Tilburg University

Luxembourg

Hendriks, Frank; Goossens, Jurgén

Published in:
European regions from 1870 till 2020

DOI:
[10.1007/978-3-030-61537-6_5](https://doi.org/10.1007/978-3-030-61537-6_5)

Publication date:
2021

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Hendriks, F., & Goossens, J. (2021). Luxembourg. In J. Marti-Henneberg (Ed.), *European regions from 1870 till 2020: A geographic and historical insight into the process of European integration* (pp. 39-44). Springer International Publishing. https://doi.org/10.1007/978-3-030-61537-6_5

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Luxembourg

5

Frank Hendriks and Jurgen Goossens

Fig. 5.1 Luxembourg

5.1 State Formation

Luxembourg was founded in 963 AD. In 1060, the nation came under the rule of Count Conrad, founder of the house of Luxemburg, which provided the Holy Roman Empire with

four emperors in the fourteenth and early fifteenth centuries before being superseded in 1437 by the Habsburg dynasty. For the next four centuries, Spain and Austria alternately controlled the nation. At the close of the Napoleonic Wars in 1815, the territories of present-day Belgium and Luxembourg were united with the Kingdom of the Netherlands in order to create a buffer state against France. The Congress of Vienna settled the destiny of the country, by raising it to the rank of Grand Duchy, and by giving it as personal prop-

F. Hendriks · J. Goossens (✉)
Tilburg University, Tilburg, The Netherlands
e-mail: f.hendriks@tilburguniversity.edu;
J.Goossens@tilburguniversity.edu

Fig. 5.2 Benelux, 1870–2020

erty to the King of the Netherlands (William I of Orange-Nassau). In 1830, the Belgian provinces of the Netherlands revolted, and the Grand Duchy joined them. By the end of that year, Belgium had become an autonomous Kingdom, and Luxembourg remained a part of the new nation until 1839, when its western portion was ceded to Belgium and the remainder was recognised as a sovereign and independent state. The personal union with the Dutch crown, however, lasted until 1890, although Luxembourg was officially recognised as an independent state. In this regard, the 11th of May 1867 is one of the most important dates in national history. The Treaty of London reaffirmed Luxembourg's territorial integrity, and the political autonomy that had already been granted by the Treaty of London in 1839. Furthermore, Luxembourg was declared perpetually neutral, and the great powers agreed to guarantee and to protect the neutrality of the Grand Duchy. In 1890, the Dutch King William III died without leaving a male heir in Luxembourg and succession passed to the present Luxembourg dynasty. This furthered the eastward orientation of Luxembourg, which had been boosted earlier by the inclusion of Luxembourg in the German Zollverein (Customs Union) in 1842, which lasted until 1918.

Notwithstanding the unmistakable eastward orientation, Luxembourg has always made an effort to create and strengthen economic and political ties in all directions. Overrun by Germany in both World Wars, it ended its neutrality in 1948 when it entered into the Benelux Customs Union and when it joined the North Atlantic Treaty Organisation (NATO) the following year. It has wholeheartedly supported cooperation with other European countries in the context of the European integration process. In 1957, Luxembourg became one of the six founding countries of the European Economic Community (later the European Union), and in 1999 it joined the euro currency area (Figs. 5.1 and 5.2).

5.2 Continuity and Change

On a continuum with institutional stability on one end and institutional change on another end, the Luxembourg system of local democracy would certainly tend towards continuity. Continuity is a core element of the Luxembourg system in general and of the local political system in particular. On the local level, Luxembourg has always followed a rather cautious policy of local government fusion and upscaling,

in contrast to, for example, the Netherlands and Belgium. Between 1950 and 1992, the total number of municipalities in Luxembourg was reduced by only 7%, while in the Netherlands and in Belgium this number was reduced by 36% and 78%, respectively.

Speaking about stability and continuity does not necessarily mean that nothing has changed at all. Compared to previous decades, some interesting processes of ‘stabilised innovation’ can be discerned in the Luxembourg system. In this respect a few items should be mentioned.

