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NEUTRALITY TO ALLIANCE
IN THE FOREIGN POLICY OF LUXEMBOURG
1867-1950

by

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B. A., Montana State University, 1951

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of the requirements for the degree of
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PREFATORY NOTE

If this review of Luxembourg's international relations and foreign policy betrays a predisposition in favor of the position assumed by the grand ducal government on certain issues, in part this attitude is reflective of the official and semi-official sources cited. There has been remarkably little controversial material published on the Grand Duchy; most authors have been sympathetic if not partial to the policies pursued by the grand ducal government and to Luxembourg as a nation. Moreover, most publications issuing from Luxembourg retain an official or national bias which it is difficult to dispel. Consequently a highly critical analysis is rendered difficult by the very fact of the predisposition of most available material. It must also be admitted that the international relations and policy of Luxembourg, restricted by the modest dimensions and resources of the land, do not lend themselves to the drama, eclat, and complexity of more powerful states. By reason of material and subject this relation of events since 1867 pretends to be no more than a review.

W. J. P.

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CHAPTER I

INTRODUCTION

The Grand Duchy of Luxembourg has been described as an anachronism which, through the grace of exceptional circumstances, manages to survive in the present era. Indeed, the continued existence of a small nation of slightly over 1,000 square miles supporting a population of about 300,000 does seem exceptional in a world where the tendency has been towards mammoth states, federations, unions, and empires encompassing continents and numbering their peoples in the millions and even hundreds of millions. Described as an anachronism, Luxembourg is seen not only as a miniscule state which has escaped annexation by powerful neighbors but also as a relic of the Holy Roman Empire which somehow survived the dissolution of that ancient realm. Others have treated the Grand Duchy primarily as a buffer state created at the Congress of Vienna and maintained subsequently to keep the peace between France and Germany. Luxembourg has been considered a small but strategic region of such importance to both France and Germany that its acquisition by either constituted a casus belli; this explosive situation impelled the powers to remove the country from the possible grasp of either neighbor and so to maintain the peace by permanently

neutralizing the land and guaranteeing its territorial integrity. Luxembourg historians have preferred to see the survival of their country in the light of an enduring nationalism. To them the Congress of Vienna, although such may not have been the intention of the powers, merely restored to Luxembourg its ancient independence after a foreign domination of almost four centuries. In all of these views there is an element of truth, but the truth is partial for indeed Luxembourg is, in a sense, a geographic and political anachronism, a buffer state, a strategic region, and a distinct nation. But each viewpoint, seen separately or in the composite, should be considered with reference to a primordial fact: that Luxembourg has been from its beginning and still is essentially a borderland.

This quality of being a frontier region wedged in between cultures and political units often in conflict cannot receive too much emphasis. Luxembourg's history for more than a thousand years has been that of a borderland, from the periods of Roman conquest, barbarian invasion, Franco-German dynastic conflict, and through the continental and world wars which have engulfed Europe. During the period of Roman domination the land which was yet to become Luxembourg constituted part of the frontier region facing the Rhine and the Germanic tribes. After the passage of the barbarians the territory of Luxembourg retained its border character, this time as a region between the cultures later to be described as French and German. The land and particularly the national

dynasty had ties with powerful neighbors to the West and to the East. This position most certainly gave rise to a strong regionalism. Moreover, a preferred position between two antagonistic powers recommended a policy of playing one off against the other, a policy which permitted the counts and dukes of Luxembourg an enviable autonomy. Under such sustained and propitious conditions the Luxembourg state evolved.

The annealing of the state was accomplished on the battlefields of international conflict for which the fortress of Luxembourg so often supplied the setting, at the peace-tables of international conferences at which the duchy was so often a bone of contention, and ever with deference to dynastic considerations. For more than a thousand years Luxembourg suffered the fate of a crossroads in European politics. This heritage can be profitably reviewed to provide a background, lend perspective, and throw into focus recent events as they are related to the foreign policy of this land whose fate has been determined by a most particular geographic position.

Luxembourg's history properly begins in 963, but historians, particularly those of Luxembourg, prefer to start with the Gallo-Roman period, perhaps as much to emphasize the antiquity of the land as to indicate its character as a borderland even at this early stage of development. Luxembourg enters the pages of history with the subjection of Belgian Gaul to Roman rule under Julius Caesar's lieutenant, Labienus. The Gallic population inhabiting the land, the Treviri,

although they accepted Roman rule through fear of incursions by German neighbors to the east consistently maintained a particularist attitude even when they had been appreciably Romanized. Their warfare with the Germanic tribes rendered them stronger than other Celtic tribes and, moreover, the intercourse introduced Germanic elements into their speech and culture as the Luxembourg historian Joseph Meyers has demonstrated.¹ The intermingling of races, of cultures, and the conflict of political groups in this region was apparent even at this time.

However the industry of generations of Roman governors and administrators was swept away as in a flood. Waves of barbarians, of Suevi, Alains, and Vandals inundated the region in 406, devastating it and putting its inhabitants to the sword. They in turn were followed by hordes of Huns. Both groups left few if any settlers in the region, the Germanic tribes passing on into Spain and Africa, the Huns, defeated by the Visigoths and Romans, being turned back towards the east whence they came. The banks of the Moselle, uncultivated and depopulated after the passages of these peoples were subsequently settled by the Ripuarian Franks.

With the settlement of the Ripuarian Franks along the banks and tributaries of the Moselle, even as far as the Meuse, the racial composition and linguistic character of the Luxembourggeois was set: what Celtic and Roman elements

1. Joseph Meyers, "Le Peuple Luxembourggeois," Le Luxembourg: Livre du Centenaire, 593.

remained were submerged in the Frankish flood. Thereafter, except for the old marquise of Arlon, Luxembourg remained essentially Germanic in speech and customs. The dialect spoken by the Luxembourgeois to this day called Moselfrankish or Letzeburgesch, extends throughout the ancient territory of the county and duchy of Luxembourg, four times larger than it is today, and generally throughout the area settled by the Ripuarian Franks. Peculiarities of development as well as borrowing from French render it in many respects distinctive from Middle German and distinguish it as the speech of a border area capable, under singular circumstances, of assuming attributes later to be described as national. In 1939 Letzeburgesch was officially elevated to the dignity of a national language in company with French and German. Aside from a legendary infusion of Saxon blood during the reign of Charlemagne and the actual introduction of French immigrants into the country during the short rule of Louis XIV over the land (1684-1697), the racial composition and cultural pattern of the Luxembourgeois was established definitively during the fifth century. They remain a people Frankish in origin, speaking a Frankish dialect characterized by peculiarities of development as well as by borrowing from the Celtic, Latin, and French languages, and generally sharing in the culture of their Belgian, French, and German neighbors.

The settlements of the Ripuarian Franks preceded by almost five hundred years the organization of the land and its peoples into a state. The territory of Luxembourg, yet to

be designated as such, formed a part of the Merovingian and Carolingian realms. And when Lotharingia, of which Luxembourg was a part, was divided between "Germany" and "France" by the Treaty of Mersen in 870, the line of division ran through the present Grand Duchy, cutting it from north to south. The line of division between Upper and Lower Lotharingia established by Otto the Great in 959 likewise crossed Luxembourg. These divisions presaged further conflicting interests in the region and again testified to its border character.

By a deed of April 17, 963, Siegfried, a younger son of the House of the Ardennes and reputedly a descendent of the French Carolingian dynasty, acquired the castle of Lucilinburhu Lucilinburhuc or Luxembourg as the castle, city, and country became known was ruled by the dynasty of Siegfried for almost five hundred years. By war, purchase, and subterfuge the House of Luxembourg added to its territorial possessions until its princes, ruling over lands four times as large as the present Grand Duchy, were accounted among the most powerful prince between the Meuse and the Rhine. With the election of Henry VI as emperor in 1308 the fortunes of the House of Luxembourg-Limbourg entered a period of unprecedented glory. From 1308 until 1437 the counts, after 1354 dukes, of Luxembourg reigned as emperors, kings of Bohemia and Hungary, and margraves of Brandenburg, ruling over a domain which extended from the North Sea and the mouth of the Scheldt to the Eastern Carpathians.

The death of the Emperor Sigismond, last surviving

male of the dynasty established by Siegfried, brought to an end the period of autonomy enjoyed within the framework of the Holy Roman Empire and initiated a period of foreign domination. By purchase and conquest Luxembourg passed to Philip the Good of Burgundy and to his heirs. As a part of the Burgundian heritage, Luxembourg was ruled by the dukes of Burgundy (1443-1506), by the succeeding Spanish Habsburgs (1506-1714) except for an interval of fourteen years of French domination under Louis XIV, by Austrian Habsburgs (1714-1795), and again by the French (1795-1814). For almost four centuries Luxembourg served as a pawn in European diplomacy. The strategic position of the country, lying as it did between the Meuse and the Rhine and so near the key cities of Metz and Verdun, rendered its possession a prime factor in the wars which ravaged the Low Countries. Habsburg control of the almost impregnable fortress of Luxembourg--called the Gibraltar of the North--was long disputed by the Valois and the Bourbons. After the defeat of the Emperor Napoleon when the disposition of the country was raised at the Congress of Vienna 1814-1815, Luxembourg was treated primarily as a pawn as it had been so often in its long history. The fate of the land was determined by its strategic position and its almost impregnable fortress.

Initially considered in plans for a Middle Rhine state and again as compensation to the kings of Saxony and of Bavaria in the course of the pourparlers, Luxembourg ultimately was attributed by the great powers at the Congress of Vienna to

King William I of The Netherlands. Shorn of its territory to the east of the Our and Moselle rivers--a territory ceded to Prussia--and in compensation for this cession awarded part of the old duchy of Bouillon, Luxembourg thus reconstituted was erected into a Grand Duchy and placed under the sovereignty of William I of The Netherlands as grand duke. The Grand Duchy was included in the German Confederation and the capital was declared a federal fortress. By a formal agreement between William I and Prussia, the fortress of Luxembourg was garrisoned by Prussian troops in accordance with the wishes of Great Britain and Austria.

Although by the Final Act of the Congress of Vienna Luxembourg was constituted as an independent state and despite the facts of its inclusion in the German Confederation and the garrisoning of its capital-fortress with Prussian troops, William I preferred to treat the land as the eighteenth province of his kingdom and by a decree of April 22, 1815, joined it to his realm of The Netherlands. For the next fifteen years the Grand Duchy was administered as an integral part of his kingdom. Consequently when the Belgian revolt of 1830 occurred the Luxembourggeois, sharing the political, economic, and religious disabilities of their brethren, joined in the revolt against William I. Only the capital-fortress of Luxembourg remained under the authority of King William I; the city was overawed by the cannon and troops of the Prussians and it was by the grace of the latter that even a part of Luxembourg was preserved to the king at this time. Since King William I

proved intransigent in his refusal to accept the settlement recommended by the European powers as provided in the Treaty of Twenty-Four Articles, November 15, 1831, the status quo was maintained for eight years during which Luxembourg was administered as a de facto Belgian province. Only the city of Luxembourg, by then granted administrative autonomy, recognized the authority of the king-grand duke.

This impasse in relations came to an end with the Treaty of London, April 19, 1839. By this treaty Luxembourg's boundaries were redefined and the status of the land reaffirmed. Two-thirds of the Grand Duchy comprising a region predominantly Walloon in speech was ceded to Belgium and designated the Belgian Province of Luxembourg. The king of The Netherlands retained what was left of the violently amputated land as well as the grand ducal title. The Grand Duchy, thus reduced in territory, remained a member of the German Confederation and its capital-fortress continued to be garrisoned by Prussian troops. The courts of Austria, France, Prussia, Russia, and Great Britain guaranteed the Twenty-Four Articles annexed to the treaty and forming an integral part of it and consequently guaranteed the sovereignty and territorial integrity of the Grand Duchy of Luxembourg. By the Treaty of February 8, 1842, Luxembourg joined the Zollverein under the special control of Prussia. In 1848 a constitution was adopted and gradually a distinctly national administration and series of institutions evolved.

During this period Luxembourg's position in international

relations testifies in a striking way to the country's borderland character, an odd assortment of ties with neighbors whose conflicting interests in the region have again and again preserved its autonomy and latterly its independence. The sovereign grand duke, king of The Netherlands, resided at The Hague. His prerogatives were exercised on his behalf by his brother, the prince-lieutenant who resided in Luxembourg. Cultural and educational ties were with Belgium, commercial relations oriented towards Prussia and the Zollverein, transportation facilities involved with those of France, and the fortress garrisoned by Prussians, while the country was a rather passive member of the German Confederation. Still, the court language was French and the fashions in vogue were set in Paris; although the dialect was Teutonic, the people were intensely anti-Prussian in their sentiments. The melange of ties and interests is rather astonishing and, graphically illustrated, would suggest the spokes of a wheel reaching out in all directions.

During the period 1839-1867 the Luxembourgeois cannot be said to have had any determining voice in their foreign relations. That prerogative remained in the hands of the sovereign of the land, the king-grand duke. Inclusion in the German Confederation had been arranged in the Final Act of the Congress of Vienna and with the reluctant consent of the King-Grand Duke William I. The capital-fortress was garrisoned by Prussian troops at the insistence of Austria, Prussia, Russia, and Great Britain rather than by the wish of Luxembourg.

or its ruler. Entry into the Zollverein had been negotiated in 1842 by the King-Grand Duke William II to remove the country economically at least from Belgian influence. And within the German Confederation the role of the Grand Duchy was unobtrusive in accordance with the wishes of a ruler who wished to avoid any vexing entanglements capable of involving even indirectly his neutral kingdom. Luxembourg cannot be said to have had a distinctly national foreign policy during this period. Its foreign relations were determined at The Hague. After the Treaty of London, May 11, 1867, however, the Grand Duchy did have a foreign policy-- permanent neutrality--which was maintained for almost three-quarters of a century.

CHAPTER II

NEUTRALITY 1867-1914

The Treaty of London

The permanent neutrality imposed upon the country in 1867 had its genesis in a Franco-Prussian quarrel over possession of the strategically important country. As a member of the German Confederation Luxembourg's participation had been markedly passive. There was always the plea of the Dutch official representing Luxembourg and Limbourg that his majesty wished to avoid entanglements which would involve his kingdom. And in deference to the king's position as a German prince and at the same time a foreign sovereign, the dominant powers of the confederation made few demands upon him. Another factor permitting this attitude was the family relationship of the House of Orange-Nassau with the Hohenzollerns of Prussia. Thus when the war against Denmark was prosecuted in 1864, Luxembourg preferred to adopt a neutral attitude as was again done during the Austro-Prussian War of 1866. With the latter, the German Confederation ceased to exist.

Bismarck did not invite the king-grand duke to join the North German Confederation through Luxembourg, perhaps

as much to avoid any non-German or foreign ties through a foreign dynasty as to save the country for some future diplomatic maneuver--for instance paying off a Prussian obligation. Nor did the king-grand duke formulate a request to enter the association; his government was thoroughly weary of such relationships. Thus as a result of the Seven Weeks War Luxembourg enjoyed a more independent position, no longer being a member of any German Confederation although a Prussian garrison occupied the fortress. This occupation was without justification after the dissolution of the Confederation and communications to this effect were addressed to the Prussian government by the grand ducal government on June 23, July 12, and again on October 12, 1866. Bismarck temporized.

After Sadowa Napoleon III began seeking the compensation which he had been led to believe by Bismarck might be granted France for her policy of non-intervention during the course of the war. Denied in Belgium, frustrated in the Bavarian Palatinate, he sought elsewhere for a "pourboire." Bismarck, who had isolated France as far as Great Britain and the South German states were concerned by discreet revelations relevant to Belgium and the Palatinate, now directed Napoleon's attention to Luxembourg by remarking to the Ambassador Benedetti that the Grand Duchy, not a member of the North German Confederation, was unattached. The emperor advised The Hague of his willingness to purchase the Grand Duchy and at the same time made known his intentions in Berlin, realizing that King William III of the Netherlands would not act should Bismarck object.

The king-grand duke was willing to sell the Grand Duchy whose inclusion in the German Confederation had been a source of distress and worry to the royal government. The land, unlike Limbourg, was not contiguous to the kingdom; it was far-away, its fortress was garrisoned by foreigners, and it was not overly profitable--in a word it was a liability. The royal government, in fear of implication, even refused to assume the diplomatic representation of the little country as theretofore when the latter seemed to fall victim to international disputes. Moreover, The Netherlands feared Prussian aggression and, with some anxiety, looked to France for support. Under these circumstances the offer of the emperor was welcomed. It would profitably relieve the king-grand duke of an entangling liability and at the same time gain the protection of the French for The Netherlands.

After receiving assurances from Bismarck to the effect that the Prussian government, while public opinion prevented it from consenting in advance, would accept a fait accompli, William III advised the emperor that negotiations could begin subject to certain conditions. The consent of the population involved would have to be secured, possibly through a plebiscite since that expression of popular consent was agreeable to the tradition of the empire, and also the consent of those five powers who had guaranteed the territorial integrity of Luxembourg in the Treaty of 1839 would have to be obtained, particularly the consent of Prussia. Negotiations proceeded favorably and on March 26, 1867, the prince of Orange was

sent to Paris to notify the emperor that the cession would take place at The Hague on March 31. The indemnity was put at five million francs. The cession was ready to take place when Van Zuylen, minister of foreign affairs of The Netherlands, decided that signing the cession was not within his capacity but rather devolved on Baron Tornaco, president of the Luxembourg government. A delay ensued pending the arrival of the Baron Tornaco,

That interval was sufficient to put an end to the projected cession. At a session of the Reichstag on April 1, the Hanoverian Herr von Bennigsen spoke in a heated manner on the proposed cession, claiming the country as German and urging that on no account should it pass to France. Bismarck next spoke on the proposed cession in an equivocal manner but with implications which could not but alarm William III. He particularly emphasized that the interested powers signatory to the Final Act of the Congress of Vienna and the Treaty of 1839 should be consulted. The German press gave itself up to hysterical outbursts of nationalist sentiment. The next day The Netherlands government was advised that should the cession be completed the Prussian government would consider the act unfriendly. Ambassador Benedetti was advised that in view of the warmth of public opinion on the subject it was impossible for Prussia to consent to the cession. On April 3 the Prussian government was advised that the king-grand duke had broken off negotiations in deference to Prussia's attitude.

The press in France was as vociferous as that in Prussia and the other German states. Since the honor of both countries as placed at stake war seemed probable. In an attempt to retrieve something from the diplomatic defeat the French government declared the honorableness of the negotiations emphasizing the plans for a plebiscite, and, in a louder tone, demanded that Prussia withdraw her garrison from a fortress which could not serve a non-existent German Confederation. Prussia refused. France was in no condition to go to war over a province which could not be obtained legally anyway since William III had withdrawn his offer. The only alternative to an undesirable war was an appeal to the powers to settle the differences between France and Prussia.

Prince Henry of The Netherlands, prince-lieutenant of the king-grand duke, had ruled the Grand Duchy since 1850 on behalf of his brother, governing conscientiously and wisely. Fondly attached to the country he had ruled so long he had not been willing to see his brother dispose of the land. When the foreign office of The Netherlands refused to handle grand ducal affairs, the prince appealed to his uncle, the tsar, to have Russian plenipotentiaries represent the Grand Duchy in those countries where Luxembourg had no envoys of her own.¹ This was not a burdensome charge since grand ducal chargés d'affaires had been sent to Paris and Berlin, the two vital posts of the moment, as soon as the Luxembourg government had been notified of the attitude of the royal government. The arrangement was

1. Paul Weber, Histoire du Grand-Duché de Luxembourg, 54

transitory. With like concern the prince suggested that, in the event of a Prussian evacuation of the fortress, the place should be garrisoned by a Luxembourg contingent raised for that special purpose. On March 22, 1867, he had proposed to the grand ducal government which he headed that the country be neutralized. It was basically this plan which was advocated by Austria and finally adopted with some modifications. After the impasse developed between France and Prussia, he again appealed to the tsar for his patronage in settling the affair.

On the invitation of the King-Grand Duke William III, the powers signatory to the Final Act of the Congress of Vienna and the Treaty of 1839 met in London together with representatives of The Netherlands, Belgium, and Luxembourg. It was the first time Luxembourg delegates were admitted to such a conference although in this case it was probably because the government of The Netherlands wished to avoid any appearance of control over grand ducal affairs. On May 7, 1867, the plenipotentiaries met in London: Austria, Count Apponyi; Belgium, Monsieur Van de Weyer; France, the Prince de la Tour d'Auvergne; Great Britain, Lord Stanley; Italy, the Marquis d'Azeglio; The Netherlands, Baron Bentinck; Luxembourg, Baron Tornaco and Monsieur Servais; Prussia, Count von Bernstorff; and Russia, Baron Brunnow. Two proposals were made by the Austrian delegate. In one he suggested that the Grand Duchy should be united to Belgium while the Belgian forts of Phillippeville and Marienburg could be ceded to

France in compensation for her disappointment. This plan received no support in Belgium where it was regarded that such a cession would be not only injurious to the realm but unconstitutional as well. Actually, Belgium seemed unwilling to press any claims for fear of jeopardizing her neutral position or of antagonizing the courts of Prussia and The Netherlands. The other recommendation of Austria, originally formulated by Prince Henry of The Netherlands and supported by Great Britain, arranged for the permanent neutralization of the Grand Duchy. This proposal was carried unanimously at the conference over which Lord Stanley presided.

The Treaty of London of May 11, 1867, was put into effect with the exchange of ratifications on May 31 of the same year. It became the touchstone of Luxembourg foreign policy for almost three-quarters of a century, a policy not abandoned until May 10, 1940. By Article I of the treaty, the sovereignty of the king of The Netherlands and the rights of his descendants and successors of the House of Orange-Nassau to the grand ducal throne were reaffirmed. By the same article the agnates of the kindred House of Nassau were also maintained in their rights of succession. Article II established the perpetual neutrality of the Grand Duchy and placed that neutrality under the "sanction of the collective guarantee of the Powers signing parties to the present Treaty, with the exception of Belgium, which is itself a neutral State." Luxembourg was bound to observe the same neutrality towards all other states. In view of the neutralization established

by Article II, fortifications within the country's frontiers became unnecessary. Article III provided that the city of Luxembourg, theretofore a federal fortress, should cease to be a fortified city, admitting only such troops as were necessary for the maintenance of public order. By Article IV the king of Prussia agreed to evacuate the fortress of Luxembourg, withdrawing all of his troops and material of war as quickly as the circumstances permitted. And by Article V the king-grand duke undertook the demolition of the fortress and the conversion of the place into an open city. Moreover, the restoration of the fortress or the maintenance or creation of a military establishment there was expressly forbidden. The country was in effect demilitarized. By Article VI the signatory powers stated that the bonds between Luxembourg and Limbourg relative to their representation in the former German Confederation ceased to exist with the dissolution of the confederation. It was a formal declaration of an established fact. More important as far as The Netherlands was concerned was the express recognition that Limbourg formed an integral part of the kingdom. Article VII provided for an exchange of ratifications in London within four weeks.

