

THE SOVEREIGNTY OF LIECHTENSTEIN

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There seems to be a tendency to disregard the sovereignty of the little Principality of Liechtenstein. In a chart published by one of America's leading news magazines on the United Nations, there is this strange reference: "Andorra, Liechtenstein, Monaco and San Marino are not eligible (for membership in the United Nations) being principalities rather than sovereign (*sic*) states."¹ A book on the government of Switzerland devotes the last three paragraphs to Liechtenstein and then concludes that it looked as though Liechtenstein had "actually become a Swiss canton in all respects except, perhaps, for the right of the principality to issue its own postage stamps."²

When the United Nations Security Council in 1949 debated the application of Liechtenstein to become a party to the Statute of the International Court of Justice, the voices questioning Liechtenstein's sovereignty were those of the Soviet Union and the Ukraine. Said Mr. Manuilsky, delegate of the Ukrainian Soviet Socialist Republic and at that time president of the Security Council:

Attention must also be called to the fact that Liechtenstein does not have an army of its own, as state-like organizations have. At the same time, Liechtenstein has entrusted Switzerland with the function of representing it in its foreign relations. The relationship of Liechtenstein and Switzerland towards each other is not entirely clear to us. We are aware that postal and customs unions exist with Switzerland. But we are not at all clear what considerations led Liechtenstein to entrust Switzerland with its representation abroad—one of the prerogatives of national sovereignty.³

Mr. Tsarapkin, the Soviet delegate, made his point even more bluntly. After mentioning that Liechtenstein conducted her foreign affairs through Switzerland, that a customs union existed between the two countries, that the Principality did not have her own currency or a postal organization or telegraph administration of her own, he declared: "It may be asked: 'What then remains of the sovereignty of Liechtenstein?' The answer is: nothing."⁴ Despite these remarks, the proposal to admit Liechtenstein was adopted by the Security Council by a vote of nine to nothing, with the two Soviet Republics abstaining and all the other members voting in the affirmative.⁵

¹ A Time Guide to the United Nations, 1965, Time, Inc.

² George Arthur Coddington, Jr., *The Federal Government of Switzerland* 166 (Houghton Mifflin Co., 1961).

³ U.N. Security Council, Fourth Year, Official Records, No. 35, 432nd Meeting, July 27, 1949, p. 3.

⁴ *Ibid.* 5-6.

⁵ *Ibid.* 6.

The Sixth Committee of the General Assembly also voted in favor of Liechtenstein's application several months later by a vote of forty-two to four with one abstention.⁶ Again it was a delegate from the Soviet bloc who objected:

Mr. Khomusko (Byelorussian Soviet Socialist Republic) explained the attitude of his delegation to Liechtenstein's application. There could be no doubt that Article 93, paragraph 2, of the Charter applied only to independent and sovereign States. Therefore, only a sovereign State could become a party to the Statute of the International Court of Justice. A review of the economic and political situation of Liechtenstein would show that it had never been an independent State. It had been created in 1819. In 1822, it had formed part of the German Federation. From 1876 to 1918, it had remained under the powerful influence of Austria. It had formed a customs union with Switzerland, which country took care of Liechtenstein's post and telegraph service and its diplomatic representation. It had never been independent. In the opinion of the Byelorussian delegation, it must be considered a dependent State and therefore could not be a party to the Statute of the International Court of Justice.⁷

Here we have in effect ladies of questionable character expressing doubts about a maiden's virtue. For to what extent can the Ukraine and Byelorussia be regarded as being sovereign states themselves? At the United Nations Conference in 1945 at San Francisco, a statement was issued by N. S. Khrushchev, Chairman of the Council of People's Commissars of the Ukrainian S.S.R., and D. Z. Manuilsky, People's Commissar for Foreign Affairs of the Ukrainian S.S.R., which maintained:

The Ukrainian Soviet Socialist Republic, on the basis of its Constitution of January 30, 1937, and the constitutional revisions and amendments adopted by the Supreme Soviet of the Ukrainian Soviet Socialist Republic on March 4, 1944, recovered the right it formerly had, and voluntarily ceded to the U.S.S.R. in 1922, to establish direct relations with foreign States, to conclude Agreements with them, and to have independent representation at international conferences and bodies set up by the latter. This also fully accords with the Constitution of the U.S.S.R. and the Constitutional Acts of the Supreme Soviet of the U.S.S.R. dated February 1, 1944.⁸