In the first place did the 1988 Municipal Act make central government control over municipalities less extensive. The Municipal Act gives municipalities the right to bring central government decisions concerning local government before the court. The Municipal Act coincides with a growing awareness of the importance of administrative decentralisation and local self-government. Luxembourg was the first country to ratify the Charter of Local Self-Government of the Council of Europe (Committee of the Regions, 1996).

Another interesting innovation is the intensifying of links among municipalities, in order to compensate, in some way, for the absence of local government fusion. This leads to inter-municipal cooperation, which takes form within so-called *syndicats communaux*. These *syndicats* may deal with all kinds of matters—including transport, waste, education, social programmes—that a single municipality is not able to administer.

Another change that should be mentioned is the possibility of organising consultative local referendums, which has been opened by the 1988 Local Government Act. The referendum is only advisory, but there is compulsory participation for all persons registered on the electoral rolls for the communal elections. Under this Act, a referendum has to be organised when a particular number of inhabitants ask for it. The quorum is 25% of the electorate for municipalities with less than 3000 inhabitants; the quorum is 20% of the electorate for municipalities with more than 3000 inhabitants. The Act of 4 February 2005 on the national referendum establishes the framework for organising a national (consultative) referendum as provided in Article 51 of the Constitution as of 1919. Since 1919, four national consultative referendums have been held in Luxembourg. The consultative referendum should be distinguished from a binding referendum on constitutional amendment (Article 114 of the Constitution).

Finally, it should be mentioned that the Luxembourg political landscape changed by the end of the twentieth century with the growth of single-issue parties. For instance, in 1994, two green parties combined and subsequently won 5 of the 60 seats in the Chamber of Deputies, while the ‘Five-Sixths Pensioners Action Committee’—now known as the ADR or Action for Democracy and Fair Pensions—also won 5 seats.

5.3 Political–Administrative Organisation of Government

Luxembourg covers only 2586 square kilometres and has approximately only 615,000 inhabitants (in 2019). Thus, local democracy in Luxembourg can only be understood in connection with central government. Central government is in many ways close to local government—not only in terms of size but also on the institutional level. Luxembourg is often considered to be the ideal type of the centralised unitary state.

5.3.1 Central Government

The Grand Duchy of Luxembourg is a constitutional hereditary monarchy. The Grand Duke of Luxembourg is the head of state. Unlike the Netherlands and Belgium, the role played by the Grand Duke of Luxembourg is more than strictly ceremonial. Together with the government the Grand Duke forms the constitutional organ of the executive. All of his governmental acts require the countersignature of a responsible minister. Within the limits set by representative democracy, the Grand Duke, however, has substantial room for manoeuvre. He has the right of initiative in legislative matters. Furthermore, traditionally no Bill can be enacted and become binding unless he signifies his assent to it and orders it to be promulgated and carried into effect. However, following a constitutional amendment to Article 34 of the Constitution in 2008 resulting from the Grand Duke’s refusal to assent to a law legalising euthanasia (even though the assent had actually become more and more of a formality over the years), legislation no longer requires the Grand Duke’s formal assent. The Grand Duke may still adjourn the Chamber, but not for a period exceeding 1 month. He is allowed to make the regulations and orders necessary for carrying laws into effect, but he may at no time suspend the laws themselves or dispense with their enforcement. He is also authorised to organise and supervise administrative services. This comprises the army, the gendarmerie and the police. His role in public administration must, however, always be linked up with the executive power.

The Luxembourg Constitution, proclaimed in 1868 and later amended (particularly in 1919), provides for a democratic government, with legislative power of a unicameral chamber of deputies composed of 60 members elected at least every 5 years by universal suffrage. Seats in the Chamber of Deputies are allocated according to the rules of proportional representation and the principle of the smallest electoral quota. The country is divided into four electoral districts. The number of deputies is determined by the Constitution, which prescribes 60 deputies: 23 from the South; 21 from the Centre; 9 from the North; and 7 from the East.

Each Luxembourg voter has as many votes as there are deputies to be elected in his constituency. The vote can be cast either under the party-list system or on a name basis. The elector who votes under the party-list system may not cast any other vote under pain of cancellation of his ballot paper, unless the chosen list comprises a smaller number of candidates than the number of deputies to be elected in the given constituency. Electors who vote on a name basis may select their candidates from the same list or from different lists, but must take care not to cast more votes than there are seats available. Like Belgium, but unlike the Netherlands, traditionally Luxembourg allows more than one office to be held by the same person (*cumul des mandats*). More than half of the members of the Chamber are also mayors or members of municipal councils.