The treaty was approved by a grand ducal law of June 21, 1867. The Prussian garrison withdrew on September 9, 1867, and the fortress was occupied by Luxembourg troops until the stronghold had been demolished. By 1869 most of the defensive works had been dismantled and by July of the next year Luxembourg was an open city. The country's neutralized status was

inscribed in the Constitution of 1868; Article I declared: "The Grand Duchy of Luxembourg forms an independent State, indivisible and inalienable, and perpetually neutral." The neutrality thus inscribed in the constitution was not annulled formally until April 28, 1948, although de facto it was considered as abrogated on May 10, 1940, with the second German invasion.

By the Treaty of London Luxembourg became perpetually neutral, the neutrality was disarmed, and the neutrality and territorial integrity of the country were collectively guaranteed by the powers signatory to the treaty. The nature of the collective guarantee has given rise to much legal controversy. C. P. Sanger and H. T. J. Norton have treated the British viewpoint rather extensively, a viewpoint also considered by Ruth Putnam.¹ The interpretation of Luxembourg jurists, reflecting that of the grand ducal ministry of foreign affairs, would be more relevant as far as the topic of this study is concerned and especially since this interpretation was maintained during the first World War and thereafter until the second German invasion; the Luxembourg government, later supported in this interpretation in the League of Nations, held that the violation of Luxembourg neutrality by Germany in 1914 did not automatically invalidate the Treaty of London of 1867 nor annul Luxembourg's international status.

1. See Sanger, C. P., and Norton, H. T. J., England's Guarantee to Belgium and Luxemburg.

Pierre Majerus has reviewed the grand ducal interpretation in a trenchant, clear manner.¹ In placing Luxembourg neutrality under the collective guarantee of the powers, he has remarked, the Treaty of 1867 made up for the complete lack of military power which resulted from the demilitarization of the Grand Duchy. But unhappily the efficacy of this guarantee was perceptibly weakened since the conclusion of the treaty by the very diversity of interpretations which have been given. Pierre Majerus continues his argument by pointing out that during the very pourparlers preliminary to the Treaty of London Lord Stanley sought to evade the collective guarantee by sustaining that in virtue of the Treaties of April 19, 1839, Luxembourg was already under the European guarantee. However, out of deference to the unanimous desire of the other powers and "not wishing to oppose the stipulation which alone would appear to offer a sure guarantee of the maintenance of the peace of Europe," the British government finally and reluctantly admitted the principle of placing Luxembourg under a collective guarantee. How reluctantly this principle was conceded became apparent with the formulation of the famous-- or from the Luxembourg viewpoint infamous--British interpretation of the nature of the guarantee. On June 14, 1867, a short time

1. Educated in Luxembourg and at the University of Paris, Pierre Majerus began his career as a barrister in 1933 at the age of twenty-four. Having served as an attaché in the ministry of foreign affairs in 1936, as secretary of legation in 1944, counsellor in 1945, and as chargé d'affaires in the grand ducal legation in Brussels 1944-1947, he was appointed chief of the political section of the ministry of foreign affairs in 1948. Since 1951 he has served as minister to the Federal Republic of Germany and as chief of the Luxembourg Military Mission to Berlin.

after the conclusion of the treaty, Lord Stanley asserted in Parliament that, from the moment there did not exist among the guarantors complete and unanimous agreement on this subject, the guarantee involved only a moral obligation for the guarantor powers and did not oblige them to defend the neutrality of the Grand Duchy by force of arms. In Lord Stanley's opinion none of the guarantors would be solicited by Luxembourg to act alone or separately. Such is the British viewpoint as ascertained by Monsieur Majerus, a viewpoint confirmed by C. P. Sanger and H. T. J. Norton in treating the subject.

Taking the British thesis to task, Pierre Majerus has demonstrated that it was evidently contrary to the correct interpretation of the Treaty of 1867 because it obviously did not correspond to the intentions of the signatory powers.

The whole evolution of the Luxembourg question, as well as the declarations made by the plenipotentiaries in the name of their respective countries in the course of the diplomatic negotiations preliminary to the Treaty of 1867 demonstrate that the collective guarantee would have to constitute a reinforcement of the individual guarantee and not, as English statesmen later pretended, a form more or less mitigated by the guarantee of common right. The collective guarantee would have been purely illusory, if the defection of one guarantor or the infraction of one guarantor on the stipulations of the Treaty would have been able to dispense the others from fulfilling their obligations. Indeed, the great neighboring States of the Grand Duchy had assumed the guarantee in the same title as more distant Powers. Then, as Luxembourg neutrality could be violated only by one of the neighboring States, there would never have been any obligation of guarantee for anyone, if the guarantors necessarily had to act all together.¹

1. Pierre Majerus, Le Luxembourg Indépendant, 42. Hereafter cited as Majerus, Le Luxembourg.

In support of this interpretation, an interpretation generally accepted on the continent of Europe, Monsieur Majerus cites a discourse of Bismarck before the North German Diet in which the chancellor declared that the Luxembourg guarantee was fully obligatory for all the signatories and consequently Prussia considered it as full compensation for her evacuation of the fortress of Luxembourg and her renunciation of the right of occupation.

The same author goes on to state that in case of the violation of neutrality, the appeal in guarantee must be addressed by the Luxembourg government to all the guarantors at the same time. They are bound to reply to it, ". . . the guarantors must be called upon to act collectively, without, nevertheless, the failure or defection of one alone or of several among them being able to release the others from their obligation of guarantee." He then cites such eminent authors as Calvo, de Martens, Geffken, Milovanovitsch, and an opinion of the Luxembourg Council of State of January 6, 1871, in support of this thesis.¹ Indeed, if the guarantee was to have any meaning, such would appear to be the only logical interpretation. The nature of the guarantee was a subject of considerable discussion in the course of the Franco-Prussian War and during World War I. But this aspect of neutrality--the nature of the guarantee--will be again considered in subsequent chapters. Three years after Luxembourg was permanently

1. Majerus, Le Luxembourg, 41-43.

neutralized, grand ducal neutrality met its first test during the Franco-Prussian War of 1870.

The Franco-Prussian War

The Franco-Prussian War passed by Luxembourg but not without giving rise to some alarm and occasioning rather vexing international exchanges. The grand ducal government asked for assurances from both of the antagonistic powers that they would respect the territorial integrity and neutrality of the country. Such assurances were given to the grand ducal charges d'affaires, by telegram in Berlin and orally in Paris. When Belgian neutrality was being considered for further confirmation by a new treaty among the five powers, the Luxembourg government requested similiar confirmation of its status. Great Britain and Prussia assured Luxembourg that the guarantee of 1867, being sufficient, there was no need for further confirmation.

Despite precautions to preserve careful and strict neutrality during the war, a train carrying food provisions slipped through from Luxembourg to the French fortress of Thionville, then besieged by the Prussians, on September 25, 1870. The fortress eventually capitulated but Bismarck employed the violation to gain certain ends with respect to the grand ducal railway line Guillaume-Luxembourg. A sharp protest was sent by Bismarck on October 4 with a warning that indemnity would be demanded should another violation occur. The grand ducal government adopted severe regulations to

prevent another untoward incident. Behaving with dignity, the Luxembourg authorities were nevertheless alarmed by the menacing tone of the Prussians; every effort was made to curb public expression of the Francophile sympathies of the people. Bismarck sent another note from Versailles on December 3, 1870, to the grand ducal government in which he again took up the incident of September 25 and, after listing other charges less easily substantiated, he declared that the Prussian government "can no longer consider itself bound to any consideration of the neutrality of the Grand Duchy in the military operations of the German army and measures for the security of the German troops against the injustice inflicted on them from Luxembourg."¹

The threat of a German military occupation threw Luxembourg into a panic. Petitions were sent to the king-grand duke, the Luxembourg government sent a reply on December 14 in which most of the charges were refuted and attention was called to Prussia's obligations incumbent upon a signatory of the Treaty of 1867, but the most effective appeals were lodged by Prince Henry with his uncle, the tsar, and with his relative, the king of Prussia. Possibly the intervention of St. Petersburg and London checked Bismarck, and possibly the latter became convinced that Luxembourg's military value was less than it had been in 1867, or it may have been that the country was not considered worth international complications which might follow its occupation.

1. Ruth Putnam, Luxembourg and Her Neighbours, 292-293.

Whatever the reasons, which do not seem to have been fully ascertained, Prussia adopted a less menacing tone in subsequent notes. In a curt letter of January 6, 1871, to the Luxembourg government, Bismarck stated that he did not mean to ignore the Treaty of 1867 but merely to protect his country against violations of neutrality. On January 21, 1871, the Prussians asked for an indemnity, either 7,500,000 francs or as an alternative the Luxembourg railway Guillaume-Luxembourg.

In the Treaty of Frankfort of May 10, 1871, the German Empire was subrogated in the rights of the French Compagnie de l'Est to exploit the grand ducal railway line Guillaume-Luxembourg. To secure the approval of the Luxembourg government, the German government threatened to break off customs relations, to secure indemnity for the alleged violations of Luxembourg neutrality during the course of the war, and to break off postal and telegraphic relations with Germany. Emmanuel Servais, president of the grand ducal government, had tried to induce the Belgian government to take over the franchise to operate the disputed line but Belgium feared to jeopardize her position. More than a year passed before Luxembourg acceded to severe German pressure and signed the Railway Convention of June 11, 1872, which contained provisions necessitated by Luxembourg's international status. The provisions were of interest in 1918 when the grand ducal government invoked them in justification of its simultaneous denunciation of the customs union and the Railway Convention.

The German Government pledges itself never to use the Luxembourg railways for the transport of troops, arms, material of war, and munitions, and never to avail themselves of them, during a war in which Germany may be involved, for the provisioning of troops, in any way incompatible with the neutrality of the Grand Duchy and, in general, not to admit nor to permit to be admitted any act in connection with the exploitation of the lines which is not in perfect accord with the duties incumbent on the Duchy as a neutral State.¹

The Franco-Prussian War passed by Luxembourg, leaving the country's neutrality unimpaired. There were a few repercussions. There was some anxiety in the Grand Duchy lest Prussia occupy the land on the pretext of continued violations of its neutrality on the part of Luxembourg, and as an indirect result of Germany's victory the railway Guillaume-Luxembourg passed under German direction. But otherwise Luxembourg's status remained unchanged. Aside from the Franco-Prussian War, the three decades preceding the turn of the century were relatively peaceful, witnessing but one noteworthy event, a change in dynasties, which, although it did not affect the country's status of neutrality, was not without significance in national affairs and in international relations. In 1890 William III, king of The Netherlands and grand duke of Luxembourg, died. With his death the personal union between Luxembourg and The Netherlands came to an end. In The Netherlands the king was succeeded by his daughter, the Princess Wilhelmina. But the succession in Luxembourg, regulated by the Nassau Family Compact of 1783--confirmed anew in 1814 and applied to the Grand Duchy by the

1. Ruth Putnam, Luxemburg and Her Neighbours, 452.

Final Act of the Congress of Vienna of 1815 and by the Treaties of London of 1839 and 1867, provided that with the extinction of the male line of the sovereign House of Orange-Nassau the throne devolved upon the kindred House of Nassau. Consequently Duke Adolf of Nassau succeeded William III in Luxembourg in 1890.

The Grand Duke Adolf had lost his duchy of Nassau to Prussia in 1866 during the Seven Weeks War. The new dynasty thus had no foreign ties of rule like its predecessor. It acclimated itself, assumed a national character, and with the passage of years and the habit of obedience, entrenched itself in the affections of the population. The fact that, unlike their Protestant forbears, the granddaughters of Grand Duke Adolf were reared Catholics in an overwhelmingly Catholic land was of no little importance in easing the change. The Grand Duke Adolf was succeeded by his son, William IV, in 1905, and he in turn by his daughter Marie-Adelaide in 1912. The dynasty is admittedly a bulwark in the preservation of the country's independence and enjoys immense prestige and popularity.

The Conventions of The Hague

The Grand Duchy of Luxembourg at the turn of the Nineteenth Century entered upon a period of extraordinary prosperity. The growth of the iron and steel industry was phenomenal and, far from displacing other industries, tended

to stabilize them. Indeed, agriculture was fortified through the employment of by-products of the metallurgical industry as fertilizers. This general internal prosperity and stability had a correspondent in a salutary stabilization of international relations. The exterior sovereignty of the country was reinforced and maintained by Paul Eyschen, minister of state, on every possible occasion. The Hague Conventions of 1899 and 1907 offered the Grand Duchy an opportunity to assert its juridical status as a sovereign state and also to reaffirm its unique personality in the deliberations attending the formulation and signing of the conventions.

Luxembourg aligned itself with the powers represented at The Hague to sign the Final Act of the First Peace Conference and the conventions and declarations annexed to it on July 29, 1899. The conventions, having as their objective the pacific regulation of international conflicts and the institution of a Permanent Court of Arbitration at The Hague, as well as a codification of the laws and customs of war, were approved in a grand ducal law of June 12, 1901. Paul Eyschen, advocating the approval by the Chamber of Deputies, emphasized the advantages the conventions of 1899 held for small states. With reference to the events of 1870 when Luxembourg's independence was momentarily threatened in the course of the Franco-Prussian War, he pointed out that the recourse to an international court of arbitration was of immense benefit for weak states.¹

1. Majerus, Le Luxembourg, 50. This source has been employed almost exclusively in the formulation of this section, it, alone, among available works treating the subject adequately as far as Luxembourg's participation in the conferences is concerned.

The regulation of 1899 concerning the laws and customs of war on land provided in its Articles 42 through 56 for the administration of territories occupied by a belligerent. As long as the country is not annexed the invader will no longer be absolute master in the invaded country. This provision had an indirect application during the first World War when the Luxembourg government continued to function in an autonomous fashion despite the restrictions placed upon the scope of its operations by the German High Command. Article 54 in its stipulation that the material of railways situated in occupied territories, originating in neutral states, and belonging to those states, either of companies or of private persons, would be returned to them as soon as possible by the belligerents was of great concern to Luxembourg. However this matter will be considered in more detail in another chapter and with reference to particular circumstances.

The Treaty of London of 1867 had disarmed the Grand Duchy, permitting the government to maintain only such troops as were necessary for the surveillance and maintenance of good order. The frontiers were collectively guaranteed by the powers signatory to the treaty and consequently any need for a large defense force was obviated. But the small body of troops sufficient to meet internal needs would logically be inadequate to meet greater military obligations deriving from war in neighboring territories. It was with this situation in mind that Monsieur Eyschen found it necessary to point out to the Conference of The Hague in its session of

June 6, 1899, that Luxembourg would be unable to assume the same obligations as the other states with regard to those dispositions concerning the internment of troops which might pass through neutral territory and with regard to the aid to be provided casualties of war by neutrals. On the demand of the Luxembourg minister of state this declaration was incorporated in an act by which it was understood to reserve to Luxembourg all the rights derived from the Treaty of London of May 11, 1867, and especially from Articles 2, 3, and 5 of that treaty in the application of the aforementioned dispositions.¹

The plenipotentiaries of the powers represented at The Hague in 1899 had expressed, in a resolution figuring in the Final Act of the First Peace Conference, a series of intentions relative to the revision of the Convention of Geneva of August 22, 1864, the regulation of the rights and duties of neutrals, the limitation of armaments, and the codification of a certain number of special dispositions concerning war on land and on sea.

Certain dispositions of the conventions of 1899 were completed or amended in the Second Peace Conference which ended with the conclusion of eleven international conventions signed at The Hague on October 18, 1907.

When the Luxembourg Chamber of Deputies met to discuss a law of approbation authorizing the grand ducal government to ratify the acts of the Second Peace Conference, it

1. Majerus, Le Luxembourg, 51, citing Gaston Wampach, Le Luxembourg neutre, (Paris, 1900), 302.

was again the minister of state, Paul Eyschen, who demonstrated the advantages the conventions offered small states. At other times, he surmised, only the great powers were consulted in the regulation of European affairs. Luxembourg had not been consulted with regard to her own disposition at the Congress of Vienna in 1814-1815. Nor was it given any choice in 1867 when the powers neutralized the state, although on this occasion grand ducal envoys were consulted and took part in the deliberations. But since the First Peace Conference a change had been produced in international relations. For the first time the small states had been invited to participate actively in the conclusion of conventions regulating the international situation in Europe and in the world. The small states were summoned to sit in full equality with the great powers. The action implied the recognition of their rights and of their juridical personality.

The Fourth Convention of 1907 took up that regulation of 1899 concerning the laws and customs of war on land. Section III of this regulation treated in particular the military authority of an enemy occupation. The discussion of the text brought objections from the Luxembourg, Swiss, and Belgian delegates. They demanded a qualifying act declaring that every occupation in general and indeed of fact would never apply to countries neutralized by virtue of international conventions. The demand was justified by its very logic. By virtue of their international status the permanently neutralized countries were in a state of perpetual peace.

Their position in the event of war was relatively sacrosanct. In the domain of international law it was inconceivable that in case of armed conflict they should be considered as enemy states by one of the belligerents since their very status was in contradiction to such a supposition. The occupation of a neutral by a belligerent would be in flagrant violation of the law of nations and would not engender any rights whatsoever to the profit of the invader.

In 1899 the delegate from Luxembourg, Paul Eyschen, had insisted that the rights of neutrals be determined as well as those of belligerents, demonstrating the necessity of his request by indicating the numerous difficulties to which Luxembourg was exposed during the course of the Franco-Prussian War because such rights had not been adequately defined. A lack of clarity and precision in the principles regulating the conduct of neutral states could constitute a grave source of danger to those states. It was imperative, therefore, that the rights of neutrals be defined in a convention which would be of particular interest to the Grand Duchy.

The Fifth Convention of 1907 constituted a veritable code for neutrals, settling a host of questions relative to neutrality. Articles 1, 2, and 10 enunciate the principle of the inviolability of neutral states.

Article 1:

The territory of neutral Powers is inviolable.

Article 2:

Belligerents are forbidden to move troops or convoys either of munitions of war or of supplies across the territory of a neutral Power.

Article 10:

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

Article 10 admits the right of defense even to a disarmed neutral like Luxembourg. In the case of Luxembourg, however, this defense could be accomplished almost solely through the destruction of bridges, tunnels, and those means of communication employable by the invader. The size of the country, the smallness of its population, as well as its disarmed status precluded effective defense by force of arms. Passive resistance and a token defense, aside from official protests, constituted a manifestation of moral opposition to a violation of the state's integrity.

Paul Eyschen as a delegate from Luxembourg was very active in the deliberations preceding the adoption of certain articles, particularly those relating to neutrals, and it has been remarked that among the representatives from neutralized states he was more outspoken in his demands for clarification of the rights and duties of neutrals than some of the other delegates. He was certainly responsible for the adoption of Article 19 of the Fifth Convention of 1907, an article relating to the railway material of neutrals which happened to be in the territory of belligerents. Several tentative proposals of the Luxembourg delegation were not accepted because of their form--they were not considered elastic enough to cover most contingencies. In the debates relative to the adoption of the article, Paul Eyschen supported his proposals with full references and reasons drawn from the

difficulties his country experienced during the Franco-Prussian War. But the article, as it was finally adopted, was based on a text submitted by the German delegation and included the principle of compensation for the use of material c neutrals, a factor not mentioned in the Luxembourg proposition.¹

Article 19:

Railway material coming from the territory of neutral powers, whether it be the property of the said powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

Monsieur Eyschen explained the necessity of this article as far as Luxembourg was concerned in his report to the Chamber of Deputies.

Ordinarily at the moment of a declaration of war there has been as much foreign property in our country as there has been property of Luxembourg in the other country. In this fashion if there were a war in Europe among our neighbors, the situation of 1870 would no longer recur, when we no longer had a single coach in the country, when everything was beyond our borders, when our factories had to remain at a standstill. We have obtained this convention by pointing out that if the belligerent states believed themselves authorized to expropriate the property of a neutral country or a neutral company because it was necessary for the defense of the fatherland, then the neutral states must maintain themselves also and defend their fatherland. It is absolutely necessary that our

1. Antonio S. de Bustamante, "The Hague Convention Concerning the Right and Duties of Neutral Powers and Persons in Land Warfare," American Journal of International Law, 1908, II, 95-120.

industry be able to continue operating. We have the defense of the capital which has been immobilized, the defense of the interests of the neutrals, and in the discussion we have demonstrated with precision that this right of the workers and manufacturers was as sacred as that of the belligerent countries.¹

The Conventions of 1899 and of 1907, despite their imperfections and their omissions, were a step forward in the evolution of the law of nations, notably in sanctioning implicitly the juridical equality of all of the states irrespective of their territorial extent, the resources they commanded, or their military potential. In the international tribunal they were in theory equal. It was this aspect of the Conventions of The Hague, the equality of the participants, which was of moment to Luxembourg at the time. The stipulations relative to neutrals were to be invoked within less than a decade in justification of grand ducal policy.

1. Majerus, Le Luxembourg, 54-55, quoting "Compte-rendu des seances du Chambre, 1911-12," 2865/2866.

CHAPTER III

NEUTRALITY 1914-1940

The First German Violation of Neutrality

On June 28, 1914, as all the world knows, Archduke Franz-Ferdinand of Austria-Hungary and his wife were assassinated at Sarajevo. As the storm that was eventually to overwhelm Europe began to brew there was little anxiety in Luxembourg during the month of July. The trouble was far distant. Luxembourg, permanently neutralized by the powers, appeared comparatively secure. If war should develop between France and Germany it was hoped that the neutrality of the Grand Duchy would be respected as it had been during the course of the Franco-Prussian War. Paul Eyschen, minister of state and president of the government, later alarmed by the turn of events, interrupted his cure at the baths of Evian and returned to his post on July 29. It became the immediate concern of the government to obtain adequate provisions for the country in case the grand ducal frontiers were closed to commerce through a war between Luxembourg's neighbors. On the morning of July 31 the news that the bridges on the Moselle were barricaded along the German frontier augmented

the alarm of a population already disturbed by the closing of the border to grand ducal imports, a restriction imposed by Luxembourg's neighbors. The government appealed to Belgium that an exception might be made in the Grand Duchy's favor but the Belgian government replied that it could do nothing. A similiar appeal to France received a negative reply. Germany conceded that provisions might be introduced through the port of Antwerp and through ports of The Netherlands. A demand for Luxembourg-owned crops on the German banks of the Sure and Moselle rivers was rejected by Germany; the owners would be granted adequate payment but the crops themselves would remain in the Reich.

On July 31 the grand ducal government sought from the German and the French governments, through their ministers to the grand ducal court, Herr von Buch and Monsieur Mollard, formal assurances that they would respect the neutrality of the Grand Duchy. Such an assurance had been given in 1870 with the advent of the Franco-Prussian War. Since neither government gave an immediate reply, the Luxembourg minister of state anxiously renewed his government's demand on August 1 for such a declaration.