Similar statements were made by the Byelorussian Delegation in support of its claim to independence. But nobody regarded the inclusion of the Ukraine and Byelorussia in the United Nations as anything but a move to strengthen the position of the Soviet Union. Secretary of State Byrnes reports Stalin as saying to President Roosevelt at Yalta that "since the number of votes for the Soviet Union is increased to three in connection with the inclusion of the Soviet Ukraine and Soviet White Russia among the members of the Assembly, the number of votes for the USA should also be increased."⁹ This is hardly a declaration of support for the

⁶ U.N. General Assembly, 4th Sess., Sixth Committee, 174th Meeting, Oct. 26, 1949, p. 215.

⁷ *Ibid.* 214.

⁸ 1946 United Nations Yearbook 195 (London, Hutchinson & Co. Ltd., 1946).

⁹ James F. Byrnes, Speaking Frankly 41 (Harper & Brothers, 1947).

Ukrainian and Byelorussian claims to sovereignty. As far as this writer is aware, the two Soviet Republics have never once differed with the Soviet Union in more than twenty years of voting in the United Nations. Their claim to sovereignty is basically unfounded, since they are after all component parts of the Union of Soviet Socialist Republics, whose Supreme Soviet adopts the budget for the entire Union and who would certainly not allow the celebrated Article 17 of the Soviet Constitution, giving each Union Republic the right of secession, to be put into practice.¹⁰ Moreover, the monolithic structure of the Communist Party which dominates all of the U.S.S.R. renders the federal concept all but impossible. Thus the testimony given before the United Nations in 1949 may be dismissed because of the unreliability of the witnesses. Moreover, some of the arguments used against Liechtenstein are untenable, and the dates cited by Mr. Khomusko are wrong in every respect, as this article will show.

It is the contention of this writer that the Principality of Liechtenstein, unlike the Swiss cantons, does indeed possess sovereignty to a very large extent. To use Bodin's famous definition, sovereignty refers to the "unlimited power over citizens and subjects, unrestrained by law." The government of Liechtenstein claims that it exercises this power, restricted only by a Constitution which states:

The Principality is a constitutional hereditary monarchy on a democratic and parliamentary basis; the sovereignty (*Staatsgewalt*) rests with the Prince and the people and is being exercised by both of them according to the provisions of the Constitution.¹¹

Of course, the freedom of action of any nation has become considerably curtailed in the last half of the twentieth century. Not only does the Charter of the United Nations limit a country's freedom to use force, not only does every nation in the world today have treaties with others which restrict it and bind it in some way, but even the most powerful countries, such as the United States and the Soviet Union, are beginning to realize that they are not omnipotent, that they need the military, economic, and political support of others which they can obtain only by making some concessions, thus limiting their own ability to do any and everything they please.

Within this framework one must ask to what degree Liechtenstein is in control of her activities. Obviously, size is a factor. Her sixty-two square miles of territory, roughly the size of Manhattan and the Bronx put together, would fit seventeen times into Rhode Island, America's smallest

¹⁰ See John N. Hazard, *The Soviet System of Government*, esp. 92-93 (3rd ed., Chicago University Press, 1964).

¹¹ This writer's translation of Art. 2 of the Constitution of Oct. 5, 1921. Note that in the translation made at the request of the Government of Liechtenstein by Dr. Pierre Raton, United Nations Legal Officer, the phrase "die Staatsgewalt ist im Fuersten und im Volke verankert" was rendered as "the power of the State is inherent in and issues from the Prince and the People." Whether *Staatsgewalt* is best translated as "power of the State" which seems much more limited than the all-inclusive "sovereignty" which this writer prefers, thus becomes a matter of conjecture.

State. Her population on December 1, 1965, was 19,304 and of these 5,770 were foreigners.¹² This minuteness necessarily limits Liechtenstein's effectiveness as a sovereign nation; it does not, however, detract from her being sovereign *per se*.