The Grand Duke has the constitutional right to organise the government, which consists of a prime minister, who is head of the government, and at least three other ministers. Although the Grand Duke has the constitutional right to organise all of the government, in practice he only chooses the prime minister, who in turn selects the other members. This shows that, although constitutionally speaking the Grand Duke is the most prominent figure in government, in practice the prime minister holds the stronger cards. For instance, the other members of government must enjoy the confidence of the Grand Duke, but also, as could be expected in a parliamentary democracy, of the Chamber of Deputies. In theory, the Grand Duke can dissolve government at any moment, but in practice he only dissolves government when it ceases to enjoy parliamentary support.

The legislative power of the Grand Duke is shared with the Chamber of Deputies. Luxembourg has a multi-party system with three major political parties: the *Chrëstlech-Sozial Vollekspartei* (Christian Social People's Party), *Parti Ouvrier Socialiste* (Socialist Workers' Party), and the *Parti Démocratique* (Democratic Party). The *Chrëstlech-Sozial Vollekspartei* can be called the backbone of almost all governing coalitions since 1915. Exceptions to the rule are the years 1925–1926 and 1974–1979. Except for 6 years, therefore, the Christian Social People's Party has always provided the prime minister since then. As a result, Luxembourg resembles a dominant-party system to a certain extent, but usually coalition governments are established. The Chamber, like the Grand Duke, has the right of initiative in legislative matters. The Constitution assigns to the Chamber of Deputies certain powers in financial matters and invests it with the right to supervise the acts of the government. In international affairs,

the consent of the Chamber is required before a treaty can come into effect on the territory of the Grand Duchy.

In order for Bills to become law, a majority of 50% +1 votes is necessary in the Chamber of Deputies. The moderating influence of a second assembly, or senate, is absent. The authors of the Constitution were aware of this and therefore introduced a so-called 'cooling-off period'. After voting on a Bill as a whole, the Chamber is in principle required to vote a second time on the same Bill within a specified interval providing time for further reflection. Besides the cooling-off period, another safeguard against immature legislation is provided by the consistency of the Council of State. The Council of State consists of 22 councillors of state, appointed for life by the Grand Duke, who deliberate over government Bills and any amendments proposed to them. No Bill is to be submitted to the Grand Duke or presented to the Chamber of Deputies before the Council of State's opinion has been heard. If, however, the government considers the presentation of a Bill to be a matter of urgency, it may consult the Chamber directly. If the Chamber shares the government's view about the urgency of the matter, discussion may even be opened without the Council of State having to give its opinion first. On no account, however, may the Chamber proceed to final voting on the Bill before it has heard the Council's opinion.

5.3.2 Local Government

The subnational system of Luxembourg has neither provinces, nor departments or counties. In the Luxembourg state structure, the municipality is the only form of territorial decentralisation. From the administrative point of view the municipality is an autonomous territorial authority, possessing legal personality. It is administered through local representatives, but under the supervision and control of central government. At present (2019), there are 102 municipalities in Luxembourg.

An important role in the supervision and control of local government is played by the district commissioner, who is supposed to act as hierarchical intermediary between the central government and the municipal authorities. There are three administrative districts for which commissioners are appointed: Luxembourg, Diekirch, and Grevenmacher. Each municipal authority, with the exception of that of the city of Luxembourg, is placed under the immediate supervision of district commissioners and may deal with the

higher authority only through this commissioner. District commissioners are appointed by the central government. They are civil servants under the direct authority of the Minister for Home Affairs in particular and the government more generally.

Each municipality has its own municipal council elected by all inhabitants who are qualified to vote. Local elections are held under the absolute-majority system. However, in municipalities that have 3500 or more inhabitants or whose sections include at least one section comprising 3000 inhabitants, elections are held on a party-list system with proportional representation, like for the legislative elections. Members of the municipal council are elected for a 6-year term, commencing from the first day of January following their election. Their number varies with the population of the municipality, but it is always an odd number. Voting is compulsory in Luxembourg.