Because Luxembourg occupied a strategic position between France and Germany, the question of grand ducal neutrality had necessarily entered early into the plans and military preparations of the antagonistic powers who were also guarantors of the country's neutrality. The fate of the Grand Duchy was decided in the foreign offices and

military headquarters of France and Germany long before the assassination of Archduke Franz-Ferdinand furnished them an occasion for war. The military plans of the two powers could not be well considered without reference to The Netherlands, Belgium, and Luxembourg. The strategic plans of France with respect to Luxembourg, being essentially of a defensive character, did not envisage military operations in grand ducal territory. But on the German side, to the contrary, passage through Luxembourg and Belgium formed an essential part of the offensive operations of the Schlieffen Plan of 1905. In his last memorandum of December, 1905, the chief of the German General Staff voiced the opinion that, aside from the official protests of its government, the violation of Luxembourg neutrality would not have important consequences.¹ Belgian neutrality remained a vexing problem in pre-war discussions between London and Berlin but as to the question of Luxembourg a complete silence was maintained. Whitehall had always differentiated between its guarantees to Belgium and to Luxembourg; the guarantee to the latter was collective and proposed joint action in its maintenance.² The military plans of France and Germany were given application; the intentions of the respective governments were made manifest in the first days of August, 1914.

On August 1 the Luxembourg government had renewed its

1. Majerus, Le Luxembourg, 59, citing Paul Herre, Die kleinen Staaten Europas und die Entstehung des Weltkrieges, (C. H. Beck, Munich, 1937), 272.

2. Ruth Putnam, Luxembourg and Her Neighbours, 367.

demand that France and Germany declare their intentions of abiding by the Treaty of London, May 11, 1867, and the Conventions of The Hague of 1899 and 1907 to which they were signatory.

Through the Agence Havas information was secured to the effect that France would not infringe neutrality unless she were obliged to do so in self-defense through a German violation of Luxembourg soil. In an official reply of August 2 the French government assured the government of Monsieur Eyschen that it would respect Luxembourg's neutrality in conformity with the Treaty of London of 1867, adding, however, that this adhesion to the treaty was contingent on Germany's.¹ In conformity with this attitude the French tore up the rails on their side of the frontier at Mont-Saint Martin-Longwy. Despite German allegations, no French troops ever crossed the Luxembourg frontier at any time prior to the German invasion.²

On July 31 Germany had closed her frontier to the exportation of food products to Luxembourg, an act in direct violation of the Treaty of Customs-Union with the Grand Duchy. Protests against the violation and a demand that Germany

1. " . . . The violation of this neutrality by Germany would, however, be an act of a kind which would compel France from that time to be guided in this matter by care for her defense and her interest." Communication of Rene Viviani, President of the Council, Minister for Foreign Affairs, to Monsieur Mollard, French Minister to Luxembourg, dated Paris, August 1, 1914, American Journal of International Law, Supplement/Official Documents, 1915, IX, 268-269.

2. Ruth Putnam, Luxembourg and Her Neighbours, 9.

declare her intention to respect Luxembourg neutrality were equally ignored by the imperial government which did not deign to reply. On August 1 at Trois Vierges near the German border Luxembourg territory was violated by German troops. The village was occupied, the telegraph taken over, and the rails near the border torn up for a distance of 150 meters. The troops retired the evening of the same day under the pretext of an error. Telegrams were sent to the imperial chancellor and minister for foreign affairs protesting the territorial violation. The incident at Trois Vierges was but a prelude; the invasion by German troops would have taken place the same day had not the action been delayed for twelve hours by reason of the famous "misunderstanding" between Grey and Lichnowsky.¹

War had not yet been declared against France when, on August 2, 1914, battalions of the German army of the crown prince occupied the Grand Duchy in several hours. Disarmed by virtue of international treaty the Grand Duchy was incapable of defending its neutrality by force of arms. Opposition was necessarily token. Monsieur Eyschen ordered Major van Dyck to station himself on the terminus of the road from Trèves, at the Pont du Chateau, and formally protest to the first German troops to appear. The major placed his car, a court vehicle, across the road and awaited the invader. It was this incident of a court car employed to block a road which gave rise to the legend that Grand Duchess Marie-Adelaide

1. Majerus, Le Luxembourg, 60, citing Paul Herre, op. ci

had, with tearful distress, opposed the invading Germans in person. Protests were immediately lodged with the commanding officers of the invading troops. Telegram after telegram to Berlin demanding an explanation remained unanswered and the grand duchess was obliged to add her personal appeal to those of her government.¹

The powers signatory to the Treaty of London, 1867, were notified of the violation of Luxembourg neutrality which they had collectively guaranteed. Telegrams were sent at 7:00 A.M., August 2, to the ministers of foreign affairs in Brussels, The Hague, London, Paris, St. Petersburg, and Vienna.

The German government, dunned for an explanation, at first sought to excuse its actions as being not hostile

1. The Grand Duchess Marie-Adelaide succeeded to the throne on the death of her father, William IV, on February 25, 1912. Her mother served as regent during the first few months of her reign until the grand duchess attained her majority. Although greeted with enthusiasm at the beginning of her reign, her popularity waned. Her reluctance to sign a liberal scholastic law in 1912 alienated the sympathies of the parties of the Left. Moreover, her piety--almost to a degree approaching mysticism, her choice of a chaplain described as reactionary, and her reliance on the party of the Right were not agreeable to the Left. Her conduct during the German occupation was patriotic, proper, and correct, but the parties of the Left, with extreme vindictiveness, interpreted her policies as anti-constitutional and pro-German. Their opposition, coupled with the hostility of France and Belgium to her, forced the grand duchess' abdication on January 9, 1919. In 1920 she entered a Carmelite convent as a novice but because of poor health she was forced to leave. She then joined the Little Sisters of the Poor. In 1924 she died at the age of thirty. The cause of her beatification and possible canonization has been introduced at the Vatican.

in character but protective. They were "preventive measures taken for the protection of the railroads which, in consequence of the treaties existing between Germany and the Grand Duchy of Luxembourg, were under German administration."¹ This note was communicated through the German minister, Herr von Buch. A despatch from Herr von Jagow, minister of foreign affairs, to Monsieur Eyschen offered Luxembourg full compensation for any injuries inflicted on the country.

The German reply was rejected as unsatisfactory. The treaties concluded between the Grand Duchy and the Empire with reference to the imperial administration of customs and railways emphatically prohibited the use of those railways for military purposes under any circumstances. Not only the treaty of neutrality but also the economic conventions signed by Germany had been violated. In a second reply from Berlin the violation was declared occasioned by the aggressive action of French troops on the Luxembourg frontier; the invasion by German troops was consequently declared defensive and preventive. Monsieur Eyschen telegraphed that this reply was equally unsatisfactory. The French had never invaded the Grand Duchy and moreover, as evidence of their good faith, they had even torn up the rails on their side of the frontier. Nowhere was there any evidence to substantiate the German allegation. The minister suggested that false news of Luxembourg's position had been disseminated deliberately to obscure the truth. The suggestion was made with indirect reference to a

1. Majerus, Le Luxembourg, 61.

proclamation printed in Coblenz and issued by General Tulff von Tschepe, Commander of the German Eighth Army Corps, which declared: "The enemy has forced Germany to draw the sword. France, having violated the neutrality of Luxembourg, has initiated hostilities--as has been established beyond the least doubt--on Luxembourg soil against German troops." The proclamation was not generally distributed, but the grand ducal government obtained a few copies and employed them to demonstrate how unsatisfactory and contradictory were the German explanations.

In a discourse delivered in the Chamber of Deputies, convened in extra session on August 3 Monsieur Eyschen denounced Germany's culpability. "The two facts," he said, "on which the occupation is based and of which the proclamation signed by the general speaks are false . . . I declare it before the country and before Europe."¹

The German Chancellor von Bethmann-Hollweg at a session of the Imperial Reichstag admitted the validity of the Luxembourg protestations and that the military occupation was a wrong. With some regard for standards of propriety and justice, he promised reparation for the damages incurred through the occupation. At the same time he sought to justify Germany's action by insisting that the Empire, being in a state of defense, was forced by necessity to follow its course of action. Necessity

1. Majerus, Le Luxembourg, 61.

knew no law.¹

The measures adopted by the government were confirmed by the Chamber of Deputies. In the session of August 3 the minister of state, Monsieur Eyschen, reminded that body that true sovereign powers remained with them, and that it was within their province to act in all that concerned the internal administration of the country. "There is an occupation in fact, certainly, but Luxembourg's rights have, up to the present, suffered no modification nor alteration in law. This is an extremely important fact and I desire to emphasize it." Some momentary consolation was derived from the German declaration that no acts of warfare would be committed and that the occupation was to be a brief passage only.

In a message addressed to the Chamber of Deputies at the opening of a new session on November 10, 1914, the Grand Duchess Marie-Adelaide, after summarizing the dispositions

1. "We are in a state of legitimate defense and necessity knows no law.

"Our troops have occupied Luxemburg and have perhaps already entered Belgium. This is contrary to the dictates of international law. France, has, it is true, declared at Brussels that she was prepared to respect the neutrality of Belgium so long as it was respected by her adversary. But we know that France was ready to invade Belgium. France could wait; we could not. A French attack upon our flank in the region of the Lower Rhine might have been fatal. We were, therefore, compelled to ride roughshod over the legitimate protests of the Governments of Luxemburg and Belgium. For the wrong which we are thus doing, we will make reparation as soon as our military object is attained." Communication from the Belgian Minister at Berlin to the Belgian Minister for Foreign Affairs quoting a speech of the Imperial Chancellor, American Journal of International Law, Supplement/Official Documents, 1915, IX, 70.

made by her government during the preceding months, declared:

Our rights remain entire then, although they have been ignored . . .

The country does not consider itself in any way released from the obligations imposed upon it by the international treaties. As in the past it will continue to fulfill them loyally. Our protest remains standing consequently and We maintain it in all its terms.

Since it has been independent, the Grand Duchy has enjoyed a real prosperity. The people have been truly happy, the national hymn proclaims it without cease. However small and weak, Our State has known amply how to fulfill its duties, as well in relation to its neighbors as with regard to its own citizens.

Luxembourg has documented its vitality fully; it has given proof also of its right to existence. It wishes and it must continue to live.¹

The response of the Chamber, adopted unanimously in a session three days later, echoed the sentiments of her royal highness.

The Powers signatory to the Treaty of London of 1867 have guaranteed the perpetual neutrality of the Grand Duchy and have imposed upon it the obligation of dismantling its fortress while forbidding it to maintain an army. The Grand Duchy has fulfilled its obligations and, while its neutrality has been violated, Sovereign, Government, and Chamber have uttered, with the same ardor, the same protest; and rightly does the discourse from the Throne proclaim that our rights remain entire although ignored, and that the country does not consider itself released from its obligations which international treaties impose on it . . .

Scrupulous respect for treaties has been our strength in the past. More than ever it will be our line of conduct in the present and our safeguard for the future.²

1. Majerus, Le Luxembourg, 62.

2. op. cit., 63.

In the opinion of the Luxembourg authorities, the Grand Duchy's neutrality had been violated but it did not necessarily follow that neutrality had been abrogated. Since neutrality had been imposed by an international treaty to which the Grand Duchy was signatory it could be annulled only by a similar instrument. It was accordingly the duty of the grand ducal government to fulfill its obligations inasmuch as it was possible under the German occupation. The Grand Duchy's status had been established by law and strict adherence to the law would justify the eventual restoration of complete neutrality. Recourse to force would be futile. The attitude adopted by the authorities also permitted them to retain their administrative autonomy and through it to provide, as well as the circumstances permitted, for the needs of the population. The country had to live with its uninvited and unwelcome intruders for four years. In its constant effort to maintain its authority against the encroachments of the German military authorities the grand ducal government was reduced to issuing declarations, lodging appeals and making protests before the German imperial court, and, when the threat of force did not dictate a grudging and protesting submission, rejecting illegal demands made by the Germans. Emphasis was placed on the moral and legal rights of the government.

The Luxembourg government considered the statute of neutrality as juridically intact and held itself to a strict observance of the regulations concerning neutrality inscribed in the Fifth Convention of The Hague of 1907. These regulations

dictated the rights and duties of neutral powers in case of war on land. In their efforts to apply the regulations the Luxembourg authorities were often vigorously opposed by the German military commanders, specifically with regard to grand ducal diplomatic relations and the internment of escaped prisoners of war.

The right of legation is an essential prerogative of sovereign states. But diplomatic relations, particularly vital to the Grand Duchy at this time because the German occupation had suspended other means of communication, were nevertheless severed by the German military authorities. The detrimental effect of the expulsion of envoys accredited to the grand duchess and of the severing of full diplomatic relations with other powers through German insistence became evident in the immediate post-war years. The Grand Duchy was deprived of official observers capable of speaking on behalf of the grand duchess and her government; their position at the grand ducal court would have acquainted them with the activities of the government and permitted them to submit to their respective governments facts which later were obscured in a plethora of irresponsible rumors and malicious propaganda.

On August 4, 1914, the German minister to the grand ducal court, Herr von Buch, advised Monsieur Eyschen that unless the minister of France, Monsieur Mollard, did not vacate his post and re-enter France shortly, he would be placed under surveillance and the possibility of arrest by the German military authorities. Minister Mollard, advised of this ultimatum

by Monsieur Eyschen, commended his fellow countrymen to the protection of the grand ducal government and left the country.

The presence of the Belgian minister, Count Jehay van der Steen, was tolerated for a few more days but he also was expelled by the Germans on August 8. As an eye-witness he published in 1915 an account of the first days of the German occupation which to a large measure exonerated the conduct of the Luxembourg authorities. With reference to his expulsion his recommendations were reflected in the immediate attitude of his government. "The Belgian Government, considering that the Grand Ducal Government had no choice in their attitude, and that the course they had been obliged to adopt in no way implied any discourteous intention towards the King of the Belgians or towards Belgium, decided that there was no reason, in these circumstances, for requesting the Luxembourg Chargé d'Affaires to leave Belgium."¹

Despite these incidents both the French and Belgian governments carried on relations with the grand ducal chargés d'affaires in their respective countries. Unfortunately the absence of proper communications with their home government limited the scope of the activities of the grand ducal chargés d'affaires, confined, for the most part, to the charge of their nationals resident in France and Belgium.

In May, 1915, the Luxembourg government became thoroughly exasperated when the Italian minister, Count della

1. Communication of the Belgian Minister for Foreign Affairs to the Belgian Ministers at London, Paris, and St. Petersburg, dated Brussels, August 10, 1914. American Journal of International Law, Supplement/Official Documents, 1915, IX, 91-92.

Torre, was obliged to leave the country on the demand of the German legation. A sharp protest was lodged with the minister from Germany but it was without effect. A letter of May 30, 1915, to Count della Torre expressed the indignation of the court to which he was accredited: "The Luxembourg Government must protest sharply against the expulsion of a foreign minister accredited to Her Royal Highness, the Grand Duchess; it is a new violation of the sovereignty of the Grand Duchy of which an account will be demanded in proper time and place."¹

On the departure of the diplomatic representatives the Luxembourg government hastened to create consular services to aid French, Belgian, and Italian subjects commended to its care and protection.

With the initiation of hostilities near its borders the Luxembourg Red Cross, constituted on the basis of the Convention of Geneva of July 6, 1906, was organized to aid the wounded. It was granted official recognition in a grand ducal decree of August 9, 1914. The organization continued the charitable and humanitarian traditions manifested by the country during the Franco-Prussian War when the wounded had been cared for and food sent to needy areas. Again during the first months of the war the wounded were received into the Grand Duchy.

Although the government followed an official policy of required neutrality the Luxembourgeois individually did not adhere to such a course. Several thousand young

1. Arthur Herchen, History of the Grand Duchy of Luxembourg, 202.

Luxembourgeois in France and Belgium enlisted in the armies of those countries and among them some 2,000 fell on the battlefield.¹ Their sacrifice was commemorated with a memorial in the capital since destroyed by the Nazis during World War II.

Even the nature of the occupation was bitterly disputed by the Luxembourg government. In the month of June, 1915, the German authorities began to treat Luxembourg as a theater of war as well as occupied territory. The pretension that the territory was a theater of war permitted the German military authorities to employ their own military code in punishing subjects of the grand duchess who rendered themselves culpable of acts qualified by the Germans as espionage and treason. The Luxembourg authorities denied the validity of such an extension of military jurisdiction. They refuted the claim by sustaining that, according to the German foreign office, Luxembourg was occupied solely to protect the railways. Accordingly those dispositions relative to the occupation of enemy territory were inapplicable within the Grand Duchy. Patently the declarations of the German foreign office and German military headquarters were in certain respects contradictory. Moreover, the Luxembourg authorities advanced the theory that areas which were the scenes of actual warfare alone could be considered proper theaters of war; the Grand Duchy, far from the front, certainly could not be so

1. Arthur Herchen, History of the Grand Duchy of Luxembourg, 209.

qualified. The German government remained indifferent to these objections, haughtily disdaining to reconcile discrepancies.

Acting on its thesis that Luxembourg was a theater of war, the German military authorities proceeded to arrest and even to condemn to death Luxembourg subjects through imperial courts-martial. Acts contrary to German military interests were interpreted as acts of espionage and treason by officers of the Reich. Adding insult to injury they indicated their contempt for Luxembourg's sovereign rights by transporting indicted grand ducal subjects beyond the borders to Trèves for trial. Marcel Noppeney, the guiding spirit of the committees of aid for Belgians and the French, was condemned to death three times.¹ Through the personal intercession of the grand duchess before the German emperor many death penalties, even those against Belgians and French citizens, were commuted. Insisting that the arrest of Luxembourg subjects was contrary to the autonomy, sovereignty, and neutrality of the country, the grand ducal government resorted to a series of futile protests with the German commandant. Luxembourg officials alone were declared competent to intervene in instances where the grand ducal penal code had been violated; it was inconceivable that a foreign penal code should be applied without any legal basis whatsoever. The Germans maintained their viewpoint despite these protests.

Luxembourg's agriculture and industry had been able

1. Paul Weber, Histoire du Grand-Duché de Luxembourg, 59

to absorb several hundred escaped prisoners of war, several of whom were eventually arrested by the German military authorities when information concerning their whereabouts was revealed. Immediately the Luxembourg government declared itself ready to fulfill its duties as a neutral in conformity with Article 13 of the Fifth Convention of The Hague by which the state had the right of caring for escaped prisoners of war. The assertion of this right was ignored by the government of the Reich.

However, despite the ever-present threat of coercion, the Luxembourg authorities were able on occasion to manifest their opposition to the illegal pretensions of the German commandant. Just as the German commandant ignored the just protests of the civil authorities, so the civil authorities ignored the demands of the commandant when occasion permitted.

Besides the escaped prisoners of war many German conscripts had found secret refuge in the Grand Duchy through the compassion of the Luxembourgeois. Constant searches for them were made by the Germans. In pursuit of such fugitives from the Wehrmacht, agents of the German secret police demanded the right to inspect the registries of the communes in which were inscribed arrivals and departures. The registries would have provided an ideal means of controlling the movements of the population and of discovering the presence of fugitives. The communes had been directed by the central government to obtain instructions from the capital whenever the German officials made extraordinary demands upon them. In this

matter on the specific instructions of the government, the communes refused to surrender the registries. Such information would have placed at the disposal of the Germans another means of compromising the sovereignty of the Grand Duchy and consequently would have impaired further the jurisdiction of the government. It would also have compromised the neutrality of the state as it was being maintained by its government.

The supervision of foreigners had become a vexing problem for the German commandant who demanded that the laws with respect to them be altered. Specifically he demanded that the grand ducal government introduce identity cards which every inhabitant of the country would be required to carry on his person at all times. The commandant threatened that if the government refused to cooperate in this matter he himself would make the necessary dispositions to secure this end. The government categorically denied the demand and refused to accede in any way.

In August, 1917, and again in September, 1918, Allied aviators crashed in Luxembourg and were immediately interned by the grand ducal government in application of Article 11 of the Fifth Convention of The Hague. The German commandant demanded that the aviators be delivered to his authority. Again the claim that Luxembourg was a theater of war subject to military regulations was advanced. And again the grand ducal government reiterated its declaration that Luxembourg, despite the occupation, considered itself bound by its conventional obligations. As a neutral and sovereign state, a

signatory of the Fifth Convention of The Hague, it was obligated in this circumstance to apply Article 11 of that convention.

The Armistice of November 11, 1918, aside from bringing a psychological sense of relief that the German occupation had finally ended, soon raised the question of cordial relations between the grand ducal government and the victorious Allies. There was the matter of the German occupation in itself. There were also questions as to the repercussions the occupation might have on the international status of the Grand Duchy. The continued validity of the Treaties of 1839 and 1867 with respect to Luxembourg was being seriously questioned by groups in Belgium and France, albeit with full regard to their own national interests.

The grand ducal government consistently defended its proposition that the violation of Luxembourg neutrality by Germany could not involve the abrogation or forfeiture in full right of the international stipulations regulating the status of the Grand Duchy. An international treaty, it declared, does not lose its validity by the sole fact that one of the signatories fails to fulfill its obligations although such a failure on the part of a contracting party undoubtedly alters the effectiveness of the treaty. But juridically, if the failure to fulfill the dispositions of a treaty by one of the parties implicitly released the other parties from their treaty obligations, each signatory would have too convenient a means of rendering completely illusory

the execution of the treaty, particularly should some of the obligations be burdensome.¹

According to certain hypotheses the war extinguished treaties previously concluded among the belligerents. This premise as far as Luxembourg was concerned seemed inadmissible to the government; the rights acquired by the Grand Duchy could not be affected in the same manner. Luxembourg had not been actively implicated in the conflict despite the occupation. It had maintained an attitude of neutrality and had attempted to fulfill the obligations assigned to it in consequence of its international status. The Netherlands, equally signatory to the Treaty of London of 1867 which also settled the affairs of the duchy of Limbourg, had not been in a state of war during the conflict and yet no changes were being suggested for The Netherlands. The thesis that multilateral treaties concluded between belligerent states and third states cannot be impaired by that war, that the treaties remain in force, was employed to refute the charge that Luxembourg's neutrality was superceded.²

The Treaty of 1867 had been signed with the great powers by Luxembourg in full juridical independence and sovereignty. Neutralization had not negated its character as a sovereign state although the attribute of warfare was restricted. Luxembourg's international status could be modified by a convention of the powers signatory to the Treaty of 1867 with the consent of the Grand Duchy. The Grand Duchy

1. Majerus, Le Luxembourg, 68.

2. Ibid.

did not manifest by an express denunciation its will to disengage itself from the stipulations contained in the relevant treaties as Belgium did, when, after the War of 1914-1918, she renounced her status of permanent neutrality. Luxembourg's status legally remained unaltered. However, its actual position in continental affairs was precarious and undetermined for several years after the conclusion of the Armistice.

The German troops evacuated the country, followed by Allied troops converging on the Rhineland to occupy that region. On November 18, 1918, General Pershing addressed to the Luxembourg population a proclamation expressing the disinterested cordiality of the United States of America.