Liechtenstein's date of birth goes back to the turn of the 18th century. The present little monarchy then consisted of the *Grafschaft Vaduz* (now called the *Oberland*) and the *Herrschaft Schellenberg* (now known as the *Unterland*). Both were Free Imperial Territories which meant that they were under the direct jurisdiction of Emperor and *Reich*. It was because of this factor that the areas aroused the interest of the House of Liechtenstein whose members had gained riches and fame in the service of the Court of Vienna, eventually even being raised to the rank of princes. But in order to have a voice and vote in the Imperial Council of Princes, they had to be in possession of some Free Imperial Territory. Vaduz and Schellenberg were greatly impoverished; hostile armies had repeatedly invaded them during the Thirty Years' War; pestilence had exerted a heavy toll; the trials, tortures, and executions of alleged "witches" had claimed as much as ten percent of a total population of 3,000. The heavily indebted ruler of the two territories was willing to sell them, and after prolonged negotiations, the princes of Liechtenstein purchased Schellenberg in 1699 and, because this was not quite large enough, Vaduz in 1712. Together, the two areas became the *Reichsfürstentum Liechtenstein* in 1719 with the desired seat in the *Reichsfürstentag*, a notable event because it is not very often that a reigning house lends its name to its land, instead of the other way around.¹³

The way in which Liechtenstein came into existence is also unique; it has been pointed out that the Principality was created neither by war nor by peaceful separation or unification. There were no historic necessities which pressed for the unification of a state, and the wishes of the population did not enter into the picture at all.¹⁴

At any rate, Liechtenstein was now a separate political entity, the 343rd member state of the Holy Roman Empire of the German nation. A comment by a 19th-century historian may be of interest:

The little Principality of Liechtenstein is of importance to its owner only because it gives him the rights of a German sovereign. But this does not detract in any way from the significance which the Principality does indeed have for the Ruling House which is so rich on land and which owns many other larger, but dependent, territories. Liechtenstein is a state which was declared independent for the sake of its owners. This gives the subjects a distinct advantage, for the maintenance and justification of this independence do not require from them any efforts; at the same time, they are not being troubled

¹² According to the official figures issued in May, 1966, by the Amt für Statistik des Fürstentums Liechtenstein.

¹³ Details from Otto Seger, *Überblick über die Liechtensteinische Geschichte* 10-11 (Vaduz, no date given).

¹⁴ Gregor Steger, *Fürst und Landtag nach liechtensteinischem Recht* 23 (Vaduz, 1950).

by too much government, nor do they have reason to be afraid of being called upon to bring sacrifices for the sake of those who might be united with them.¹⁵

The high esteem in which the Prince of Liechtenstein was held by the Hapsburgs had created the little country as a political entity; a similar esteem a century later on the part of Napoleon assured its sovereignty. This was somewhat surprising, for the rulers of Liechtenstein continued to be faithful to Austria. Yet when Napoleon in 1806 terminated the Holy Roman Empire and decreed the abolition of so many small states, Liechtenstein was left intact and became one of the sixteen members of the *Rheinbund*. This really amounted to recognition of Liechtenstein's sovereignty. A country's claim to sovereignty is not unilateral; it must be recognized by other countries as well, and admission to the *Rheinbund* accomplished just that. It matters little that Prince John I, having earned the respect of Napoleon by his military and diplomatic endeavors on behalf of the Austrian Emperor, continued to serve Vienna loyally and effectively: Liechtenstein is the only member state of the *Rheinbund* whose signature does not appear on the document establishing the Confederation, and since that document specifically prevented a member prince from being in the service of another ruler, John abdicated his throne in favor of his three-year-old son Charles for whom, however, he maintained a regency until the downfall of Napoleon made it possible for him to reclaim his erstwhile position.¹⁶

Of greater importance than this game of musical chairs, actual or imaginary, was the fact that Liechtenstein's newly won sovereignty was recognized by the Congress of Vienna, and that she became one of the thirty-nine members of the German *Bund*. However, states Gregor Steger,¹⁷ participation as an independent state in a confederation inevitably leads to restrictions in one's freedom of action. In this particular case, there was the provision that each member country of the Confederation receive a representative Constitution of some form or another. Accordingly, the Prince in 1818 established a system whereby a *Landtag* consisting of representatives of clergy and peasants was to meet in annual session in order to discuss certain budgetary matters. A century of absolute monarchy in Liechtenstein was thus terminated, but it was not until the Constitution of 1862 that a constitutional monarchy was established, which in turn was followed by the democratic set-up of 1921 which, with certain amendments, is still in force today.