The municipal council corresponds on the local level to what the Chamber of Deputies is on the national level. Municipal authority is exercised by the municipal council and by the board of mayor and aldermen. The relation between these two bodies is also similar to that between parliament and government on the national level. The municipal council draws up regulation with regard to internal administration and the maintenance of law and order in the municipality. The competence of the municipal council is unlimited with respect to the internal administration of the municipality, municipal property, revenue and expenditure, work to be done, the public establishments of the municipalities and the appointment of the municipal secretary, municipal collector and municipal employees.

The board of mayor and aldermen is chosen from among the municipal councillors. This board is the executive and administrative body of the municipality's day-to-day affairs. It corresponds at the local level to the government at the national level. As an executive body, the board of mayor and aldermen is responsible for publishing and implementing the resolutions of the municipal council, administering the municipality's property, handling revenue and authorising expenditure, keeping a check on the municipal treasury and accounts, governing municipal establishments, administering rural police work and exercising supervision over municipal employees, the fire brigade, the keeping of records, etc. Furthermore, the board of mayor and aldermen is responsible for supervising municipal works and judicial

proceedings at the local level. The issuing of birth, marriage and death certificates and the keeping of their registers fall exclusively within the domain of executive local authority. Besides performing the typically municipal tasks, the board of mayor and alderman in certain cases also acts as an organ of central authority. In this capacity, the board of mayor and aldermen is responsible for enforcing laws and regulations and decisions of the central government on the municipality's territory. The mayor is furthermore responsible for enforcing laws and police regulations under the supervision of the district commissioner.

As has been shown above, local government in Luxembourg closely resembles the ideal type of the centralised unitary state. Compared to a (decentralised) unitary state, such as the Netherlands, central government in the Luxembourg unitary state operates remarkably close to local government, both in a physical (the state operates on a smaller scale, with a total population not exceeding that of a medium-size city) and in an institutional sense. Remarkably significant in this respect is the fact that the Grand Duke, as head of state, has been given the right to dissolve the municipal council. No less significant is the fact that communal charges cannot be imposed when the Grand Duke withholds his authorisation.

To prevent the municipal autonomy from constituting a threat to the national interests, the Constitution requires the legislator to regulate the composition and organisation of the municipal council and has equipped the higher authority with the right to exercise continuous administrative supervision over municipal affairs. Lines of control between national and local government are therefore relatively short and well organised. Although the municipal council may draw up regulations concerning internal administration and maintenance of law and order in the municipality, such regulations may on no account conflict with general administrative laws and regulations.

5.4 Territory in Official Statistics

Statistics about Luxembourg are issued by Statec, the national statistical bureau. With regard to the Nomenclature of Territorial Units for Statistics (NUTS), issued by Eurostat, all the Luxembourg regions are on the NUTS I level, which is the level of the central state. Furthermore, the Organisation

of Economic Cooperation and Development (OECD) issues statistics about, among others, Luxembourg.

Sources and Further Reading

As general sources of empirical data, the following works have been used, most notably the papers by Hendriks referred to below. General references are used in this section, as almost each of the following works touches on each of the paragraphs presented above.

References

Barteau HC (1996) Historical dictionary of Luxembourg. Scarecrow Press

European Commission. Committee of the Regions (1996) Regional and local government in the European Union. Office for Official Publications of the European Communities, Luxembourg

Hendriks F (2001) Luxembourg: change and continuities in the local state. In: Loughlin J (ed) Subnational democracy in the European Union: challenges and opportunities. Oxford University Press, Oxford, pp 173–185

Majerus P, Goerens J M (1995) The institutions of the grand duchy of Luxembourg. Luxembourg

Margue P (1974) A short history of Luxembourg. Ministry of State Information and Press Department, Luxembourg

Statec (Service central de la statistique et des études économiques) (1996) Le Luxembourg en chiffres. Statec, Luxembourg

Thill J, Frieden L (1993) Het Groothertogdom Luxemburg. In: Prakke L, Kortmann CA, Burkens MC (eds) Het staatsrecht van de landen der Europese Gemeenschappen. Kluwer, Deventer