After four years of the violation of its territory, the Grand Duchy of Luxembourg has just been happily liberated. Your liberation from the German occupation has been exacted from the invaders by the American and Allied armies as one of the conditions of the prevailing Armistice. It becomes necessary now for American and Allied troops to establish and maintain there for a certain time their lines of supplies.

The American troops have come into the Grand Duchy of Luxembourg as friends and will conduct themselves rigorously according to international laws. Their presence, which will not be prolonged longer than will be strictly necessary, will not be a burden for you. The functioning of your government and of your institutions will not be impeded in any manner. Your life and your occupations will not be troubled. Your person and your property will be respected.¹

General Pershing's proclamation was reassuring and in accord with President Wilson's statement in 1918 that "Luxembourg is a neutral State, and it alone must decide its own future."²

1. Majerus, Le Luxembourg, 69, quoting Livre gris luxembourgeois, 1919, 114.

2. Demetrius C. Boulger, "The Historic Claim of Belgium to Luxembourg," Contemporary Review, CXV, Feb., 1919, 168.

Luxembourg's occupation by Allied troops endured for six months without serious incident. On November 21 American troops passed before the grand ducal palace where General Pershing in company with the Grand Duchess Marie-Adelaide reviewed them.

Luxembourg's position at the moment of the Armistice was precarious and remained questionable to a gradually lessening degree for the subsequent seven months. The strain of the German occupation both psychologically and economically had a disturbing effect on the population. An anti-dynastic movement coupled with the uncooperative attitude of different political parties impaired confidence in the government and consequently reduced its prestige both at home and abroad. At the same time that the government was weakened by internal political strife it suffered from attacks in the foreign press. Its wartime conduct was questioned, its integrity debated. There were demands that the dynasty, denounced as pro-German and absolutist, be deposed; at the same time and perhaps corollary to this demand the population was subjected to propaganda advocating annexation to Belgium or France. There were riots in the capital and the grand duchess was obliged to withdraw to one of her châteaux. The refusal of Foreign Minister Pichon of France to resume diplomatic relations with the government of the Grand Duchy as well as the noncooperative attitude of the other Allies had a decisive effect in the country. On January 9, 1919, an abortive revolt broke out in the capital and on the same day the Grand Duchess

Marie-Adelaide abdicated the throne and was succeeded by her sister, the Princess Charlotte. To forestall any foreign intervention and at the same time to settle domestic problems, the government decided to hold a referendum on the questions of the dynasty and the negotiation of a customs-union. About the same time that the government announced this decision, Belgian delegates to the Paris Peace Conference made a formal demand for the annexation of Luxembourg to Belgium.¹ This threat to its independence served to unify the nation and rally support to the dynasty. Unskillful Belgian propaganda coupled with Belgian claims had the effect of creating an anti-Belgian movement within the Grand Duchy. The release of a preliminary draft of the Treaty of Peace including those articles relative to Luxembourg provoked anger in the Grand Duchy that the country had not been consulted. The results of the plebiscite of September 28, 1919, indicate the temper of the country: the people voted almost three to one for an economic agreement with France rather than with Belgium, and the reigning Grand Duchess Charlotte

1. "Many Belgians had expected the acquisition of the grand duchy to be one of their country's gains from the war, forgetting that in the eighty years that had passed since Belgium and Luxemburg were separated, the latter had acquired a national spirit of its own. The Belgian government, which had unsuccessfully tried to enlist the support of the United States in its attempt to annex Luxemburg, was equally unsuccessful in its efforts to have Belgian, not French, troops named to occupy the grand duchy until after the negotiations at Paris were completed." Jane K. Miller, Belgian Foreign Policy Between Two Wars, 177.

received almost 80% of the vote cast on the issue of the dynasty.¹ While the very fate of the country was momentarily hanging in the balance, the land's status of permanent neutrality was questioned in the Treaty of Versailles.

The Treaty of Versailles

Although the Paris Peace Conference occupied itself with aspects of Luxembourg's international status and more specifically with Luxembourg's relations with Germany, yet the Grand Duchy was not asked to share in those deliberations affecting it. At its own request a Luxembourg delegation was heard by the Council of the Four but the delegation was permitted only to state the general policy and wishes of its government; the delegation was not able to present any formal recommendations to the Conference.² Lacking an official

1. At the age of twenty-two the Grand Duchess Charlotte succeeded her elder sister, the Grand Duchess Marie-Adelaide, and was formally enthroned on January 15, 1919, at the Castle of Colmar-Berg. She married her cousin Prince Felix of Bourbon-Parma, son of the last reigning duke of Parma, on November 6, 1919; six children have been born to the marriage. As a constitutional monarch whose private life has been irreproachable and whose official acts have been in accordance with the constitution, she has become very popular among her subjects; indeed, her modest attitude and sense of responsibility have done much to re-establish the throne as the symbol of national unity since the beginning of her reign. She has been described as socially conscious and she supported the progressive measures adopted by successive governments. When the Germans invaded Luxembourg in 1940 she fled to Paris with her government, proceeding thereafter to Portugal, England, and the United States, finally settling in Montreal, Canada. On April 14, 1945, she returned to Luxembourg.

2. Albert Wehrer, "Le Statut International du Grand-Duché de Luxembourg," Le Luxembourg: Livre du Centenaire, 44-45.

spokesman at the Peace Conference the Luxembourg government and the Chamber of Deputies were nevertheless able to manifest their deep concern for their nation's independence by issuing solemn proclamations, organizing popular and patriotic demonstrations, and repeatedly reminding the leaders of the Peace Conference of the impending plebiscite. Nevertheless Articles 40 and 41 of the Treaty of Versailles with dispositions relating to Luxembourg were drafted without consultation of the grand ducal government and without its explicit approbation.

Article 40:

With regard to the Grand Duchy of Luxembourg, Germany renounces the benefit of all the provisions inserted in her favor in the Treaties of February 8, 1842, April 2, 1847, October 20-25, 1865, August 18, 1866, February 21 and May 11, 1867, May 10, 1871, June 11, 1872, and November 11, 1902, and in all conventions subsequent upon such treaties. Germany recognizes that the Grand Duchy of Luxembourg ceased to form part of the German Zollverein as from January 1, 1919; renounces all right to the exploitation of the railways, adheres to the termination of the regime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

Article 41:

Germany undertakes to grant to the Grand Duchy of Luxembourg, when a demand to that effect is made to her by the principal Allied and Associated Powers, the rights and advantages stipulated in favor of such Powers or their nationals in the present treaty, with regard to economic questions, to questions relative to transportation and to aerial navigation.¹

A re-examination of the Grand Duchy's juridical status should precede any consideration of these dispositions

1. The Treaty of Versailles, 1919, Text, The New Larned History for Ready Reference Reading and Research, 1924, XI, 9426.

of the treaty and thereby place them in their proper context for clarification and interpretation. Whatever changes had been contemplated by France and Belgium with regard to the Grand Duchy's international status, and despite Belgium's formal demand, the external sovereignty of the Grand Duchy was not manifestly placed in question in the course of the discussions and diplomatic conversations of the Peace Conference. Juridically Luxembourg enjoyed all of the prerogatives of a sovereign and independent state when the Treaty of Versailles was concluded on June 28, 1919. Its international position legally remained unimpaired. Luxembourg's international status had been established and guaranteed by treaties signed by Luxembourg and the great powers; consequently its international status could not be modified without its consent. Since the Treaty of Versailles was drafted without the explicit consent of the Grand Duchy Articles 40 and 41 remained res inter alios acta: Luxembourg could neither be bound by the treaty nor opposed to it.¹

However, certain clauses regulating Luxembourg's economic relations with German retained the value of an act

1. Albert Wehrer, "Le Statut International du Grand Duché de Luxembourg," Le Luxembourg: Livre du Centenaire, 45. An identical attitude was adopted with regard to similar clauses in the treaties of peace with Austria and with Hungary. Treaty of Peace Between the Allied and Associated Powers and Austria, Sept. 10, 1919, Section VIII, Article 84, "Austria agrees, so far as she is concerned, to the termination of the regime of neutrality of the Grand Duchy of Luxembourg, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy." American Journal of International Law, Supplement, 1920, XIV.

of consent. On December 19, 1918, the grand ducal government informed the German government that it was ending Germany's right to exploit the grand ducal railways because the Reich had violated clauses of the treaties of 1872 and 1902 forbidding the government of the Reich to utilize the Luxembourg lines for the transportation of troops or of materials of war. Again as of January 1, 1919, the grand ducal government denounced the Convention of Customs-Union with Germany renewed for the last time on November 11, 1902, similarly on the basis of German violations. In the terms of Article 40 of the Treaty of Versailles, Germany renounced all rights of exploitation of the Luxembourg railways and recognized the dissolution of the customs-union. On these two questions, then, the mutual consent of the principal parties concerned existed in a formal manner after the conclusion of the Treaty of Peace, Germany's being within the framework of the treaty and Luxembourg's in specific official denunciations.¹

On the contrary those dispositions of Article 40 relative to the Grand Duchy's status of neutrality were not binding, lacking a concordant act of consent on the part of the Grand Duchy. The two propositions requiring the adherence of Germany, "the termination of the regime of neutrality of the Grand Duchy" and acceptance in advance of "all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy," remained simple acts of consent on the part of Germany. They could be only provisional

1. Majerus, Le Luxembourg, 71

in character since the principal party concerned had not subscribed to them nor accepted them by any act of will.

According to the interpretation of some Allied jurists the violation of Luxembourg's neutrality by Germany had by the very act cancelled the land's neutrality. The Treaty of Versailles, according to them, required Germany's recognition of what was a patent and incontrovertible fact.¹ This interpretation was completely unacceptable to the Luxembourg government and its legal advisors who, throughout the period of the German occupation, had steadfastly maintained that the failure of one power to respect its signature to a multilateral treaty did not in any way absolve the other signatory powers from their obligations nor abrogate the treaty. This thesis had been sustained with considerable difficulty by the grand ducal government in its relations with the imperial German government; the Treaty of London of 1867, never formally annulled, was considered still in effect and Luxembourg's permanent neutrality unaltered. To effect the annulment of a multilateral treaty the consent of all interested parties must be secured. The Netherlands and Russia had been signatory to the Treaty of 1867 but they, like Luxembourg, had not participated in the conclusion of the Treaty of Versailles. Joseph Bech, minister of state of Luxembourg, has stated:

. . .the regime of our neutrality had been established by this Treaty of London of 1867 which had been signed by Powers who were not parties to the Treaty

1. Paul Weber, "Luxembourg Constitution," Luxembourg Bulletin, 8th Year, Nos. 28/29, April-May, 1950, 68.

of Versailles; it could not then be modified nor abrogated except by the agreement of the signatories of London.¹

While contending that the Treaty of Versailles could not legally abrogate their country's neutrality, grand ducal jurists preferred an interpretation of Article 40 as providing for eventual abrogation to which Germany's prior consent was given. Abrogation of the country's neutrality, not established by the treaty, was rather to be made the subject of an international convention. The envoys at the Peace Conference apparently had few clear ideas as to the future of the Grand Duchy. The main preoccupation was to exclude Germany from any participation in determining Luxembourg's future international position and to secure Germany's adhesion, anticipatory, to all future agreements to be concluded between Luxembourg and the Allied powers.

In the wake of their liberation from the German occupation and in the general enthusiasm engendered by the Allied victory some circles in Luxembourg seriously considered the modification of neutrality through an international agreement. "Never a defenseless victim" was a motto welcome after years of humiliation and misery. In these ephemeral plans the Grand Duchy was to form the cornerstone of the Franco-Belgian frontier fortifications and was to contribute a militia of 3,000 men as its military force.²

1. Majerus, Le Luxembourg, 71-72. This theory was not apparently consistently maintained; after World War II the Luxembourg government unilaterally abrogated the country's neutrality.

2. Paul Weber, "Luxembourg Constitution," Luxembourg Bulletin, 8th Year, Nos. 28/29, April/May, 1950, 68.

The nation was also prepared to fulfill all international obligations which might result from admission to the League of Nations for which the government had made application at Geneva. Perpetual neutrality was inscribed in the Luxembourg Constitution; any alteration in the country's status required a constitutional amendment. Such a bill was introduced before the Chamber of Deputies limiting neutrality to the Geneva Pact's reciprocal obligation of guarantees. The proposed constitutional change was communicated by the grand ducal government to Geneva but the latter replied in a semi-official communiqué that the contemplated change would be considered there as a purely internal affair of Luxembourg.

The indifference shown in Geneva to the suggested alteration of neutrality and possible remilitarization was complemented by the active opposition of Great Britain to such plans. Whitehall would not sanction a militarization which would bring Luxembourg within the French orbit and give the Republic a continental iron monopoly.¹

The lack of interest and even hostility abroad brought about a reciprocal attitude in Luxembourg. The proposed constitutional amendment of neutrality was postponed until an international conference of the powers, presumably those signatory to the Treaty of London of 1867, would take place and reach a decision. The conference was never called.

The Weimar Republic ignored the question. German

1. Paul Weber, "Luxembourg Constitution," Luxembourg Bulletin, 8th Year, Nos. 28/29, April/May, 1950, 69.

lawyers spoke of a reciprocal violation of Luxembourg's neutrality, referring to the short occupation of the country by Allied forces after the Armistice. Joined to this claim of a compensatory violation was the failure to conclude an international agreement relating to Luxembourg by the Allied and Associated powers. Germany's consent was declared to be of no account.

In the face of the declared neutralist policy of the Luxembourg government and the indifference of the powers, the stipulations of Article 40 of the Treaty of Versailles relating to the termination of Luxembourg's neutrality remained ineffective and devoid of juridical value, a dead letter to all appearances.

With the passing years after the treaty, the Western Alliance system weakened, the League of Nations showed itself impotent, and Luxembourg's economic partner, Belgium, resumed her older policy of neutrality. These events tended to scuttle any intentions of altering Luxembourg's declared international status. Never a party to some of these plans, the grand ducal government seized every possible occasion during the interval between the two world wars to manifest the nation's faithful adhesion to the Treaty of London of 1867 and its determination to maintain the status of permanent neutrality. The Luxembourg minister of state subjected all international treaties and conventions to which his country was party to this touchstone of foreign policy and external relations.

The Belgo-Luxembourg Economic Union

The denunciation by the grand ducal government of the customs-union with Germany on December 30, 1918, an action in effect sanctioned by Germany in the Treaty of Versailles, served to isolate the Grand Duchy in economic matters for a period of a little over three years. The provisions of the Treaty of Versailles, negative in this respect, left to the Grand Duchy the problem of finding a substitute for the former profitable economic relationship with the Reich.

Appearances would suggest that the country might exist as an autonomous economic entity; the industries were complementary in many respects. Agriculture yielded enough produce to support the population, the ceramic and textile industries were sufficient to meet the needs of the country, and there were many small industries whose development was retarded by the lack of an expanding internal market. Counterbalancing these enterprises was the gigantic metallurgical industry located in the southeastern region of the country. However complementary these industries might appear, however balanced and stable they seemed, the impression was superficial. The country was far too diminutive to stand alone. The domestic market was capable of absorbing a mere fraction of the immense output of the iron and steel industry. The tanning industry of the Grand Duchy was also directed toward export, later supplying half of the production of the Belgo-Luxembourg Economic Union. Viticulture also needed foreign markets to prosper. Caught between a restricted domestic

market and tariff barriers abroad the country, economically isolated, would not only have stagnated but suffered severe dislocations in those industries almost entirely dependent on exportation. Fortunately a modus vivendi permitted continued trade after a fashion with Germany until a new economic partner could be found for the Grand Duchy and thus complete paralysis of the country's economy was averted.¹

The referendum submitted to the Luxembourg electorate on September 28, 1919, indicated the preference of the people for an economic agreement with France rather than with Belgium by a vote of 60,132 to 22,192.² But France could not take advantage of the offer of the Luxembourg government. Belgium might take offense and Belgium's good will was necessary to France's economic and military plans. More important, Great Britain emphatically opposed Luxembourg's attachment to France under any form. It was to British interests to see that France did not gain a monopoly in western Europe by securing

1. Article 268 (c) "The Allied and Associated Powers require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxembourg, for a period of five years from the coming into force of the present Treaty.

The nature and amount of the products which shall enjoy the benefits of this regime shall be communicated each year to the German Government.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913." Treaty of Peace, June 28, 1919, American Journal of International Law, Supplement/Official Documents, 1919, XIII, 287.

2. Paul Weber, Histoire du Grand-Duché de Luxembourg, 64

control of Luxembourg's vast mining industry and iron and steel works. In effect France bartered an advantageous position in Luxembourg for Belgian cooperation in military and economic affairs. Consequently in a note of May, 1920, the French government advised that, inasmuch as France had no wish to enter into such an economic agreement, Luxembourg come to terms with Belgium.

Negotiations with Belgium, rather warily entered into before the results of the economic referendum caused their rupture, were resumed in July, 1920, and resulted in the conclusion of a Treaty of Economic and Customs-Union between Luxembourg and Belgium, signed at Brussels on July 25, 1921. The treaty was not accepted with enthusiasm in Luxembourg; the burdens seemed heavy, the advantages uncertain, and it was perhaps with the knowledge that there was no alternative and only after prolonged debates that the Luxembourg Chamber of Deputies ratified the treaty by a vote of twenty-seven to thirteen with eight abstentions.¹ The treaty entered into force on May 1, 1922, for a stipulated duration of fifty years.

1. Strangely, ratification of the treaty gave rise to acrimonious debate in the Belgian Chamber of Deputies, and it was by no means a foregone conclusion. Belgian deputies objected that the union would give foreigners the right to interfere in Belgian affairs, and, moreover, that in exchange for a small market already intimately connected with Alsace-Lorraine it opened the Belgian market to strong competition in metallurgical products, making no provisions for safeguards against the possible loss of internal and external markets. On February 2, 1922, the Belgian Chamber of Deputies voted for ratification by a vote of 136 to 14 with three abstentions. Jane K. Miller, Belgian Foreign Policy Between Two Wars, 179-180.

More than a mere customs-union in its scope the Treaty of Economic Union established a community of receipts not only of customs but of excise taxes as well. To facilitate the consolidation of a community of receipts and to render it efficient, Belgian laws, regulations, and other dispositions in matters of the customs and of excise taxes superseding grand ducal regulations went into effect in the Grand Duchy with the ratification of the treaty. In the terms of Article 2: ". . . the territories of the two contracting States will be considered as forming only a single territory from the viewpoint of the customs and of the common excise taxes, and the frontier between the two countries will be suppressed." Article 3 further provides: "Save for the exceptions provided in the present Treaty, there will be between the countries of the Union full and entire freedom of commerce, without impediments to nor prohibitions of importation, of transit, or of exportation, and without the levying of duties or of any taxes whatsoever."¹

Aside from the economic stipulations, the treaty contained two articles designed to draw the two states together. Article 25 provides for the conclusion of an accord for closer intellectual and academic relations between the two countries so that eventually the educational systems of the countries might be similar if not identical. Such an accord was reached in 1923. Article 26 placed the interests of grand ducal subjects in the hands of Belgian consular agents

1. Majerus, Le Luxembourg, 200; Recueil de Textes et de Documents.

in those countries where the Grand Duchy did not have its own proper consulates.

Article 25 in its provision for an accord in intellectual relations ultimately arranged for a close and strict identity of cultural and educational interests. Grand ducal institutions aside from those of a distinctly local or national character were to be patterned after those of Belgium. Although the parity of the two states was stated, Luxembourg's position as the junior partner was indicated through a repeated obligation to follow Belgian models. Belgium was in effect the Grand Duchy's protector, however a very considerate and solicitous protector. The dispositions of Article 26 relative to the dual duties of Belgian consular agents emphasized this aspect of the treaty.

With reference to the execution of the treaty, the Economic Union functioned through the operation of two permanent organizations instituted by the Convention of 1921, the Superior Council of the Union and the Joint Administrative Council. In 1935 a third body was added to this hierarchy of organizations. The Joint Belgo-Luxembourg Administrative Commission issued from the Convention of May 23, 1935, relating to the common administration of importations and of exportations.

Article 27 of the treaty defines the functions of the Superior Council which is a "consultative organ, charged with assuring the liaison between the two Belgian and Luxembourg Governments with a view to the execution of the Convention

"of Economic Union." It is competent to examine and study all questions touching the functioning of the Economic Union. Of the five members comprising the Council three are appointed by the Belgian government and two by the grand ducal government. Belgium selects the president who retains the casting vote.

The Joint Administrative Council comprising three members, two Belgians and one grand ducal subject, has its seat in Brussels as do the other administrative bodies of the Union. The Belgian government also names the president of this council. The functions of this body are of a distinctly technical character, its mission being to assure unity in the administration of the Customs-Union and to act as liaison between the administrative units of the two countries.

Execution of the treaty during the first five years of its application did not raise any serious economic differences. But while affairs proceeded quietly in the administration of the Union, there was a general feeling in the Grand Duchy that the treaty accorded Belgium so pre-eminent a position in the Union that the Luxembourg government was rendered incapable of looking after the interests of its nationals with due care. Belgium retained the initiative in concluding economic agreements in the name of the Economic Union, a concession considered by many people in the Grand Duchy as derogatory to the dignity and sovereignty of their state.

It was perhaps with these objections in mind--that the Grand Duchy was obliged to follow an economic policy determined in Brussels and rather submissively sanctioned in Luxembourg--that the Luxembourg government raised questions as to the precise meaning of Article 28. By the terms of this article, differences which might arise between the contracting parties on the interpretation and application of a clause of the treaty could be reconciled by arbitration on the demand of one of the parties. The controversy as it arose developed around the question whether the decisions taken by the Belgian government in matters of customs and of excise taxes bound the grand ducal government without the latter being able to have recourse to the procedure of arbitration in case of manifested disagreement. The Belgian government held that the Luxembourg government was required to yield from the moment when the procedure to be followed, either preliminary consultation of the Superior Council or of the grand ducal government as the circumstances necessitated, had been initiated. The Luxembourg government, on the other hand, held that only the decisions of the Court of Arbitration could bind the two governments and settle conflicts without appeal.

The controversial clauses designed to aid compromising differences were superceded and rendered inapplicable by the conclusion of a Treaty of Conciliation, Arbitration, and Judicial Regulation signed between Belgium and the Grand Duchy of Luxembourg on October 17, 1927, which provided a

more acceptable and explicit means of conciliating differences. Article 1 of this Treaty of 1927 stipulates that: "the High Contracting Parties engage to regulate by pacific means, according to the methods provided by the present Treaty, all the litigations and conflicts of whatever nature they may be which may happen to arise in the future between Belgium and the Grand Duchy of Luxembourg, and which could not have been resolved by ordinary diplomatic procedure."¹

One of the means provided by the treaty for the settlement of such seemingly irresolvable litigation was an International Commission of Conciliation composed of three commissioners, one Belgian, one Luxembourgish, and one commissioner of a third power acceptable to both litigants and serving in the capacity of president of the commission. Should the efforts of the International Commission of Conciliation fail, the litigation, if its subject is a question of juridical interpretation, will be submitted to the Permanent Court of International Justice. In other cases in which juridical interpretation does not characterize the litigation, the conflicts will be submitted to a special court of arbitration comprising five members of which there will be at least one Belgian and one Luxembourgish.