The German Confederation itself was based on bicameralism. In the *Plenum* or General Assembly, each state had a minimum of one vote; thus Liechtenstein had one delegate there, Prussia and Austria each had four. The other chamber consisted of a total of seventeen voting members, with the larger states, such as Prussia, Austria and Bavaria, having one seat

¹⁵ Friedrich Bülow, *Geschichte Deutschlands von 1806-1839*, p. 604 (Hamburg, 1842). Translated by this writer.

¹⁶ Pierre Raton, *Les Institutions de la Principauté de Liechtenstein* 28 (Paris, 1949).

¹⁷ Fürst und Landtag nach liechtensteinischem Recht, *op. cit.* 27.

each to themselves, while the smaller states were grouped together into curies or circles, each curie being able to cast one vote. Liechtenstein and five other tiny principalities formed the Sixteenth Curie; obviously, none of the component parts of the Sixteenth Curie could be compared to the larger states, but in legal terms they were all politically independent units.

In 1852, Liechtenstein concluded a customs union with Austria which established in the Principality the weights, measures, and monetary system of the neighboring Austrian province of Vorarlberg, with the stipulation that Austria's paper money need not be accepted in Liechtenstein. Apart from the customs union, the Principality remained independent and unattached when the German Confederation was dissolved as a result of the Seven Weeks' War in 1866, a war in which Liechtenstein participated on the side of Austria by supplying a handful of troops that were given the assignment of guarding a mountain peak on the Italian front.

When World War I broke out, Liechtenstein declared her neutrality. But she was within the economic sphere of Austria-Hungary; Austria's currency was legal tender in Liechtenstein, and as a result, Liechtenstein was subject to the Allied blockade. France, in February, 1916, declared specifically that she would not recognize the neutrality of the Principality in economic matters. Had not a Prince Heinrich von Liechtenstein died with his troops the previous year, fighting for the Central Powers? However, Liechtenstein authorities pointed out that the fallen prince was an Austrian general and in no way a representative of the Principality. They had requested the American Ambassador in Vienna to explain that the Principality of Liechtenstein regarded itself as a neutral, a neutrality that was proven by granting deserters the right of asylum and by refusing Austrian demands to hand these deserters back to them. Thus Liechtenstein's claim to neutrality was well founded according to international practice and usage. Nevertheless, Allied economic sanctions continued to be applied against Liechtenstein, whose population suffered severe hardships as a consequence.

Liechtenstein's sovereignty received modern recognition in the Peace Treaty of St. Germain which ended the first world war between Austria and her enemies. This document designated Austria's borders "With Switzerland and Lichtenstein (*sic*) the present frontier."¹⁸ It matters little that the name of the Principality was misspelled. But when an international peace treaty, terminating an armed conflict of major importance, refers by name to Liechtenstein as bordering on one of the former belligerents, this becomes international recognition beyond any doubt.

But the real proof of Liechtenstein's claim to independence of action came right after the war when the Principality renounced her economic treaty with Austria. True, the Austro-Hungarian Empire was disintegrating, but unlike the Czechs or the Poles, the Liechtensteiners did not have to declare their independence from Austria, Hungary, or any other Power, since they looked to their own Vaduz as their capital.

¹⁸ *Traité de Paix*, Pt. I, Art. 27 (I), p. 199 (see also p. 27 for the French text).

For several years, the economy of the Principality was not tied up with anyone, although in 1921 a postal agreement with Switzerland was concluded. However, on January 1, 1924, a customs union with Switzerland went into effect. It is still in force today. But Liechtensteiners are quick to point out that this customs union could be discontinued by either country at any time. Liechtenstein's *Regierungschef*, the equivalent to Prime Minister, wrote in 1950 that Switzerland

has no present desire and surely no future intention of curtailing our independence as a state. Even the most fearful mind must feel reassured when he realizes that the customs agreement may be discontinued at short notice by either side and that in this manner all Swiss laws now valid in Liechtenstein would be null and void. But nobody here is contemplating the termination of our agreement. . . . The customs union with Switzerland is one of the few questions on which there is one hundred percent agreement among our people.¹⁹

