet as constituted at present shall remain in office until the end of this year.