It was not until 1931 that the Treaty of Arbitration of 1927 was finally put into effect. In the interval the compromise clause of Article 28 of the Convention of 1921 was invoked once, following a disagreement over the

1. Majerus, Le Luxembourg, 84.

provisioning in raw materials and the disposal of the production of the metallurgical industry. It was the one instance where the controversial article, whose disputed interpretation had aroused an almost intransigent attitude in Luxembourg, was applied.

The Joint Administrative Commission created by the Convention of 1935 was composed of four Belgian members and four Luxembourgish. The offices of president and vice-president respectively were assumed for a period of one year by a Belgian and by a Luxembourgish alternately. The strict parity of two delegations in the body of the commission and their permanent collaboration assured adequate protection of grand ducal interests. The commission was charged with the administration of allocations and was required to submit to the two governments opinions on all questions touching allocations and the regime of licences.

The Convention of 1935, in addition to the creation of the Joint Administrative Commission, through Article 11 instituted a Permanent College of Arbitration. The Permanent Commission of Conciliation deriving from the Convention of Arbitration of 1927 was erected in a complementary fashion into the Permanent College of Arbitration. The college had the obligation of settling differences arising between the two governments on the subject of the special and vital interests of the Grand Duchy, interests possibly inadequately safeguarded by the Convention of 1935 or through the application which the Belgian government might make of that convention.

The Belgian government was obliged to accept the decisions of the college within limits set by the convention.

The evolution of the three conventions of 1921, 1927, and 1935, that of 1921 being basic and those of 1927 and 1935 in many respects supplementary, indicates the increasing importance of the Grand Duchy within the Economic Union through the parity accorded her in the composition of later organizations formed to implement the administration of the Union and to settle differences. More consideration was given to the special interests of Luxembourg and more care taken to safeguard them. The functioning of the three permanent joint organizations permitted the grand ducal government to collaborate indirectly in the preparation of measures taken in the interest of the Union.

Nevertheless, Article 5 of the Treaty of 1921 conferred on Belgium the power to conclude treaties of commerce and economic accords in the name of the Economic Union. The article proposed to secure grand ducal approval by stating that no treaty of commerce nor economic accord could be concluded without the grand ducal government's having been heard, but actually Belgium retained direction of the Union. The power to conclude commercial treaties and economic accords was abdicated after a fashion to the Belgian government by the sovereign and the Chamber of Deputies of Luxembourg; by Article 5 the grand ducal government in effect delegated its sovereignty in economic matters to Belgium. Opposition could be manifested by a refusal to enforce an objectionable treaty

or regulation within the Grand Duchy (enforcement was effected by grand ducal decree) but such an action would be in violation of the Treaty of 1921.

Although Belgium always applied Article 5 in a correct and often courteous manner, in 1935 a protocol was annexed to the Conventions of May 23, 1935, transforming the Grand Duchy's right of consultation into a right of active participation in negotiations preceding the conclusion of commercial agreements by the Economic Union. The protocol was the culmination of progressive steps taken by the grand ducal government to assure itself a voice in affairs affecting Luxembourg, not merely through intermediary organizations and indirect consultation, but directly and with full regard for its dignity. Since 1935 grand ducal delegates have collaborated in the preparation and in the conclusion of accords in the same title as the Belgian delegates. Albert Wehrer, secretary general of the government in 1937, has stated that: "The consequences of it is a confident and amicable collaboration between the functionaries of the two Governments which, on more than one occasion, has been able to assure the happy settlement of delicate questions arising between the two countries."¹

1. Majerus, Le Luxembourg, 88. Born in 1895, Albert Wehrer was appointed legal adviser to the minister for foreign affairs in 1926. From 1926 to 1939 he served on Luxembourg's delegation to the League of Nations. In 1938 he became secretary-general of the government. In 1940, with the flight of the grand duchess and the cabinet, he was given a mandate by the fleeing government to head a Government Commission which would administer the country during the German occupation; he

The Economic Union, entered into with some anxiety and the feeling in the Grand Duchy that it was forced for lack of an alternative, and after several adjustments to the advantage and prestige of the grand ducal government, has proved itself successful and beneficial to the prosperity of both countries. The experience of this collaboration in economic and often, as a natural consequence, in political affairs was useful when the convention of the Oslo Group, although abortive, was signed in 1930. More important, the economic association provided a background for the Benelux Union following World War II. The Economic Union, vital to the economy of the Grand Duchy at the time it was put into effect, can be considered, in the light of subsequent events, as a prelude to larger and more inclusive economic relationships in Western Europe and possibly to European federation. Moreover, with the abandonment of neutrality, it has been the basis for Luxembourg's inclusion in a number of alliances and organizations, in the Marshall Plan, the Brussels Pact, the Atlantic Pact, the Council of Europe, and the European Coal and Steel Community. But its post-war importance was not discernible during the interim between wars when the League of Nations provided a haven for the retention and maintenance of grand ducal neutrality.

filled this post from May, 1940, until autumn of the same year when he was removed from his position by the Germans and deported into Germany. In 1945 he was appointed chief of the Luxembourg Military Mission to the Inter-Allied Control Council in Berlin and subsequently as minister to Bonn. Later he was appointed minister to France; he resigned this post to accept a position with cabinet rank in the High Authority of the European Coal and Steel Community.

In the League of Nations

Small in territory, devoid of military defenses, and trusting in the mutual jealousy of her neighbors and the efficacy of treaties to safeguard her independence, Luxembourg welcomed the League of Nations as a godsend. The grand ducal government's attitude was conditioned by immediate post-war diplomatic difficulties. Admission to the League provided that full diplomatic recognition so reluctantly accorded the country the first year after the liberation from German occupation and thus re-established the Grand Duchy internationally. Membership in the League consequently had this initial advantage of freeing the grand ducal government from fears of foreign intervention, of attempts to alter its international status. Aside from the dissipation of national anxieties in this respect the League henceforth offered an organization within which Luxembourg's policy of neutrality might be confirmed and strengthened.

Since neutrality was a subject of considerable discussion, especially with regard to the Grand Duchy, in the evolution of the League it would be well at this point to review the role the Grand Duchy's neutrality had played in preserving the country's independence. The qualified success of this policy and its apparent necessity will explain why it was maintained almost devoutly up to the time of the German invasion of 1940.

The Congress of Vienna in 1815 had established the Grand Duchy of Luxembourg and accorded the country the

juridical status of an independent state. The state survived the Belgian Revolution although admittedly at the cost of three-fifths of its territory awarded to Belgium. Since the final settlement of 1839 the territorial integrity of the state has been consistently maintained. The dissolution of the German Confederation released the Grand Duchy from political obligations and ties with those German states forming that rather loose association. The French emperor's designs on his small neighbor were checked by the Treaty of London of 1867 which established and guaranteed the neutrality of the country. The Franco-Prussian War of 1870 passed around Luxembourg. The subsequent formation of the German Empire did not include the Grand Duchy. Nor did the German occupation during World War I destroy its international status nor alter its independence. The evolution of the country in the setting provided by these events suggests that the existence of an independent Luxembourg state corresponds to political necessity and, perhaps less flatteringly, to international convenience. Maintenance of this status of independence has been assured by political conditions prevailing in this region of Europe. The conflicting annexationist rivalries of its neighbors tending to cancel themselves undoubtedly constituted for the Grand Duchy its most effective guarantee of security.

In this borderland where the cultural traditions and political ambitions of two rival nations met often in conflict and just as often to complement each other in a distinct synthesis, a strong regional feeling had evolved. Although this

autonomous feeling had remained perhaps somewhat dormant during the centuries of foreign domination, what had begun as a strong local feeling flourished in the late nineteenth century as an insistent nationalism. Several factors may account for this resurrection of Luxembourg sentiment. There was perhaps a weariness, an exasperation, at being bandied about indifferently for centuries as an European pawn. There was also a response to the revolutionary appeals of 1830 and 1848 and to the Romantic Movement with its nationalistic cultural and political aspects. The development of a distinctly national administration after 1839 was certainly of primary importance in the formation of a national consciousness. Concordantly a demand by the people for a voice in the direction of their affairs, at home and abroad, began to manifest itself; democratic processes provided constant occasion for the stimulation of nationalist sentiment. The dissolution of the German Confederation and the succession of a resident national dynasty were certainly significant. But it was permanent neutrality as it was established in 1867 which offered the most propitious climate for an awakened nationalism. Thenceforth the country could be assured that aggressive designs upon it would have international repercussions, a deterrent for would-be invaders. Neutrality in a sense served as a protective screen. As a measure of security it permitted the Luxembourgeois to look to themselves and even to take a certain pride in their sacrosanct status as a permanently neutralized state. The land enjoyed a unique, distinct

position among the nations of Europe. In an age of giant states there is something incongruous about the existence of tiny countries, as if they cannot be taken seriously. Neutrality with its guarantees, its solemn treaty, and its obligations tended to dignify and to stimulate national feelings. Consequently neutrality had considerable effect on the growth of Luxembourg nationalism.

The policy of neutrality was never abandoned by the successive governments of the country, nor did it ever encounter serious opposition within the grand ducal frontiers. It remained the only possible foreign policy. As one Belgian writer in describing the position of his own country phrased it, the country had a "natural vocation" for neutrality. Neutrality was for the Grand Duchy an inescapable necessity. Its situation was unique and without proper comparison. Other countries such as Switzerland and Belgium, also following a policy of neutrality, had the advantages either of natural defenses such as mountains and rivers or the military potential to combat an invader. But Luxembourg left to herself was incapable of self-defense; it was situated between the two most powerful military powers in Europe, at the very crossroads of possible military operations, disarmed by international treaty, and moreover, because of its diminutive territory and the small number of its population, incapable of effectively opposing an invasion by any of its neighbors. The mere prospect of Luxembourg alone opposing an invasion of its territory by France or Germany appears preposterous.

Likewise a protective military alliance with one of its neighbors was infeasible. Luxembourg still had the bitter memory of more than a half-century of Prussian garrisons in the capital-fortress. The state would not be able, save with foreign aid, to establish needed fortifications nor supply the troops such fortifications would require. These projects could not be well accomplished in wartime and in peacetime would constitute an intolerable burden on the economy and population of the country. Such a military alliance would necessarily result in an occupation by troops of the allied power in peacetime and the conversion of the country into a battlefield with the advent of war. Moreover should grand ducal military forces be raised under such a project, a great battle with its attendant slaughter might mean for Luxembourg the loss of a whole generation of young men. In any event, military defense would bring with it the ruin of the entire country through the effects of modern warfare. The Battle of the Bulge or the so-called Rundstedt Offensive demonstrates in a distressing fashion the destructiveness of modern warfare and its disastrous effect on a small country. The probability of serving as a battlefield in European conflicts has been a nightmare plaguing Luxembourg from its very beginnings. To avoid such a fate a policy of strict neutrality was the only course open; it was an absolute necessity. The conflicting greed of Luxembourg's neighbors and their recognition that the maintenance of the Grand Duchy's integrity was in the interest of the general peace served to insure grand ducal

independence. Added to this was a faith in treaties on the part of Luxembourg, treaties guaranteeing territorial integrity and neutrality. These factors constituted Luxembourg's defense. Consequently neutrality was a policy adhered to strictly, almost religiously.

Not having participated in the conclusion of the Treaty of Versailles, the Grand Duchy of Luxembourg was not one of the original members of the newly-formed League of Nations. For reasons indicated in the preceding paragraphs such membership was earnestly desired by the grand ducal government. On February 23, 1920, the president of the Luxembourg government, Emile Reuter, made application for membership in the League of Nations on behalf of his country to Leon Bourgeois, president of the Council of the League.¹ Reserving to Luxembourg the maintenance of its neutrality the application made a demand that the League not only recognize the continued validity of the Treaty of London of 1867 but reinforce its provisions as well by a universal guarantee.² In outlining the position of his country Monsieur Reuter,

1. Emile Reuter, born in 1874 and the dean of Luxembourg's statesmen, has been a member of the Chamber of Deputies since 1911. He was minister of state and president of the government in the immediate post-war years, from 1918 to 1925, and since 1927 has served as president of the Chamber of Deputies. He has been a member and leader of the Christian-Social party.

2. Albert Wehrer, La politique de sécurité et d'arbitrage du Grand Duché de Luxembourg--Sa politique de neutralité, 6. Hereafter cited as Wehrer, La politique.

after pointing out that Article 40 of the Treaty of Versailles could not possibly abrogate Luxembourg's neutrality, went on to state the incontrovertible reasons for the retention of this status.

It is incontestable that the disappearance of this neutrality would place the Grand Duchy in the face of a danger much more grave than any other country whatsoever. Indeed, the diminutiveness of its territory and the small number of its population exposes Luxembourg to having to sacrifice the entire country completely in case it would be implicated in a military operation and transformed into a theater of war. Then again, the extreme scantiness of its resources deprive of all value any participation whatsoever of the country in military operations of an international order. The Government then has the honor of communicating this wish to the Council of the League and of emphasizing the serious difficulties which a proposition tending to the abolition of neutrality would encounter in the country and in the national representation.¹

It might be well to remark at this point that Monsieur Reuter's desire for a special, formal international guarantee of his country's neutrality by the League was never realized although that body did formally recognize the country's proclaimed status established by previous international treaty.

The compatibility of neutrality with reference to the obligations assumed with admission to the Covenant was a subject of almost endless discussion in the period following the Grand Duchy's application and long after admission. The obligations incumbent on neutrals and the difficulties their application would involve had been considered by Monsieur Eyschen, the Luxembourg minister of state and delegate to

1. Albert Wehrer, Le Statut International du Grand Duché de Luxembourg, 9-10. Hereafter cited as Wehrer, Le Statut.

The Hague Conferences. In part this revived haggling over the rights and duties of neutrals, be it within a new framework, was the result of a failure to achieve a complete definition at the Conferences of The Hague. And in the flush of victory and intemperate hope, the effective power and jurisdiction of the League were presumed to be more extensive than subsequent events were to prove them. In the light of those subsequent events the arguments advanced at the time in opposition to the preferred position accorded neutralized states seem irrelevant in many respects but it must be born in mind that the founders of the League were improvising, that they lacked the advantage of long experience, and that often an enthusiastic idealism did not correspond to reality.

It is apparent that in formulating the application for admission proper cognizance was not taken of Article 21 of the Covenant by the terms of which "international engagements which assure the maintenance of the peace are not considered as incompatible with the dispositions of the Covenant."¹ The Treaty of London of 1867 had been negotiated by the powers specifically to prevent the outbreak of war between France and Prussia. Luxembourg was by this international treaty permanently neutralized in the general interest of European peace. The conditions under which Luxembourg had been neutralized persisted and by reason of need as well as of right maintenance of that neutrality was deemed necessary. Such was the thesis of the Luxembourg government as later stated

1. Majerus, Le Luxembourg, 90-91.

by Joseph Bech although at the moment of Luxembourg's application it had not been elaborated nor submitted with clarity to the Council.¹ The troublesome demand that the League grant special recognition of Luxembourg's neutrality and undertake to guarantee it might not have been made had Monsieur Reuter's government carefully considered Article 21; endless conversations and correspondence might have been avoided.

In its session at Rome the Council approved a memorandum on May 15, 1920, concerning Luxembourg's application. The memorandum in effect declared that admission to the League was, rather, within the competence of the Assembly. The memorandum, presenting a sketch of the evolution of Luxembourg's neutrality, concluded with an opinion on the country's international status and the probability of its continued maintenance. Luxembourg jurists and councilors to the government

1. Wehrer, Le Statut, 22-23.

Joseph Bech, born in 1887 and educated at the universities of Fribourg and Paris, was elected to the Chamber of Deputies in 1914. He entered the government in 1921, serving as minister of justice, education, and home affairs until 1926 when he became minister of state and president of the government. He served as prime minister from 1926 to 1937, also holding the portfolio of minister for foreign affairs during this decade. In 1937 although resigning the premiership he remained in the government as minister for foreign affairs, a post which he continues to hold. From 1926 through 1939 he was Luxembourg's leading delegate to the League of Nations and in 1929 he was vice-president of that body. As minister for foreign affairs he has represented his country at many international conferences, at the San Francisco Conference in 1945, on the committee of ministers of the Council of Europe, in the United Nations, and in the North Atlantic Council among others. He is also credited with gaining for Luxembourg a voice in the International Authority of the Ruhr. His long experience and able direction of the country's foreign affairs for more than a quarter of a century have earned for him the qualifications of the wisest Benelux statesman and one of the most intelligent of European diplomats.

have been quick to seize upon certain parts of the memorandum capable of interpretation in favor of the grand ducal government's theory of continued and unimpaired neutrality. Thus, after quoting the second paragraph of Article 40 of the Treaty of Versailles the memorandum proposes: ". . . From a juridical viewpoint it seems, however, that the Convention of neutrality of 1867 has not been legally abolished by law although it is actually in suspense. The neutrality of the Grand Duchy of Luxembourg is a political expedient to which recourse has been had to prevent a certain war which threatened to break out at a given moment. It has been defined in a way to adapt itself to the European situation such as this situation existed at the outset of 1867."¹ After considering the neutralization of Luxembourg as a means of preventing an outbreak of war between France and Prussia and after appraising briefly the continued maintenance of that neutrality the memorandum further states: "The neutrality guaranteed to Luxembourg, such as it actually exists in the terms of the Treaty of 1867, will remain naturally valid in the case of a war between members of the League of Nations--a case foreseen in paragraph seven of Article 15 of the Covenant--as long as this neutrality will not have been annulled by an official decision of the Powers."² These statements were welcomed by the Luxembourg government in support of its official position but it was with less enthusiasm that it received the following

1. Wehrer, La politique, 42.

2. Ibid.

declaration with reference to Article 21 of the Covenant:
"The application of this article does not seem to necessitate in any way the recognition of the neutrality of Luxembourg by the League of Nations."¹ From these statements it appears that while willing to consider Luxembourg's neutrality the League was unwilling to concede that specific and special recognition involving implicit obligations so desired by the Luxembourg government.

Another memorandum issued by the secretary-general of the League states more clearly the process to be followed pending admission.

The decision to be taken, touching the admission of Luxembourg to the League of Nations, depends entirely upon the Assembly and is not within the competence of the Council. It follows, it seems, that to the Assembly must also be left the care of determining the conditions under which the eventual admission of Luxembourg into the League of Nations can take place. The question of knowing if the neutrality of Luxembourg will be admitted by the League of Nations depends in part on the Powers who have recognized and guaranteed this neutrality in 1867, and in part on the Assembly of the League of Nations. The Assembly could decide either that it is possible to maintain the neutrality of Luxembourg as constituting an international engagement in the interest of the maintenance of Peace according to the terms of Article 21 of the Covenant or else by virtue of regulations of a military order which must be instituted by the League it could wish to formulate special conditions with a view to the admission of Luxembourg by the terms of the second paragraph of Article 1.²

If the grand ducal government failed to state its position with perfect clarity and with full regard for those dispositions in the Covenant capable of application to its

1. Wehrer, La politique, 42.

2. Wehrer, Le Statut, 10-11.

particular situation neither was there any outstanding consistency evident in the opinions and organs of the League which, on occasion, were even contradictory. The failure to achieve a definitive policy within the League as to the obligations of neutrals evoked a confused and almost bewildering correspondence between the grand ducal government and the League.

On invitation, the grand ducal government submitted information concerning the general conditions of the country and an explanation of national policy to the Sub-commission for Military Questions of the League and also to the Fifth Commission which treated applications for admission. Monsieur Reuter, in again making application for admission, advised the permanent consultative Sub-commission for Military Affairs then sitting in Brussels that his country had no intention of creating an armed force capable of serving in international conflicts. However, as the military sub-commission stated in its resolution of October 19, 1920, the Luxembourg government proposed to create a military force of from 2,400 to 3,000 men, a military force designed to maintain order within the country and serve domestic needs. The military force could not be considered as properly defensive because of the prohibitions prescribed by international treaty. Under these circumstances the military sub-commission disclaimed any jurisdiction in questions arising from Luxembourg's undefended neutrality. The proposal to raise a military force of several thousand men was also received without further comment. The Luxembourg militia envisaged by Monsieur Reuter was never

realized. Perhaps the sole outcome of this rather negative exchange of notes was the repeated affirmation by the Luxembourg government that military commitments on the part of the Grand Duchy were physically impossible and moreover incompatible with grand ducal treaty obligations.

The Assembly of the League considered the Luxembourg application in an opening session in Geneva on November 15, 1920. In considering applications, the Fifth Commission manifested rather strongly its opposition to the grant of exceptional status to any applicant, including the Grand Duchy. At the same time it suggested that the Luxembourg viewpoint was not an irreconcilable hindrance to the eventual admission of the Grand Duchy.

Eight days after the opening of the session, the Luxembourg government, in reply to a questionnaire relative to military and economic sanctions, advised the Fifth Commission that in maintaining its status of neutrality the Grand Duchy refused to take part in any possible sanctions of a military nature. However the Grand Duchy would concur in sanctions of an economic nature and conceded the right of passage inscribed in Article 16 of the Covenant, both concessions being subject to the assent of the Luxembourg Chamber of Deputies in accordance with the provisions of the Constitution.¹ Article 16 reserving the right of passage to troops

1. "Before a sub-committee of the First Assembly, the representatives of Luxemburg explained that they did not ask that Luxemburg be released from the obligations of Article 16 of the Covenant; they agreed that Luxemburg would allow the passage of troops authorized by the Council, and would

directed by or on order of the League in a conflict was a source of controversy, on a theoretical level at least, among the great powers and the small powers, especially small neutrals like Switzerland and Luxembourg. It was within this context that the grand ducal government conceded certain rights with qualifications and obvious reluctance.

A letter of the Luxembourg delegation to Monsieur Pouillet, president of the Fifth Commission, on November 28, 1920, disposed of the special reserve, a stumbling-block in negotiations, and cleared the way to admission. In withdrawing this reservation the delegation gave the following explanation: "The reservation expressed in our request for admission, as well as in the note presented by Monsieur Lefort, Delegate, in response to the questionnaire of the sub-commission, and bearing on the special difficulties that Luxembourg would meet under the obligation of creating military forces properly so called and of furnishing military allowances, seems to become without purpose following our exchange of views with the sub-commission and a new examination of the clauses of the Covenant of the League. Indeed, no longer does it appear doubtful that the conception which had inspired this reservation agrees perfectly with the obligations inscribed in the social Covenant."¹ Without altering its attitude towards

"cooperate in economic and financial measures undertaken. But they asked to be relieved from any obligation to participate in any military operations even in defense of their country." Manley O. Hudson, "Membership in the League of Nations," American Journal of International Law, 1924, XVIII, 445.