In addition, two episodes clearly illustrate that Liechtenstein is not part of Switzerland: When the Great Depression hit Central Europe, Liechtensteiners were refused permission to work in Switzerland, apprentices no longer found places to learn in the *Eidgenossenschaft*. Thus there was really no economic integration between the two countries. Moreover, Switzerland did not feel responsible for the defense of her tiny neighbor. In 1939, when the Nazis attempted their ill-fated *Putsch*, the Germans could be reasonably sure that the overthrow of the lawful government and a German occupation of Liechtenstein would not be met by armed resistance on the part of Switzerland. On the other hand, when Switzerland was threatened with a German invasion, Liechtenstein also was in grave danger, not because of any political or military bonds with Switzerland, but because it was unthinkable that Hitler would tolerate the independent existence of what would have been a tiny enclave within Nazi-controlled Europe, whose conquest could easily have been accomplished within a matter of minutes. Fortunately, the coup in 1939 was so badly organized that it failed, and during World War II both Switzerland and Liechtenstein were spared the horrors of a German invasion.

Further proof of Liechtenstein's independence was given when the Principality applied for membership in the League of Nations, even though the League's reaction to the application was a negative one. In a report presented to the First Assembly, the Fifth Committee stated:

The Government of the Principality of Liechtenstein has been recognized *de jure* by many States. She has concluded a number of Treaties with various States, for instance, in 1852, she concluded a Treaty of Extradition with Belgium; in 1863, she signed the Sanitary Convention at Dresden. . . .

The Principality of Liechtenstein possesses a stable Government and fixed frontiers. . . .

¹⁹ Alexander Frick in "Unser Zollanschluss mit der Schweizerischen Eidgenossenschaft," *St. Galler Tagblatt*, No. 512 (Oct. 31, 1950), quoted in Emil Schädler, *Fürstentum Liechtenstein, die letzte Monarchie im Herzen der Alpen* 19 (Vaduz, 1953). Translation by this writer.

There can be no doubt that juridically the Principality of Liechtenstein is a sovereign State.

However, "as this State does not appear to be in a position to carry out all the international obligations imposed by the Covenant," the Committee recommended that the application be denied, a recommendation accepted by the Assembly by a vote of twenty-eight to one, with thirteen countries absent or abstaining.²⁰ Switzerland alone supported her tiny neighbor.

The United States made it clear on various occasions that it regarded Liechtenstein as being an independent country. A separate immigration quota was even assigned to the Principality.²¹ On May 20, 1936, the American Minister Plenipotentiary and Envoy Extraordinary, Hugh R. Wilson, and Guisepe Motta, Federal Swiss Councilor and Head of the Federal Political Department in Bern, acting on behalf of his Serene Highness, the Ruling Prince of Liechtenstein, signed in Bern an Extradition Treaty between the United States and Liechtenstein.²² Furthermore, a number of trade and commerce agreements between the United States and Switzerland are also applicable to Liechtenstein.²³

At the present time, Liechtenstein is not a Member of the United Nations; the little Principality is at a further disadvantage of not having Switzerland, a Member of the League of Nations but not of the United Nations, pleading its case in New York as the Bern Government had done in Geneva. However, Liechtenstein is a member of the United Nations International Children's Emergency Fund (UNICEF) and in 1962 paid \$1,000 to this organization.²⁴ The Principality is also associated with the International Refugee Organization. Switzerland is the only country with which Liechtenstein maintains full diplomatic relations, and the Swiss authorities throughout the world usually take care of whatever business Liechtenstein may have. But this does not mean that Liechtenstein is internationally isolated. In 1964 she participated in the World Trade Conference at Geneva from March 23 until June 15, for the first time had her own delegation at a World Postal Congress from May 29 until July 11, sent a delegation to the Conference on the Peaceful Use of Atomic Energy from August 31 to September 10, sent observers to four EFTA Meetings of Ministers, and was represented by her prince at the funeral of the King of Greece.²⁵ There was even an American newspaper report of Liechtenstein setting up "a corps of peace volunteers who

²⁰ League of Nations, Records of the First Assembly, 1920, Plenary Meetings, p. 667. For the actual vote, see p. 652.

²¹ 1 Hackworth, Digest of International Law 49 (Washington, 1940).

²² 183 League of Nations Treaty Series 181-196, No. 4235.

²³ Treaties in Force: A List of Treaties and Other International Agreements of the United States in Force on January 1, 1966, p. 122 (Department of State Publication 8042).

²⁴ 1962 United Nations Yearbook 368.

²⁵ From the official report issued by the Government of Liechtenstein to its Parliament: Rechenschaftsbericht der fürstlichen Regierung an den hohen Landtag für das Jahr 1964, p. 59.

will be sent on special missions to developing countries, following the example of the United States."²⁶

According to Article 34 (1) of the Statute of the International Court of Justice, "only states may be parties in cases before the Court." The provision under the Permanent Court of International Justice was almost identical. Implied here are the well-established characteristics, such as clearly defined territory and a government which exercises full control over its citizens. Moreover, as Professor Schuman points out, a state is not a state in the legal sense of the term unless it is recognized as such by other states, "independent and coequal" with other states.²⁷ In other words, only sovereign Powers may be sued or may sue before the International Court.

On May 17, 1922, the Council of the League of Nations adopted a resolution granting access to the Permanent Court of International Justice to those states not Members of the League of Nations who were willing to deposit with the Registrar of the League a declaration accepting the jurisdiction of the Court and undertaking "to carry out in full good faith the decision or decisions of the Court and not to resort to war against a State complying therewith." On June 28, 1922, the Court decided to communicate the Council's resolution to the individual eligible countries, Liechtenstein among them.²⁸

Not until almost seventeen years later, March 22, 1939, did Liechtenstein follow up the invitation to adhere to the World Court by filing the required declaration. On June 17, 1939, the Principality began proceedings against Hungary in the *Gerliczy* case before the Court. Liechtenstein alleged that Hungary had disregarded and misconstrued the Rumanian-Hungarian Convention of April 16, 1924, when ordering Dr. Felix Gerliczy, now a Liechtenstein citizen but at the time possessing Rumanian nationality, to pay a certain amount of money which Liechtenstein now sought to recover.²⁹ Subsequently, the World Court asked for the pertinent documents to be filed within a specific time period. Apparently this was the end of the *Gerliczy* case,³⁰ possibly because World War II presented the world with "slightly" more important problems! But whatever the reasons, Liechtenstein's position as a minute country was not a cause for dropping the case, and the ability of the Principality to sue and be sued before the Permanent Court of International Justice was never really in doubt.

As was mentioned earlier in this article, Liechtenstein in 1949 applied for permission to become a party to the Statute of the International Court of Justice, and objections were raised solely by members of the Soviet bloc.³¹ These objections were answered in the Security Council by the Egyptian delegate, Mahmoud Fawzi Bey:

²⁶ New York Times, Feb. 12, 1964.

²⁷ Frederick L. Schuman, *International Politics* 110 (6th ed., 1958).

²⁸ Manley O. Hudson, *The Permanent Court of International Justice, 1920-1942*, pp. 386-388 (New York, 1943).

²⁹ 34 A.J.L.L. 12-13 (1940).

³⁰ 36 *ibid.* 1 (1942).

³¹ Interestingly enough, Yugoslavia spoke out in favor of Liechtenstein's admission.

. . . most writers and jurists, as the Council well knows, consider Liechtenstein to be a sovereign State. As a matter of fact, Liechtenstein has a territory, a population, a Government and a Constitution. The fact that it signed a customs union treaty with Switzerland does not affect its independence, and the Treaty itself stipulates that the customs union is "without prejudice to the sovereign right of the Prince of Liechtenstein." Moreover, the fact that Switzerland represents Liechtenstein in foreign countries does not affect the sovereignty of this State. We know that several States which rely upon the diplomatic service of other States are fully independent and are considered so by other countries. . . .

The fact that Liechtenstein is a small State, as was mentioned by some delegations, is, in our view, still another reason for accepting its application. We all know that the protection of law is especially useful for small States. . . .