1. Wehrer, La politique, 19.

neutrality and in the reconsidered light of Article 21 whereby Luxembourg's neutrality might be treated as an international engagement in the interest of maintaining peace, the grand ducal government considered its original reservation as superfluous since, fundamentally, the Covenant contained provisions governing Luxembourg's special status. Abandoning the reservation was, then, the suppression of an obstacle of a purely formal order and could not be considered as a change in basic policy.

Despite the consistent and repeated declarations of the Luxembourg government that it would maintain its neutrality at all times, certain authors and officials of the League interpreted the withdrawal of the reservation as virtually a modification of neutrality. Monsieur Poulet, the president of the Fifth Commission, notified the Assembly of the withdrawal of the reservation with his personal explanation that the Grand Duchy, reconsidering its first application and having perceived that its regime of neutrality was incompatible with Article 16 of the Covenant, admitted the principle of the passage of troops through its territory, troops acting in the name of the League, and was submitting consequently an application pure and simple for admission. Monsieur Fauchille gave a like interpretation to the letter of November 28, 1920.¹ That such was not the intention of the Luxembourg government was proved by subsequent policy and statement.

The discussions leading to admission seem to have been

1. Majerus, Le Luxembourg, 93-94.

characterized by a certain ambiguity of statement and interpretation favoring preconceived viewpoints. Thus the Luxembourg government admitted a qualified interpretation of Article 16 while the Fifth Commission ascertained a modification of Luxembourg neutrality adapting itself to the requirements of the League. There is an element of compromise in this attempt to reconcile the obligations of neutrality and of membership in the League but it remains undefined. The ambiguity of statement leading to Luxembourg's admission was not resolved to the satisfaction of all parties at the moment of admission.

Under these circumstances the Assembly voted the admission of Luxembourg to the League by a unanimous vote of thirty-nine in a plenary session of December 16, 1920. Rather strangely and despite the demands of parliamentary usage, no express ratification of admission to the Covenant of the League was effected by the Luxembourg Chamber of Deputies as Article 37 of the Constitution requires. But if this manifest and formal approbation of membership was neglected, still the Luxembourg Chamber of Deputies implicitly ratified the accession of the country to the League in its annual vote of funds to pay the Grand Duchy's contribution incumbent upon it as a member.¹

1. Majerus, Le Luxembourg, 95. This viewpoint is supported by Charles Fairman who has remarked that while mere application, followed by a vote of admission, did not in themselves constitute a binding obligation, still Luxembourg had acted as a member since 1921, had appropriated funds for the payment of League dues, and did not officially protest against the Council's resolution declaring Luxembourg's status as a member of the League. The ratification was tacit. The same

The omission may have been deliberate. At the time, revision of Article 1 of the Luxembourg Constitution was being considered, a revision which, while affirming the regime of neutrality, recognized the obligations deriving from adhesion to the Covenant of the League. It was considered at the time that the constitutional revision would render formal ratification superfluous. The revision of Article 1 was never legislated and, although Luxembourg was effectively a member of the League, there yet remained an inconclusiveness about the affair.

From the beginning the Council and the secretary general of the League had suggested that the Grand Duchy so regulate its affairs that the Constitution and national legislation should be in harmony with the provisions of the Covenant. Gradually the grand ducal government accepted the thesis that neutrality could be treated as evolutionary and adaptable to changing conditions requiring a new interpretation and consequently proposed to modify Article 1 of the Constitution with this theory in mind and at the same time to meet the demands of the Council and the secretary general of the League. The article in question was to be revised thus: The Grand Duchy of Luxembourg forms a State perpetually neutral,

writer also construes the country's failure to protest against the Council's resolution concerning Luxembourg's membership and obligations in the League as a renunciation of grand ducal neutrality in so far as it is incompatible with the obligations of membership. Charles Fairman, "Competence to Bind the State to an International Engagement," American Journal of International Law, 1936, XXX, 449.

without prejudice however to the obligations deriving from the Covenant of the League of Nations.¹ But when the grand ducal government notified the League of the proposed legislation, the secretary general of the League in a letter of July 5, 1922, unaccountably advised the president of the Luxembourg government that the proposed constitutional revision was an internal affair of the Grand Duchy and that from an international viewpoint the rights and obligations of the Grand Duchy with reference to the League were established by admission to that body.² Upon receipt of that communication and in view of the fact that it was upon the urging of the League that constitutional revision had been undertaken, the Luxembourg government dropped the matter. Article 1 of the Constitution was never revised according to the foregoing proposal.

Rather the Luxembourg government adopted the attitude that neutrality itself was subject to evolution and redefinition

1. Wehrer, La politique, 44. Le Grand-Duché forme un Etat "perpetuellement neutre, sans prejudice toutefois des obligations decoulant du Pacte de la Societe des Nations."

2. Charles Fairman, Brandeis Research Fellow, Harvard Law School, has remarked, "It is submitted that the attitude of the Secretary General and the Council was not founded in Law. Before and after the vote of admission, the Government of the Grand Duchy made it clear that on its side parliamentary action was requisite. Such action in advance of the application was hardly to be expected, since the delegation evidently came to Geneva to bargain for a special status within the League . . . The Grand Ducal Government did not give, as did that of Argentina, a declaration of accession without condition." Charles Fairman, "Competence to Bind the State to an International Engagement," American Journal of International Law, 1936, XXX, 449.

within the framework of the League. It would be unnecessary, then, to give explicit recognition of changed conditions by constitutional revision; Article 1 of the Luxembourg Constitution proclaiming the regime of neutrality was consequently sufficient as it stood and compatible with the obligations incumbent upon members of the League. The Swiss authorities had adopted a similar viewpoint after prolonged discussions on neutrality: "It could be questioned if the League of Nations leaves our constitutional right with regard to neutrality intact. But the principle of neutrality remains although it must receive a new interpretation."¹ This viewpoint is reflected in a declaration of Monsieur Bech, minister of state, on March 9, 1932, in explanation of the government's abandonment of the projected constitutional revision.

. . . A modification of our Constitution could not, moreover, have an effect on the international obligations of the Grand Duchy which are governed by Treaties whose alteration could be made only by the free concurrence and consent of all the signatories of these Treaties. Neutrality is then inscribed in our Constitution in order to establish the guiding principles of our foreign policy. The nature and amplitude of our international obligations determine themselves then again by the Treaties in force. These obligations are susceptible to adequate evolution and they have varied in the course of years. Since 1867 our country has adhered in a like manner to the International Convention of October 18, 1907, on the rights and obligations of neutrals in case of war. It is possible that a new evolution of the law of neutrality may take place within the bosom of the League of Nations and under new conditions towards a more active collaboration in the common work of peace and of international understanding which the League of Nations intends to realize. Neutrality could thus adapt itself to the new tendencies of international law and of modern politics while safeguarding the interests and the rights of small states.²

1. Wehrer, La politique, 44.

2. Ibid., 45.

Within the League of Nations the Grand Duchy of Luxembourg made every effort to collaborate conscientiously in the problems presented to that body and in the work it sought to achieve. But it cannot be dismissed that the policy of neutrality, the very touchstone of all foreign relations, circumscribed the possible activity of the grand ducal government and hindered the adoption of any really vigorous policy. In the end the Luxembourg delegation was often reduced to manifesting its good will and at the same time to stating its inability to cooperate actively. A lack of adequate resources, a precarious strategical position, and a status of disarmed neutrality obviated any policy other than one characterized by extreme caution and perhaps even of timidity. A sketch of those projects of the League requiring a response from Luxembourg illustrates this viewpoint.

Proposing to apply Article 8 of the Covenant and to inaugurate a general reduction of armaments, the League in 1922 sent a circular to the governments of its members relative to these projects. The Luxembourg government replied in a note of July 1 which is quoted in part because it was repeated in essence by the Luxembourg delegation whenever a topic of a military order came up for discussion.

The Grand Duchy of Luxembourg, enclaved among France, Belgium, and Germany . . . has never been able to consider and can never consider defending its territory by force against its powerful neighbours. Also, it has always based its security on faith in treaties and the respect due to its independence and its sovereignty. The Great War has not changed this situation which, with the principle of neutrality inscribed in the Constitution, prevents the Grand Ducal Government from assuming any international military obligations.

The Grand Duchy then has no military treaty with another country. It belongs to the League of Nations. As this latter does not impose on any country the obligation of maintaining an army nor of cooperating actively in international military operations whatsoever, the Grand Duchy of Luxembourg has no international military obligation.¹

An inquest preparatory to the adoption of Resolution XII¹ by the Third Assembly of the League, a resolution which subordinated the reduction of armaments to a system of collective security through a series of mutual guarantees, occasioned a response identical to that just quoted. A system of continental or regional treaties of mutual assistance would have had as an ultimate result the extension of sanctions provided by the Covenant. And the enforcement of certain sanctions might not be in conformity with the obligations of neutrality in the opinion of Luxembourg's delegates. In reply to a communication of the president of the Council of the League relative to Resolution XIV, Monsieur Reuter, president of the Luxembourg government, stated on April 28, 1923, the inability of his country to take part in the activity resulting from the adoption of this resolution. Pointing out that the Treaty of London of 1867 imposed on Luxembourg a disarmed neutrality he demonstrated that Luxembourg was incapable of engaging in any system of mutual assistance because of its lack of armed forces and its international status as well as because of a lack of adequate resources. Juridically and physically, military cooperation was an impossibility. Resolution XIV was inapplicable as far as Luxembourg was concerned.

1. Wehrer, La politique, 6-7.

The Protocol of Geneva was received with more enthusiasm by the Grand Duchy. True, the protocol as a condition of general disarmament gave much importance to mutual assistance but at the same time it provided for a system of pacific regulation of international differences through international arbitration. The general extension of arbitration which it called into being was the type of international project most acceptable to neutrals who were reduced by circumstances to a reliance on the processes of law in the settlement of disputes and in the maintenance of their rights. Quite naturally the Luxembourg government welcomed this new tendency although it again described its inability to participate in a military action of the League, either in military sanctions or treaties of mutual assistance as these problems were broached by the authors of the protocol.¹

On its envisaged international plane the Protocol of Geneva fell through, principally because of the opposition of Great Britain. Its demise marked the end of efforts to strengthen the League through multilateral action. But it was realized, perhaps less universally, on a regional basis in the Locarno Agreements. There followed a deluge of bilateral treaties of friendship, of arbitration, of conciliation, of neutrality, of mutual assistance, and of non-aggression pacts. The grand ducal government entered into this phase of diplomatic activity with a spirit almost of joyous abandon.

Because of its policy of neutrality Luxembourg was

1. Wehrer, Le Statut, 14-15.

unable to take any part in the Locarno Pact by which the German-French and German-Belgian frontiers were stabilized and guaranteed. As it has been repeatedly affirmed, a treaty of mutual assistance was physically and juridically impossible for Luxembourg. But the Locarno Pact was nevertheless greeted with great enthusiasm in the Grand Duchy. The Locarno Pact in guaranteeing the frontiers between Belgium, France, and Germany against any violation, and in maintaining the territorial status quo of this frontier region indirectly constituted a guarantee of Luxembourg's frontiers and of its independence. Luxembourg was enclaved among these three countries; any attack on its territorial integrity would necessarily constitute a violation of the status quo of the Belgo-Franco-German frontier guaranteed by the pact. Thus, perhaps unintentionally and quite indirectly, Luxembourg's security was given further assurance.

It was within the cadre of international arbitration created by the Treaties of Locarno that the grand ducal government operated. Treaties of conciliation and arbitration, since their character was basically juridical and as such consonant with the regime of neutrality, recommended themselves to grand ducal policy. The Luxembourg government employed every possible means, short of those which might impair its preferred status, to enhance national prestige abroad and to reinforce national security. While it may be admitted that many of these treaties so dear to the diplomats eventually had little effective influence on grand ducal affairs, it must also be remembered

that they were designed to cover contingencies rather than any existing discords and to set a pattern which, unhappily, was not fulfilled. It has been said that the negotiation of such treaties was the sport of diplomats of that time. This rather cynical characterization of the number of the treaties apparently takes little cognizance of the hope which inspired them. Nor does it consider that for small countries like Luxembourg, incapable of resorting to force, there were few alternatives to diplomatic negotiation and international arbitration. Consequently the Luxembourg government negotiated a series of such treaties with European governments in a serious effort to reinforce the exterior sovereignty of the Grand Duchy and to consolidate its international position.

Under Monsieur Prum, president of the Luxembourg government, pourparlers took place with Monsieur Briand of France and Monsieur Vandervelde of Belgium in the autumn of 1925 and the spring of 1926. A change in the Luxembourg government interrupted the proceedings which were quickly resumed under Monsieur Bech. Treaties of Conciliation and of Arbitration were signed by the grand ducal government with Belgium on October 17, 1927, and with France on October 20, 1927. Similar treaties were concluded with other countries as follows: with Spain, June 21, 1928; with Poland, October 29, 1928; with Portugal, August 15, 1929; with Germany, September 11, 1929; with Switzerland, September 16, 1929; with The Netherlands, September 17, 1929; with Czechoslovakia, September 18, 1929;

with Roumania, January 22, 1930; with Italy and with Norway in 1932. A special Treaty of Conciliation and a special Treaty of Arbitration were signed with the United States of America on April 6, 1929. Luxembourg writers invariably point out that by Article 2 of the Treaty of Arbitration the United States recognized the legitimacy of the Grand Duchy's regime of neutrality. These treaties together with the Statute of the Permanent Court of International Justice of 1920, the Protocol of Revision of 1929, and the General Act of Arbitration of September 28, 1928, were all ratified by the Luxembourg Chamber of Deputies in one and the same law promulgated on July 29, 1930.

The Briand-Kellogg Pact or, as it has been called elsewhere, the Paris Peace Pact was also greeted with enthusiasm by the grand ducal government. On August 28, 1928, the ambassador of the United States of America extended to the Luxembourg government an invitation to adhere to the General Pact for the Renunciation of War as an instrument of national policy. The pact, concluded without the framework of the League, was in perfect agreement with the foreign policy of Luxembourg and the government acceded most willingly. A declaration to the Chamber of Deputies, quoted in part, summarizes the attitude of the government.

The Pact imposes nothing on us which is not already within the spontaneous obligations of our foreign policy. The renunciation of all measure of force in the establishment of our relations with other peoples is not only a necessity which the geographic situation of the country and its lack of military resources imposes on us, it responds furthermore to the unanimous aspirations of

our population. In the Pact of Paris, the Luxembourg people will find consequently no obligation which has not been assumed already through this policy of constant neutrality to which it intends to remain faithful in the conflicts which could agitate foreign peoples. Thus we shall find in the Treaty which is submitted to your notice a new pledge of our independence and of our external security.¹

Monsieur Briand's proposed Federal European Union received a similar welcome in Luxembourg. When the French government issued a memorandum on the subject, communicated by Monsieur Briand on May 1, 1930, to all of the European nations, the Luxembourg government in a reply of July 15 of that year favored the envisaged plan. It would assure a measure of autonomy to small states within a larger political framework and at the same time give them a security never absolutely assured under existing conditions. But this idealistic optimism was tempered by a practical consideration for reality, for the lack of enthusiasm shown in the replies from other countries and the difficulty of including the Soviet Union and the British Empire in such a union; having given its blessing to the project the Luxembourg government reserved to itself its recognized prerogative of non-participation in any system of mutual assistance and of abiding by its policy of neutrality. It did, however, declare itself in favor of a general extension of arbitration and of the policy of international guarantees. Denmark and Norway also made reservations with respect to any military obligations incurred through an extension of the system of guarantees and assurances.

1. Wehrer, La politique, 32-33.

The Disarmament Conference of 1932 could not interest the Grand Duchy directly nor elicit anything other than a negative reply as to its proposals. Monsieur Bech on March 6, 1931, restated the position of Luxembourg. The Treaty of London of 1867 had decreed the dismantling of the fortress of Luxembourg and permitted the Grand Duchy troops merely sufficient to maintain order. The state was neutralized and demilitarized. Its status of disarmed permanent neutrality precluded any military activity and so the dispositions of the Disarmament Conference were entirely irrelevant.

The Italo-Ethiopian conflict gave the Luxembourg government an opportunity to follow a policy in some respects distinct from that of the League--one dictated by the regime of neutrality--and yet at the same time cooperative in the enforcement of certain directives of the League. Such a policy apparently independent in one instance and collaborative in another seems inconsistent and even contradictory. This policy was prescribed by dual obligations deriving from neutrality as established by the Treaty of London and more properly defined by The Hague Conventions, and from membership in the League. That Switzerland, also a neutral, followed a similar policy perhaps made Luxembourg's action more palatable to the functionaries of the League.

Article 9 of the Fifth Convention of The Hague of October 18, 1907, in outlining the rights and obligations of neutral powers in the case of a war on land in effect had prescribed for neutrals a strict impartiality in the applicator

of an embargo on arms and munitions to all belligerents.¹ Neutrals were not permitted the faculty of making any discrimination in this matter, and logically so since any policy other than one of strict impartiality would not be consonant with neutrality.

The Council and the Assembly of the League adopted certain resolutions relative to the imposition of primarily economic sanctions on Italy following a declaration of the Council branding Italy as the aggressor. One of these sanctions prohibited the exportation of arms to Italy while authorizing their exportation to Ethiopia. The Luxembourg government immediately informed the League of its inability to conform completely with this provision since its policy of neutrality demanded a strict military impartiality towards both of the belligerents. Luxembourg and Switzerland both prohibited the exportation of arms to Italy as well as to Ethiopia in conformity with The Hague Convention cited. While following an independent course with respect to strictly military sanctions, the Luxembourg and Swiss governments applied to Italy those economic and financial sanctions advocated by the Council and Assembly of the League.

The failure of Luxembourg and Switzerland to conform to the letter with the resolutions adopted within the League

1. "Article 9. Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied to both belligerents." James Scott (ed.), The Hague Conventions and Declarations of 1899 and 1907, 134.

gave rise to a heated debate within the Committee of Co-Ordination on November 2, 1935. In 1920 the neutrality of Switzerland had been treated as more firmly established than that of Luxembourg. On this occasion the attitude of the Swiss government with respect to sanctions was subjected to severe criticism while the policy of the grand ducal government was considered with more leniency.¹ Perhaps a realization of Luxembourg's geographic situation and its dimensions contributed to this indulgence. In retrospect the irascible temper displayed by the Committee over the attitude of two small countries recognized neutrals, seems petty when the reluctance of the great powers to act boldly is remembered.

Joseph Bech, foreign minister of the Grand Duchy and present at the debate, made a declaration on this occasion quoted in part.

Our juridical sub-committee has revealed, in its report, that Luxembourg, in applying proposition I, has not made any discrimination among the belligerents. This attitude of the Luxembourg Government conforms to the traditional policy of my country, to its regime of perpetual neutrality which was created in 1867 with the object of European peace and whose principle is inscribed in our Constitution. Placed at the crossroads of the great military routes of history, without proper military resources and with the impossibility of creating them, Luxembourg owes it to this policy not to have remained a cause of discord in Europe. This policy which is necessitated by the geographic and unique military situation of the Grand Duchy remains thus in the directives so often outlined by the Assembly and the Council, and according to which each state is obliged to collaborate in a collective action in the measure which its geographic situation and the special conditions of its armaments permit it. The Assembly, at the time of the admission of Luxembourg into the League of Nations in 1920, had already recognized the

1. Wehrer, Le Statut, 20.

special conditions in which my country happens to be. This constitutional tradition of its foreign policy does not prevent the Government of my country from fulfilling the obligations inscribed in the Covenant, in so far as they are not in contradiction with its special status. It is thus that, despite the bonds of friendship which join us to Italy and despite the very heavy sacrifices which our collaboration imposes on our national economy, we have adhered to the other propositions of the Committee of Co-Ordination.¹

When the Spanish Civil War threatened to have extended international repercussions Luxembourg followed in the steps of its western neighbors in September, 1936, in joining the Non-Intervention Committee established in London. The committee sought to limit if not prevent the despatch of material and aid to either side in the conflict, to restrain interventionist elements, and to check any international activity tending towards the extension of the war beyond Spanish frontiers. A general conflagration was feared. In conformity with the directives of the Non-Intervention Committee, a Luxembourg law of April 10, 1937, prohibited Luxembourg nationals from taking service in the armed forces of Spain or in Spanish possessions. The same law decreed a series of prohibitions designed to prevent the participation in the Spanish Civil War of foreigners resident in the Grand Duchy. These acts were necessarily in keeping with traditional national policy quite aside from the fact that they were inspired by the Non-Intervention Committee of London.

German military preparations of the mid-thirties alarmed the grand ducal government which, from long experience,

1. Wehrer, Le Statut, 21.

could not place too much faith in the guarantees and declarations of the Reich with respect to the country's neutrality. The reconstitution of the navy and air force and the re-introduction of compulsory military service occasioned apprehension. The remilitarization of the left bank of the Rhine, the return of the Saar, and the establishment of the Rome-Berlin Axis heightened this anxiety. When discussions took place among several of the great powers with the object of concluding a new Western Pact, the grand ducal government in 1937 sought new guarantees and a confirmation of Luxembourg's status within the framework of the envisaged pact.¹ Any opportunity to reinforce its security was seized by the Luxembourg government even when, as on this occasion, the pourparlers fell through.

Joseph Bech in a discourse of April 24, 1937, before the Union of the Foreign Press summarized the policy followed by his government during the last seventy years. Inasmuch as three years later following the delivery of this discourse Luxembourg was again overrun by the armies of the Reich and the traditional policy of neutrality was completely abandoned, this discourse, quoted in part, can be considered akin to a valedictory. It was an affirmation of a policy still in force but one which the events of the next few years were to prove untenable in the light of changing conditions.

Luxembourg's neutrality is not a theoretic formula born at random of an accidental situation. It constitutes the inevitable outcome of our history. It was in 1867, it is today, and it will always remain one

1. Majerus, Le Luxembourg, 100.

of the permanent conditions of the maintenance of peace in this region of Europe. The Powers of 1867 had the wisdom to recognize it.

The work which they created at that time is not only a juridical work but above all a political work whose primary source and profound cause lie in our geographic situation and the non-existence of our means of military defense.

If we are confined in this protective girdle of a perpetual and guaranteed neutrality, this is not in an interest uniquely Luxembourgian but to an European interest and to the general peace. This European interest is today what it was in 1867.

And it is because our particular interest agrees with the general interest that we have a faith so much the more great in the value of the Treaty and in the guarantee which it gives us.¹

The League had been a haven for Luxembourg and had enabled it to retain its status as a disarmed neutral. But the League in the years just preceding World War II was foundering. The League could not be a refuge or a protector of a small, undefended state like Luxembourg existing in the maws of neighbors on the verge of war. Luxembourg remained a member of the League until its dissolution. Since that organization existed merely after a nominal fashion in its last years and Luxembourg's membership was not marked by any noteworthy activity, this résumé of grand dual diplomacy within the League of Nations concludes with a review of the Convention of Ouchy and the Oslo Group.

The defection of Germany, Italy, and Japan weakened the League of Nations considerably since one of the conditions of its operation was international solidarity. The reluctance

1. Wehrer, Le Statut, 22-23.

of Great Britain and France to commit themselves to any vigorous, bold policy within that body also had a debilitating effect. The prestige of the League gradually approached its nadir. At this time when the great powers were drifting apart and a conflict appeared imminent, when the League in its enfeebled condition was unable to provide adequate protection to its members, some of the small nations sought to insure their security by grouping themselves together under a policy of strict neutrality. They felt themselves unsupported by the Western democracies on the one side and threatened by Nazi Germany's imperialistic designs on the other. And yet their military resources did not lend themselves to the probability of a successful defense. Also their geographical separation into two distinct regions rendered them strategically indefensible. The Oslo Group of powers comprising Norway, Sweden, Finland, Denmark, The Netherlands, Belgium, and Luxembourg were reduced to the hope that collectively their neutrality might be respected more than on an individual basis; as a cohesive group they would enjoy at least moral prestige. And should their neutrality be respected by the belligerents they would escape the devastations of war. Since it was their very weakness which called the Oslo powers into association, it could not be expected that they would have the strength to withstand opposition from any of the great powers to their association. Opposition from the great powers was manifested and the movement, although it received much sympathy and enjoyed a certain moral prestige, proved

abortive. This attempt on the part of the small powers to form a bloc of neutrals apart from the alignment of great powers never succeeded.

As early as December 22, 1930, Norway, Sweden, Denmark, Belgium, The Netherlands, and Luxembourg agreed in the Convention of Oslo not to raise tariffs among themselves without notification and consultation. Agreements were also projected for the increase of trade through the suppression of economic barriers. General cooperation in economic and political matters was envisaged. In 1933 Finland signed the convention. The convention never achieved any great commercial significance in its attempt to coordinate economic efforts and to stimulate trade; politically it was rather innocuous.

In 1932 the Convention of Ouchy was concluded between The Netherlands, Belgium, and Luxembourg. Negotiated at Ouchy but signed at Geneva, the convention stipulated that existing duties should not be increased nor should new duties be applied on imports among the three countries, that there should be no new barriers other than import duties in the commerce among the three countries, and that no new duties should be placed on imports from other countries enjoying treaty relations with the Low Countries unless those states had at a prior time raised their own trade barriers. An important stipulation provided for the reduction of existing duties on imports by ten per cent per annum until the total reduction reached fifty per cent. Other countries were invited to sign the convention and those non-signatories which abided by its terms were to

be extended its benefits. The convention was not to come into effect until those countries having most-favored-nation clauses in their commercial relations with the three lands waived their rights. Upon the refusal of Great Britain, the objections of the Ottawa Conference, and the indifference of the United States of America, the convention was never enforced. Even if it was not put into practice it initiated a trend in policy which achieved expression after World War II in the formation of the Benelux Union.

A new agreement was signed by these same Oslo powers at The Hague on May 28, 1937. It provided that existing tariffs were not to be increased, new ones were to be established, and quantitative restrictions were to be applied among themselves. This convention provoked the hostility of some of the great powers and a year later it was abandoned and the Oslo Convention of 1930 was restored.

A meeting of the countries of the Oslo Group at Copenhagen was called by Monsieur Sandler, the Swedish foreign minister, following the failure of the agreement signed at The Hague in 1937 and in consequence of the failure of the policy of collective security within the League. The Copenhagen Conference of July 28, 1938, brought together the foreign ministers of the four Scandinavian countries and of the three Low Countries. Hitherto primarily economic in character the neutral bloc on this occasion assumed definite political aspects. An official communiqué was issued by the ministers of foreign affairs with respect to their obligations

to the League and their policy of neutrality. They declared their intention of continuing to collaborate in the League, but, in view of developments within the League and with reference to recent events, a modified interpretation of the nature of sanctions had been adopted. " . . . they consider, however, the system of sanctions as having acquired, in the actual circumstances and through the practice of the past years, a non-obligatory character. They are of the opinion, in other respects, that this non-obligatory character of sanctions is valid not only for a particular group of states, but that it exists for all the Members of the League of Nations."¹

With reference to his government's participation in the Conference of Copenhagen and in elucidation of its attitude, Albert Wehrer delivered the following declaration on September 23, 1938, before the Assembly of the League. It was the last official manifestation of the Grand Duchy within the League before German armies again overwhelmed the country.

The Government of Luxembourg has never ceased to affirm that the geographical situation of the country and the complete absence of proper defense compel it to maintain in the League of Nations its traditional policy of neutrality, and is, furthermore, convinced that this policy, today as in the past, is in the general interest of the maintenance of peace in this part of Europe.

Acting thus, the Luxembourg Government remains within the directives so often outlined by Assembly and Council, according to which cooperation in the League of Nations' work necessarily differs for each country with regard to its geographical situation and the special conditions of its armaments.

1. Majerus, Le Luxembourg, 102.

In this spirit also, it adhered to the declaration of the countries assembled at the Copenhagen Conference last July.¹

On the day of the conclusion of the Russo-German Pact, on August 23, 1939, and almost on the very eve of the outbreak of World War II a conference of the Oslo powers was presided over by Monsieur Pierlot, head of the Belgian cabinet, in Brussels. The conference met with the knowledge that the powers represented would be helpless before the rising storm of international conflict. Their last resort was an appeal addressed to the great powers by King Leopold III. Speaking on his own behalf and on behalf of the kings of Norway, Sweden, and Denmark, on behalf of the queen of The Netherlands, the grand duchess of Luxembourg and the president of Finland, the king made an appeal in favor of peace and of mediation with the desire " . . . that the men on whom depends the course of events accept and submit their differences and their claims to open negotiation in a spirit of fraternal cooperation. But," he added, "let there be no deception whatsoever; the peace that we desire is peace with respect for the rights of all nations. A lasting peace can be founded only on a moral order."² The appeal of the monarch and the hope of the nations on whose behalf he spoke were soon drowned in the clamor of war.

1. Albert Wehrer, "The International Status of the Grand Duchy of Luxembourg," Luxembourg Bulletin, Nov. 1950/Jan. 1951, 288.

2. Majerus, Le Luxembourg, 103.

CHAPTER IV

NEUTRALITY ABANDONED 1940

World War II: The Second German Invasion

As early as 1938 the grand ducal government sought to obtain unilateral guarantees of Luxembourg's neutrality from France and Germany. Collective security as it was assured by the League had failed. The attempt to obtain renewed guarantees within the framework of an envisaged Western Pact had fallen through. And the conferences of the Oslo powers, whatever designs were entertained to constitute an effective neutral bloc, were inconclusive, expressive of only a vague and almost desperate hope to avoid involvement in the eventual conflict. The Luxembourg government could place little confidence in the collective guarantee of the powers signatory to the Treaty of London of 1867. To take the place of these pledges and accords which had little probability of being honored, the government sought to reinforce its security by obtaining unilateral guarantees from those two neighbors whose mutual enmity rendered precarious Luxembourg's existence, France and Germany.

France's relations with her small neighbor having been extremely cordial, Luxembourg had not entertained any serious doubts concerning the good will of its western neighbor. But German imperialism, a threat since the advent of Adolf Hitler, was quite another matter. The negotiations conducted simultaneously in Berlin and Paris by the Luxembourg foreign office were directed primarily at obtaining a new and possibly more comprehensive guarantee from the Reich. The Luxembourg minister for foreign affairs, Monsieur Bech, personally conducted the negotiations with the French minister for foreign affairs. The details were to be worked out with Monsieur Massigli and Monsieur Basdevant of the French foreign office. The grand ducal chargé d'affaires in Berlin opened identical negotiations with the government of the Reich and at the same time acted as liaison between the Quai d'Orsay and the Wilhelmstrasse. The negotiations were carried on with the aim of drawing up Franco-Luxembourg and German-Luxembourg agreements whereby the French and German governments promised, in identical terms, to guarantee and respect the independence and the territorial integrity of the Grand Duchy of Luxembourg. The negotiated agreements were never signed. The French government refused, by appending its signature to such an agreement, to imply that the signature of the German government had any value or honor whatsoever.¹

1. Albert Wehrer, "The International Status of the Grand Duchy of Luxembourg," Luxembourg Bulletin, No. 32/34, Nov. 1950/Jan. 1951, 288; this article is not a translation of Le Statut International du Grand-Duché de Luxembourg.

In view of the perfidy shown by Germany on other occasions the attitude of the French government was justified. Moreover, the aggressive plans of the Reich as subsequently revealed rendered any such agreement nothing more than another "scrap of paper," a toy to distract foreign diplomats and governments from the actual intentions of Greater Germany.

Because of strained international relations abroad, to meet any contingencies arising from an eventual conflict, and to strengthen its own position the Luxembourg government secured the passage of a law by the Chamber of Deputies on September 28, 1938, empowering the government to take "any steps required to preserve the safety of the State and its inhabitants."¹ On August 29, 1939, the Chamber extended the time limit of this law indefinitely. The law granting the government full powers was important during the first months of the war by permitting the adoption of stringent regulations to insure against any acts capable of compromising the country's declared neutrality. Later this law became the legal basis for the activities of the government-in-exile.

During the days preceding the outbreak of war, the Luxembourg foreign office received assurances from both the French and German ministers accredited to the grand duchess that their governments would respect Luxembourg's neutrality. On August 28 the Luxembourg government issued an official

1. Luxembourg and the German Invasion Before and After (The Luxembourg Grey Book), 18. Hereafter cited as the Luxembourg Grey Book.

communiqué following the visit of the German minister.

M. Joseph Bech, Minister of Foreign Affairs of the Grand Duchy of Luxembourg, received on Saturday, August 26th, 1939, Herr von Radowitz, German Minister to Luxembourg. The German Minister has stated the attitude of Germany towards the Grand Duchy should a European war be unavoidable. The Minister has declared that the Reich, taking into consideration the repeatedly manifested will of the Grand Ducal Government to adhere faithfully to its traditional policy of neutrality, is decided to observe in regard to the Grand Duchy an attitude which in no circumstances will harm the inviolability of the territory of Luxembourg as long as Luxembourg itself observes an attitude of neutrality.¹

Thanking Herr von Radowitz for the welcome assurance, Monsieur Bech stated that his government reserved to itself the right to determine and declare the time and manner of any possible violation of Luxembourg's territory. Should such a violation occur, a violation determined by the grand ducal government, Luxembourg would invoke the relevant stipulations of the international treaties and inform the powers concerned. This statement was necessitated, as Monsieur Bech pointed out to the German minister, by the precedent of August 1, 1914, when Germany occupied the Grand Duchy on the false allegation that French troops had violated the grand ducal frontiers. Luxembourg hoped to avoid a repetition of that unfortunate incident and it was with this intention that the reservation was formulated.

A similar assurance was given by France. On August 29 an official communiqué was issued indicating the attitude of France.

The Minister of Foreign Affairs, M. Bech, has today received the Minister of France, M. Cambon,

1. Luxembourg Grey Book, 31.

who has informed him of the firm intention of the Government of the Republic to respect the inviolability of the Grand Ducal territory. The French Government will only consider a modification of this attitude in the case of this inviolability not being respected by another Power.¹

Monsieur Bech expressed his appreciation of this declaration and informed Monsieur Cambon that Germany had given similar assurances.

The scene was set, the stage prepared, the actors in their places, and the raising of the curtain awaited. On September 1, 1939, the armies of Greater Germany invaded Poland. Three days later Luxembourg's fears were realized when, with British and French declarations of war against Germany, World War II was initiated. On September 5 the Luxembourg government, giving official recognition to the international conflict which had broken out, took advantage of the laws of September 28, 1938, and of August 29, 1939, giving the executive carte blanche powers to insure the security of the state. The government utilized this power to issue decrees restricting all activity which might compromise the country's neutrality. On September 6 a declaration of the government headed the official Memorial.

The Grand Duchy reaffirms its determined resolution to observe the strictest neutrality in the conflict which has just broken out in Europe, conforming to its international engagements and its constitution. Consequently, the rules of neutrality in force in the Grand Duchy and referring to the relations of the Grand Duchy with foreign Powers must be observed by the authorities and all those whom they concern.²

1. Luxembourg Grey Book, 32.

2. Ibid.

The Fifth Convention of The Hague of October 18, 1907, relative to the rights and obligations of neutral powers and persons in case of war by land was the basis of a grand ducal decree of September 15, 1939, prohibiting acts contrary to the state's neutrality. Severe penalties of fine and imprisonment were imposed on those who committed acts of hostility against either of the belligerents. The freedom of the press was not seriously impaired but penalties were imposed on those attacking the person of sovereigns or heads of foreign governments or their authority. Most communiqués were issued impartially and without comment. Nevertheless the German minister repeatedly demanded that the Grand Duchy observe a "moral" neutrality, so evident was the popular sympathy for the French and British. Aerial operations over the Grand Duchy had been enjoined except by government authorization; repeated protests were delivered to the belligerents because of violations by military aircraft. Because of the size of the country and its strategic position, such violations through error were easily conceivable but the protests, once registered, apparently were not pressed. Radio-Luxembourg was closed down lest its operations be made the basis of a charge against the country's neutrality. And, although Luxembourg diplomats and lawyers had disputed this point previously in international conferences with statements that their country could not accommodate such a policy, deserters of the belligerents were interned in the interests of public order and internal security. Several villages in the extreme southern sector of the country

where the frontiers of Germany and France meet those of Luxembourg were accidentally shelled. The inhabitants were removed from these areas. The enforcement of these regulations and a careful husbanding of the national economy in cooperation with Belgium were about all the grand ducal government could do to provide for the safety of its people.

Not prohibited by its international status from taking measures for passive defense, the government had constructed along the French and German frontiers a number of cement and barbed wire obstacles, particularly at points of entry of roads and bridges. A second line of obstacles was constructed when the Germans increased the number of their fortifications on the Moselle. The character of these defenses permitted little more than a possible slowing down of the passage of enemy forces, particularly mechanized units. Evidence of German irritation over the construction of these obstacles was given when, about a month before the actual invasion, the German minister officially protested before Monsieur Bech that the passive defense work was not in accordance with the country's disarmed neutrality and moreover unnecessary in view of Germany's assurances that grand ducal neutrality would be respected. Monsieur Bech, in reply, justified his government's activity as sanctioned by international convention. He also expressed misgivings concerning the landing-stages built by the Germans on their bank of the rivers forming the Luxembourg-German frontier. Herr von Radowitz, the German minister, declared these works important for German

river traffic. Monsieur Bech, still skeptical, replied, "I should feel so much easier if you could tell me that you are personally convinced that your Government has no intention of violating the neutrality of my country."¹ Herr von Radowitz chose to ignore this remark.

Despite official assurances of the German government, the ministers of the grand duchess were not deceived concerning German intentions. The preparations on the German side of the frontier left little doubt as to the plans for ultimate aggression. It was a matter of when this aggression would take place. To supply information on the progress of the awaited invasion, information which would enable the government to follow a preconceived course of action, a system of radiophonic communications and motorized patrols was created.

On January 4, 1940, the ministers and the grand duchess in solemn council made plans regarding their course of action at the moment of invasion. It was decided that the grand duchess, her family, and her chief ministers would withdraw from the Grand Duchy into France from whence an appeal would be made to the powers. Directives were also prepared for the administration of the country during the absence of the sovereign and her government. Consequently the frontier posts were given the task of alerting officials in the capital by radio and courier (it was expected the Germans would sever telephone and other regular communications) when the invasion began. The patrols, following the progress of the invasion,

1. Luxembourg Grey Book, 33.

could offer the foreign office detailed information needed for diplomatic and propagandistic purposes.

On May 9 Monsieur Bech received information that the invasion was imminent. An order from the chief staff officer of the German divisional command dated April 23, 1940, fell into the hands of the grand ducal government. The order contained detailed instructions on the occupation and guard of key positions within a certain sector of the Grand Duchy, the region between Diekirch and Ettelbrück comprising about five square miles. The territorial limitations of this order suggested that other units of the command received similar instructions although only this one order remained as evidence in Luxembourg.¹ Shortly before midnight on May 9 the government learned that the invasion was scheduled to take place within hours. The grand duchess was brought from her chateau at Colmar-Berg to the capital after the first alert. An attempt was made to round up fifth columnists and German agents but since the whole country would be overrun shortly by the armies of the Reich such measures became pointless. Nothing more than a token resistance could be offered under any circumstances. However with some compassion interned French aviators and German deserters were released to seek whatever refuge they might find for themselves.

German troops disguised as civilians quickly overpowered the gendarmes and radio posts along the eastern and southeastern frontiers and poured into the country. Motorized

1. Luxembourg Grey Book, 34-35.

units might have quickly sealed off all routes of escape but for the road obstacles which delayed their advance. As it was, German aircraft landed at various points and disgorged troops near the French border. Escape became difficult; certain crossroads were covered by machine guns manned by the air-borne troops of the Reich and the parachuted troops were so disposed as to leave no doubt of their purpose to prevent the flight of the Luxembourg government.

Before leaving, Monsieur Bech tried to telephone Herr von Radowitz, the German minister, to protest officially this second violation of Luxembourg's neutrality and territory. Very conveniently the German minister could not be reached either at the legation or at his private residence.

At 6:30 A. M., May 10, the ministers of the government left the capital by car and proceeded towards the French border. After some difficulties including a brush with German machine-gunnists, the governmental party and the grand ducal household were united in the French city of Longwy. Subsequently the government established itself in the Luxembourg legation in Paris which became its official seat until the surrender of France.

The occupation of Luxembourg was well under way when at 7:00 A. M., May 10, the grand ducal chargé d'affaires in Berlin was handed a memorandum from the government of the Reich. The document betrays a lack of imagination since, in substance, it offers the same argument employed by the Imperial German government in 1914 in justification of its action.

The German foreign office, as it has been said of the Bourbons, apparently neither learned nor forgot a thing in the period intervening between wars.

The Government of the Reich has trustworthy information that England and France have decided to follow their policy of spreading the war by launching in the near future an attack against Germany through Belgian and Dutch territory.

Belgium and the Netherlands have already been for a long time secretly on the side of Germany's enemies which constitutes a breach of their neutrality; they do not only want not to prevent this attack but actually favour it. The facts which prove this are established in detail in a memorandum which will be handed over to the Royal Belgian and the Royal Dutch Governments and of which a copy is added here. German troops have now been ordered to assure the neutrality of the two countries by all the force at their disposal in order to counteract the impending attack.

The offensive decided upon by France and Britain in agreement with Belgium and Holland will also include the territory of the Luxembourg State. In consequence, the Government of the Reich is forced to extend to Luxembourg territory the military operations started upon, in order to oppose the attack.

The Grand Ducal Government is aware that the Government of the Reich was prepared to respect the neutrality and integrity of Luxembourg providing that other neighbour countries would do the same. Negotiations in view of such agreements between the interested Powers seemed almost to reach conclusion in summer, 1939, when France discontinued them. The breaking-off of the negotiations by France can now be explained by the military decisions which she has now taken jointly with Germany's other enemies and they need no further comment.

The Government of the Reich expects that the Grand Ducal Government will now take account of the sole guilt of Germany's enemies in creating this situation and take the necessary measures to render impossible any hindrance of the German action by the Luxembourg population. The Government of the Reich, for their part, assure the Grand Ducal Government of Luxembourg that Germany has no intention of violating the territorial integrity and the political independence of the Grand Duchy by her measures, either now or in future.¹

1. Luxembourg Grey Book, 38-39.

Another clause guaranteed the European and overseas possessions of the dynasty should no resistance be offered.

About the same hour Herr von Radowitz, German minister to Luxembourg, appeared at the Ministry to present a declaration in the name of his government. The note, as it was reproduced in the Luxembourg newspapers the following day, was substantially the same as the memorandum delivered to the Luxembourg legation in Berlin. In the absence of Monsieur Bech the declaration was received by Albert Wehrer, secretary general of the government. Monsieur Wehrer tried to contact his government by telephone for instructions--the government at that moment was hovering near the French border--but because of the interference of German troops his efforts failed. Although considering himself lacking authority to deliver an official answer he nevertheless felt compelled to register a formal protest against the violation of his country's neutrality. As the ranking functionary he placed himself at the disposal of the German authorities in the hope that an autonomous administration might be constituted and permitted to operate albeit within certain restrictions.

The Luxembourg government, before fleeing the country, had instructed Monsieur Wehrer to head a Commission composed of four government counsellors on whom devolved the administration of the country during the absence of the sovereign and her ministers, the legal government. The afternoon of May 10 the German minister declared that because in its flight and appeal to France and Great Britain for aid the Luxembourg

government had, in his opinion, committed an act hostile to the Reich, the German government no longer recognized the grand ducal government. Nevertheless, the German military authorities were prepared to sanction the mandate of Albert Wehrer to form a Government Commission. The German decision was motivated by expediency, a desire to avoid disruptive internal conflicts which might have followed the imposition of a completely German military and civil administration. As it was, the Commission was under the direction of the German military authorities from the beginning. The Commission, first under title of the Government Commission and later as the Administrative Commission upon the designation of Luxembourg as enemy territory on May 16, continued the routine administration of the country for three months until August 7, 1940.

Although their sympathies lay with France and Great Britain and their hopes were for an Allied victory and the return of their sovereign and government, the Luxembourggeois still had to face the problem of living with their conquerors. Under the constant threat of force there was no alternative to submission. Self-preservation demanded that they exert themselves in an effort to retain what degree of autonomy the Germans might be pleased to grant. It was thus that the Chamber of Deputies, the Council of State, and the Commission headed by Albert Wehrer submitted to the German military authorities in an attempt to retain a measure of authority and preserve the institutions of the land. However, even had the German government shown more respect for international law

and later continued its recognition of what ultimately was only a transitional commission, that care-taker administration had only delegated powers. It could do little more than oversee the functioning of the different administrative services. The executive and legislative power was abroad and to it had been granted full powers. But limited as it was this "rump" government did everything possible to prevent the obliteration of the state.

The Chamber of Deputies was convoked the afternoon of May 11, 1940, by Monsieur Reuter, president of the Chamber, who addressed that body on the situation of the country. As the highest authority of the land in the absence of the grand duchess and her government, he protested the violation of Luxembourg's neutrality and in demonstrating the injustice of this violation called attention to the Grand Duchy's faithful adhesion to its international engagements and to the policy of neutrality which had been strictly if not rigorously observed up to the very moment of invasion and occupation. Concluding his address Monsieur Reuter expressed his personal devotion and that of the country to the grand duchess in exile. The Government Commission headed by Albert Wehrer on mandate of the absent government and recognized by the German authorities was sanctioned by the Chamber. The Commission was to be assisted by a consultative commission drawn from the Chamber.

The Council of State in an opinion dated May 14, 1940, confirmed the measures adopted by the Chamber. It recommended that by a formal vote the Chamber manifest its expressed will

in confirming the authority of the Commission and that the latter exercise its powers by simple governmental decrees. This the Chamber did on May 16 with a unanimous vote.