A droll reason which was used in the League of Nations days was that Liechtenstein had no army. I heard it mentioned even today. I wish that all States could feel so secure and that world conditions would be so peaceful that no State would feel it necessary to maintain any army. We do not have to have an army and to muster an armed force, large or small, in order to become members of the International Court of Justice. I cannot see the logic of it. I could not see the logic of it even if the application were for admission to membership in the United Nations.³²

The overwhelming majorities by which Liechtenstein's application was approved clearly indicate that most countries agreed with the gist of the Egyptian argument.

On December 17, 1951, the Principality of Liechtenstein brought the so-called *Nottebohm* case against Guatemala before the International Court of Justice. It matters little to our present discussion that eventually the majority of the judges ruled against Liechtenstein. However, it is of very great significance that her right to bring the case before the Court was never really in doubt. Despite the fact that Guatemala has a population of 2,787,000 and an area of 42,000 square miles³³ and thus is very much larger than Liechtenstein, the two parties to the dispute were treated on the basis of sovereign equality. When the Counsel for Liechtenstein maintained before the Court that "the essential question is whether Mr. Nottebohm, having acquired the nationality of Liechtenstein, that acquisition is one which must be recognized by other States," the Court found that, with some reservations, "this formulation is accurate," that "it is for Liechtenstein, as it is for every sovereign state," to lay down its rules pertaining to acquiring nationality, and "the naturalization of Nottebohm was an act performed by Liechtenstein in the exercise of its domestic jurisdiction."³⁴ Thus Liechtenstein was treated in every way as an independent, sovereign nation, which is perhaps not too surprising

³² U.N. Security Council, Official Records of 432nd meeting, *op. cit.*, pp. 4-5.

³³ Manley O. Hudson, "The Thirty-Fourth Year of the World Court," 50 A.J.I.L. 1 (1956).

³⁴ Direct quotations from the *Nottebohm* Case (*Liechtenstein v. Guatemala*), Judgment of April 6, 1955, 49 *ibid.* 397-398 (1955).

because international law does not recognize any differences in size or population and regards as equals the United States (3,022,387 square miles) and Luxembourg (1,000 square miles) or the Soviet Union (8,707,870 square miles) and Israel (7,993 square miles).⁸⁵

These four countries plus Liechtenstein and the Holy See participated in an eighty-one nation Conference on Diplomatic Intercourse and Immunities under the auspices of the United Nations in Vienna in the spring of 1961. Another diplomatic conference two years later, again held in Vienna and again sponsored by the United Nations, considered consular relations among nations. This time ninety-two countries attended and included, in addition to those mentioned as participants of the 1961 meeting, such small countries as Kuwait (5,800 square miles and "mostly desert") and San Marino (38 square miles). Regarding this conference, the Government of Liechtenstein reported to its parliament:

As a member state of the Statute of the International Court of Justice, Liechtenstein was invited by the Secretary General of the United Nations to participate in this conference. The government has accepted this invitation and sent envoys to this conference. The reasons for this decision were the same as those which motivated our country to participate in the Vienna Conference on Diplomatic Relations. . . .

The Vienna Agreement on Consular Relations is of practical importance to our country inasmuch as the Principality has consular relations with many countries, some of which even have opened consulates in our country.⁸⁶

When the Liechtenstein Parliament was asked to ratify the agreement reached at the Consular Conference, the only question raised was how many consulates were actually situated in Liechtenstein. The *Regierungschef* answered:

I cannot tell you exactly how many countries have consulates inside our country, but there are several. . . .

The other countries have mostly their consulates in Switzerland, but received special accreditation for the territory of the Principality. Most of the Great Powers have their seats abroad but a special accreditation from the Prince for the territory of the Principality of Liechtenstein. Nearly all Western powers are accredited.⁸⁷

There is thus conclusive proof that, despite her smallness, Liechtenstein is legally and politically a sovereign state and deserves the courtesy of being treated as such.

⁸⁵ All area figures are from Dictionary of Politics by Florence Elliott and Michael Summerskill (Penguin Books, 3rd ed., 1961).

⁸⁶ Report of the Government of Liechtenstein of Nov. 16, 1965, translated by this writer.

⁸⁷ Protokoll über die öffentliche Landtagssitzung, the official minutes of the parliamentary session, Dec. 10, 1965, p. 382, translated by this writer.