German military authority was initially exercised by the military command (Oberfeldkommandantur) of General Gullmann, a regime subsequently replaced by the subordinate military command (Feldkommandantur) of Colonel Schumacher. Their concern being primarily military, the rule of these officers was by nature severe even to the point of being harsh but it was also characterized by a certain correctness.

About May 16 General Gullmann summoned Monsieur Wehrer to present to him an official declaration by which the German government, in view of the hostile actions of the grand ducal government, considered Luxembourg as enemy territory and consequently refused to recognize the authority of the Commission. Monsieur Wehrer protested that this change of attitude was not justified either juridically or on the basis of any subversive behavior on the part of the population. General Gullmann reconsidered the matter and the following day declared that the military administration would continue its relations with the Commission.¹

This situation continued until August 7, 1940. The German military authorities were in control of the country but, in their preoccupation with military affairs and because it was expedient, they left the routine administration of the country to the Luxembourgeois. The Secret Military Police

1. Majerus, Le Luxembourg, 124.

was mainly concerned with the prevention of spying and of sabotage--its interests were not political as were those of the Gestapo. Requisitioning, although in effect severe, was at least orderly. Throughout the period of military rule no great effort was made to alter the institutions of the country where they were not in actual conflict with military demands. In many respects this brief period of the occupation paralleled that of World War I. The German officers displayed a certain ruthlessness perhaps but they also showed a certain correctness in their attitude. When the military authorities departed some of them were reputedly heard to mutter, "After us come the bandits."

By decree of Adolf Hitler on August 2, 1940, Gustav Simon, Gauleiter of the Koblenz-Trier district, was made Chief of the German Civil Administration in Luxembourg. Luxembourg was removed from immediate military jurisdiction, an unfortunate circumstance for the people since the Gauleiter was directly responsible to Hitler. There could be little appeal from his rule. On August 7 Gustav Simon entered Luxembourg at the head of columns of Gestapo troops followed by a train of prospective officials and carpetbaggers. The Germanization of the land and the subversion of the Luxembourg state were policies put into effect immediately by the new regime. One by one and at an ever increasing pace decrees were published by the Nazi Gauleiter abolishing Luxembourg institutions and supplanting them with those of the Reich in preparation for annexation. The Prussian severity of the military authorities

during the previous month seemed bearable in comparison to the fanaticism characterizing the Nazi regime of the politically ambitious Gauleiter. This period of German rule initiated by Gustav Simon is invariably branded "the terror" by Luxembourg jurists and historians.

On August 6, the day before the Gauleiter's official entry into Luxembourg but at the same time by his order, German was declared the official language of the land. French, the language of the intelligentsia, the courts, and the administration since the time of John the Blind, was prohibited to the press and to the courts. Later this prohibition was extended throughout the country and the use of even common French salutations was considered a manifestation of Luxembourg nationalism and rendered punishable. In line with this ridiculous linguistic policy those Luxembourgeois having Christian names and surnames not recognizably Teutonic were ordered to alter them in conformity with German usage. Even in the Third Reich such a fanatic measure had never been adopted; it is reflective, perhaps, of the pedantry of Gustav Simon, a one-time school teacher.

The Gauleiter by a proclamation of August 13 released all public officials and employees from their oath of allegiance to the grand duchess. The oath itself was abolished and use of the terms "Grand Duchy of Luxembourg" and "country of Luxembourg" prohibited. About the same time a German mayor, Dr. Hengst, was appointed to head the municipal administration of the capital and, as soon as they could be accommodated,

German mayors were appointed to positions in the more important cities.

August 20 saw the creation of a special court (Sondergericht) composed exclusively of German magistrates with jurisdiction in cases of treason and anti-German acts of all types. Its creation brought the German penal code into operation within Luxembourg.

On August 23 all national political parties were dissolved and their assets confiscated. The German monetary system was introduced on August 26. All civil employees were required to make a declaration of loyalty to the German administration and to the Gauleiter.

Finally the last vestiges of the Luxembourg state were swept away when, on October 22, 1940, the Chamber of Deputies and the Council of State were abolished. This action was followed by the dismissal of Albert Wehrer as head of the now ignored Administrative Commission and the dissolution of the Commission itself. The abolition of grand ducal institutions paved the way for the incorporation of Luxembourg into the Greater German Reich. Throughout 1941 Luxembourg was transformed, in effect, into a German province.

On August 30, 1942, the Gauleiter Gustav Simon formally proclaimed the annexation of Luxembourg to Germany. The land was made a part of the Moselgau and German citizenship was extended to the vast majority of the population. This legalization of a de facto achievement permitted the Germans to impose compulsory military service on the Luxembourg population.

Thenceforth Luxembourg was treated as an integral part of the Reich.

A detailed account of the German occupation does not come within the scope of this study. The occupation is a subject in itself capable of extensive treatment, either of the illegalities and barbarism of the German authorities or of the stubborn opposition of the Luxembourgeois at the cost of execution, fine, and deportation. The punitive measures of the Gestapo did not end with the decree of annexation nor did the opposition of the Luxembourgeois cease. But annexation was the climax of a political drama and, for the purposes of this study in a review of the German occupation, it is the finale. The foreign policy of the Grand Duchy was being determined abroad with the government-in-exile and to it we return.

The grand ducal household and the ministers of the government in their flight from Luxembourg on the morning of May 10, 1940, were reunited in the French city of Longwy before proceeding on the road to Paris. The Luxembourg legation in Paris became the seat of the grand ducal government-in-exile for almost a month. During this time the grand duchess was granted a residence in southern France by the French government and the Luxembourg authorities in exile patiently awaited a turn of events which they hoped would permit their return to the Grand Duchy. During this short period before the surrender of France again forced flight, diplomatic considerations, the problem of numerous refugees,

and active collaboration with the Allied governments were matters of pressing importance.

On the morning of the invasion, at about 9:00 A. M., the Luxembourg chargé d'affaires in Paris presented an appeal for aid on behalf of his government to Champetier de Ribes, undersecretary of state for foreign affairs at the Quai d'Orsay. The same day the chargé d'affaires of Luxembourg in Brussels made a similar appeal to the British ambassador, Sir Lancelot Oliphant, also accredited as minister to the grand ducal court. The note to the French government stated:

Under instructions from my Government I have the honour to inform Your Excellency that German troops have this night entered the territory of the Grand Duchy, in spite of the promise given by the Reich before the beginning of hostilities to respect the inviolability of the Grand Duchy. These facts constitute a flagrant attack on the inviolability of Luxembourg and a violation of the neutrality of the Grand Duchy which was guaranteed by the Treaties of London of 1839 and 1867.

The Luxembourg Government has protested energetically, but without result, against this aggression.

Having been disarmed by the Treaty of London of 1867 and lacking all means of self-defense, the Grand Duchy appeals for the assistance of France, her guarantor, for the protection of the population and the restoration of the independence and integrity of Luxembourg.¹

The minister for foreign affairs informed the American minister to Luxembourg, resident in Brussels, by telephone of the invasion.

Both the French and British governments in replies dated May 11 and May 12 respectively promised their military

1. Luxembourg Grey Book, 41.

and moral support. In these first days of the invasion there was still some feeling of optimism, a hope that the initial success of the Germans might be checked and ultimately reversed. The British note of May 12, 1940, to the Luxembourg government assures this aid quite simply, emphatically, and without any reference to the difficulties such support might engender.

I have the honour to inform you that I referred your note of May 10th to His Majesty's Principal Secretary of State for Foreign Affairs, who has instructed me to reply that in response to the appeal of the Luxembourg Government, His Majesty's Government of the United Kingdom will, in association with the Government of the French Republic, come to the aid of Luxembourg with all the forces at their command.¹

The precipitate German victories rendered these promises illusory to say the least. Personal messages of sympathy from the rulers of friendly European countries completed the exchange of diplomatic notes. The Pope in expressing compassion for the invaded country bestowed his apostolic blessing. Except for official protests and diplomatic correspondence of a rather routine character there was little more in this field of activity which the government could do.

The major problem facing the Luxembourg authorities in exile was the care of refugees, a problem immediate and pressing. More than 60,000 Luxembourgeois from the southern cantons had fled into France when their country was invaded. When French troops engaged the Germans in skirmishes in southern Luxembourg late in the morning of May 10, another 50,000 people were evacuated by the Government Commission to the northern

1. Luxembourg Grey Book, 41.

cantons of the Ardennes. The German authorities subsequently declared the southern region an area of evacuation and for six months it remained abandoned. Thus more than one-third of the total population was summarily dislocated. The refugees, scattered throughout almost all of the French departments, were evacuated principally to the Departments of Cote d'Or, Saone-et-Loire, and Herault. Pierre Krier, minister of labor, and Victor Bodson, minister of justice, apparently qualified for this work by ministerial title, were charged with the care of these refugees.¹ First they had to be registered, lodged, fed, assured medical and social services and, with due concern for the economy of France, employed. The dislocation of the French population itself as the enemy advanced and the general disruption of the national economy made this task very difficult. The French authorities with whom the grand ducal

1. Victor Bodson, educated at the universities of Strasbourg, Algiers, and Montpellier, was elected to the Chamber of Deputies in 1934 and served as vice-president of that legislative body from 1937 to 1940. He was appointed minister of justice in 1940 and, upon the German invasion in May of that year, fled with the other ministers of the government. He retained his portfolio as minister of justice in the government-in-exile and thereafter until 1947. Since 1948 he has again served as vice-president of the Chamber of Deputies; he is also vice-president of the Socialist party. In 1951 he re-entered the government as minister of justice.

Pierre Krier, Luxembourg's minister of labor, served in the government-in-exile and in the immediate post-war government. He supervised the dispersion of the Luxembourg colony of refugees in Portugal and, this task completed, then established residence in London where he collaborated with Monsieur Bech in contacting and directing underground groups in Luxembourg in the course of the war. More recently he represented his country at various international conferences such as the International Labour Conferences.

officials had to collaborate were cooperative. Thousands of refugees from Luxembourg were employed at the Creusot and in other industries vital to wartime production, the technical experience of many refugees in Luxembourg's iron and steel industry particularly qualifying them for such work.¹

Perhaps the most significant undertaking of the Luxembourg government was the organization of a Luxembourg Legion to fight under the French High Command. This enterprise was important politically for Luxembourg quite apart from any military considerations since it was a clear and unequivocal demonstration of the country's altered international status.

The policy adopted by the government under Grand Duchess Charlotte upon the second invasion differed radically from that pursued under her sister, the Grand Duchess Marie-Adelaide. In 1914 the Luxembourg government, generally unaware and unforwarned of specific German intentions, was faced with a fait accompli. It could do little more than lodge protests and follow a policy which would assure control over the internal affairs of the Grand Duchy. There were certain mitigating factors which permitted the operation of the wartime grand ducal policy described in an earlier chapter. Dynastic ties and affiliations and the tradition of royal intervention even in military matters tended towards the suspension occasionally of certain military decrees. Court protocol and the usages of diplomacy moderated the harshness of military rule. Nor were the Germans so forgetful of international law as to

1. Pierre Krier, Luxembourg Under German Occupation, 24.

consider themselves infallible in all of their undertakings. In 1914 Bethmann-Hollweg in an address before the Reichstag had admitted that in violating Luxembourg's neutrality Germany had committed an injustice to the country; in recognition of this wrong he promised adequate reparations. In comparison with the deeds of their Nazi successors, the methods employed by the imperial authorities seem in retrospect gentlemanly and civilized.

No such conduct could be expected of the masters of the Third Reich. Their record presaged continued perfidy, aggression, and a complete disregard for the minimum demands of international law. The National-Socialists of the Third Reich regarded Luxembourg as a country of German race and language separated from the Reich only through the machinations of foreign diplomacy. The policy of the Nazi leaders in the annexation of territories related in the past to the Reich, by whatever slender bond, did not augur well for Luxembourg. The grand ducal government, while hoping almost desperately that German assurances to respect Luxembourg's independence and territorial integrity might be honored, could not accept them at their face value. Circumstances had changed since 1914. A formal protest followed by passive collaboration as had been done in 1914 reapplied under prevailing conditions would have had fatal consequences for Luxembourg, either in the event of an Allied or of a Nazi victory. For were such a policy pursued by Luxembourg and the Allies should win, there might be a temptation to dispose arbitrarily of a

country too willing to suffer German occupation and rule with no more than a formal and totally ineffective protest. The victorious Nazis on the other hand would be emboldened to annex the Grand Duchy whatever guarantees they might have made. A simple, formal protest would be insufficient in itself. It had to be reinforced by a consistent and constant attitude of protest made vigorous by a marshaling of whatever forces remained to the government capable of being placed in opposition to the invader. This could be done abroad. Consequently when the grand duchess and her government decided to flee their country upon invasion, it was with the intention of avoiding any appearance whatsoever of collaboration with the invader or of complicity in the acts of the enemy. The government, by fleeing and appealing to the Allied powers for aid, dramatically manifested in a far more effective manner than any formal protest its opposition to the invasion. By this act the government ranged itself on the side of the Allies. And by this act of manifest hostility towards the German Reich the Luxembourg government in effect abrogated its status of neutrality.

From a political and diplomatic viewpoint the abolition of the permanent neutrality imposed by the Treaty of London of 1867 and maintained for almost three-quarters of a century was the most significant result of the government's action on May 10, 1940. It permitted the grand ducal government, hitherto restricted by the obligations of neutrality, to reorient its policy in conformity with changing conditions. It also determin

the course of action adopted by the government-in-exile. Although the country was occupied by the enemy and warlike activity was reduced to a maquis basis within the country's Ardennes forests, for the first time since the Empire of Napoleon I Luxembourg was legally in a state of war with another power. As of May 10, 1940, the Grand Duchy of Luxembourg was at war with the German Reich.

The minister for foreign affairs of the Grand Duchy stated the attitude of his government in the Preface to the official Luxembourg Grey Book, a Preface dated May 10, 1942.

. . . On May 10th, 1940, Luxembourg neutrality ceased to exist. For three-quarters of a century disarmed neutrality such as imposed by the London Treaty of 1867 had been observed. To some it appeared a paralysing mortgage which reduced the rights of sovereignty, to others as a protective shield for our security. The men responsible for the country's fate simply executed the stipulations of an international treaty never abolished--without regard to their personal opinions concerning the efficacy of the clauses for security which it contained. The duty of neutrality prevented them from pursuing a foreign policy in accordance with any tendencies or preferences of their own. Again a question of right became a question of life.

Today the Treaty of 1867 belongs to the past. Luxembourg is at war with the Axis Powers. Young Luxembourgers fight in the British, Canadian, American, Free French, and Belgian Armies. In spite of the necessarily limited scope of its present military contribution to the common cause, Luxembourg is recognized as an Ally. And the very fact of this recognition of Europe's smallest independent country as an equal, in spite of the merely symbolical value of its war effort, is a proof of the disinterestedness of the United Nations.¹

Monsieur Bech, in stating the duty of neutrality prevented Luxembourg's statesmen from pursuing a foreign policy in accordance with their own preferences or tendencies, implies

1. Luxembourg Grey Book, 8-9.

that his country was selflessly pursuing a policy imposed upon it. This statement is not in complete accord with some of Monsieur Bech's own declarations made during the pre-war years nor with the demonstrated policy of his country. Luxembourg maintained the policy of neutrality imposed upon and accepted by it through preference and necessity. When certain jurists and officials of the League proposed to interpret Article 40 of the Treaty of Versailles as abolishing Luxembourg's neutrality, grand ducal authorities emphatically denied the legitimacy of such an interpretation. In actual fact Luxembourg, disarmed and furthermore incapable of defense, was constrained by necessity to follow a policy of neutrality. There was no feasible alternative. Moreover the collective security assured by membership in the League of Nations made the continued maintenance of such a policy possible. With the failure of the League this policy became at most precarious. With the invasion of May 10, 1940, the grand ducal government acknowledged that the Treaty of London of 1867 was a dead letter and consequently abandoned its policy of neutrality. Actually, had the circumstances warranted the adoption of another policy, neutrality could have been abandoned at almost any time after World War I but the occasion, the circumstances, permitting such action did not arise until the second German invasion. There has been a tendency among some of the post-war Luxembourg writers, suggested in the foregoing quotation, to place emphasis on the imposition of neutrality on Luxembourg and to neglect Luxembourg's devoted acceptance of and adherence

to this status.

The legal position of the grand ducal government deserves review before its wartime activity is further outlined. The Grand Duchess Charlotte as the legitimate sovereign of Luxembourg was invested with the prerogative of representing her country abroad. This quality, explicit in her constitutional position, was recognized by diplomatic usage. She alone was qualified to safeguard the future and independence of her realm abroad. Moreover to her executive powers had been added special powers of a legislative nature. By the law passed on September 29, 1938, the government was empowered to take "any steps required to preserve the safety of the State and its inhabitants." This grant of full powers to the executive by the legislature was extended indefinitely by a law of August 28, 1939. Both laws delegating legislative powers to the grand duchess and the cabinet were unanimously voted by the Chamber of Deputies, all deputies present and none abstaining. Furthermore, the cabinet comprising four ministers who fled with the sovereign was composed of men in office before the invasion; the absence of the fifth minister, caught by the Germans and deported, did not affect the status of the government since the Constitution provided that the minimum number of ministers be three, additional ministries being at the discretion of the grand duke. Consequently the grand duchess and her ministers exercising the sovereign power abroad in full legal right were empowered to decree laws and negotiate treaties.

Considering the Grand Duchy at war with the German

Reich, the grand ducal government proposed to form a Luxembourg Legion to fight with the French and British forces. It was to be the first military force organized by the Luxembourg government in the twentieth century for purposes other than police action. The recruitment of volunteers was initiated a little more than a week after the government had established itself in Paris. The fighting unit thus organized was to be placed under the direction of the French High Command. On May 20, 1940, enlistment centers for Luxembourg recruits were opened in Paris and several outlying cities. By June 15 more than 2,000 Luxembourgeois had enrolled and there was every possibility that the number would have been considerably augmented had not the Franco-German armistice scuttled the entire project.¹

The war on the continent had a disastrous turn for France and on June 17, following a crisis, the government of the republic requested an armistice. About the same time the French authorities advised the grand duchess that in view of the impending armistice they could no longer guarantee her safety within the borders of France. On June 18 the grand duchess, her household, and her ministers fled to Spain from which, after spending a few days at San Sebastian, they passed into Portugal where they were more hospitably received. Because of its declared neutrality the Portuguese government requested the Luxembourg authorities to refrain from any political activity.

1. Luxembourg Grey Book, 42.

A small colony of Luxembourgais congregated in Portugal around the government located there temporarily. Problems concerning the refugees then scattered from France to the Lusitanian shores, the securing of news of developments in the Grand Duchy, and pondering the consequences of France's defeat with relation to immediate plans made this period one of reorganization and of needed rest after the stunning succession of catastrophes which had followed the invasion. Unable to remain in Portugal because of the restriction on political activity, the government made plans to leave the continent. Prince Felix, the prince-consort, and the members of the dynasty left Lisbon for the United States of America on an American man-of-war placed at the disposal of the grand ducal government by the government of the United States. With his children the prince arrived in the United States in July, 1940, and later was received by the president. In August the grand duchess left for London where her minister for foreign affairs, having preceded her, was making arrangements to establish a seat for governmental activity. Pierre Krier, minister of labor, was left in Lisbon to supervise the dispersion of the Luxembourg colony there. Some of the refugees re-entered unoccupied France. The rest were removed to Great Britain, Canada, and the United States. On October 3, 1940, the Grand Duchess Charlotte and her mother, the Dowager Grand Duchess Marie-Anne, flew to New York.

Ultimately two official seats of governmental activity were established, one in Montreal, Canada, where the grand

ducal household, the prime minister, and the minister of justice established residence, and the other in London where Monsieur Bech, minister for foreign affairs, and Monsieur Krier, minister of labor, maintained contact with Luxembourg underground movements and were associated in different international conferences held in that city. Residences in Montreal and London permitted intimate contact with the British, Canadian, and American governments on whose hospitality, generosity, and aid the Luxembourg government was forced to rely. The dual residence also facilitated the activity of the government on two continents.

From London the Luxembourg government despatched a note of protest to all of the Allied and neutral governments denouncing the decrees of the Gauleiter Gustav Simon after that provincial viceroy was granted rule over the Grand Duchy by the German government. It was the first of a series of protests published by Monsieur Bech after the flight from France. This note, delivered through the Luxembourg legation in Washington in September, 1940, was followed by another issued on February 3, 1941. The Gauleiter Gustav Simon proposed to hold a plebiscite demonstrating the German character and sympathies of the Luxembourg population. Anticipating this event which, if it were accepted at face value, would have had disastrous propagandistic effects abroad for the Luxembourg cause, and wishing to ward off any such false impressions, the note denounced the factitious and forced character of the proposed plebiscite.

The Grand Ducal Government in a Note, forwarded at the beginning of last September by its Legation in Washington to the Allied and neutral Governments, had the honour to set forth the measures taken by the authorities of the Reich in the Grand Duchy after its invasion by German troops.

All these measures aimed at the annexation of the country by Germany. Since this time the intention to incorporate the Grand Duchy in the Reich has been openly proclaimed by the German Gauleiter, who, after abolishing the Constitution of the country and dissolving the Chamber of Deputies and the State Council, has just dismissed the administrative commission which administered the country since the departure of the Grand Ducal Government.

The public services of Luxembourgers are more and more eliminated from the administration of the country, and the high functionaries of Luxembourg are replaced by German National Socialists.

Since his arrival in the country the Gauleiter has boasted that he would bring the Führer a spontaneous adhesion of the Luxembourg population to the Reich. His scheme, based upon a propaganda without restraint, has failed in the face of the calm but stubborn resistance of the Luxembourg people.

This failure has provoked a regime of economic pressure and of terroristic measures in Luxembourg aiming at a forced inclusion of the Luxembourgers into the 'Volksdeutsche Bewegung' (German People's Movement) by the signing of a manifesto called 'Heim ins Reich' (Back to the Reich). The German People's Movement is nothing but the camouflaged organization of the National Socialist Party imported into the country after the invasion.

State and Communal functionaries are asked to give proofs of their political zeal and to collaborate actively for the incorporation of their fatherland into the Reich if they want to avoid the penalty of dismissal. To obtain this purpose the Germans ruthlessly apply to each category of Luxembourg citizens the form of constraint they think best fitted to break their resistance.

The Grand-Ducal Government wishes to attract the attention of the Governments of the free countries to this situation, denouncing beforehand the factitious character of any result obtained by such coercive measures.

From the most various sources, the Luxembourg Government receives irrefutable testimonies that the Luxembourg people remain profoundly attached to its independence and its dynasty.

In the moral as well as material distress into which the invader has thrown them, the Luxembourgers put all their hopes in a victory of Right and Justice.¹

Luxembourg's diminutive size and the small number of its population had obviated any plans for effective defense before the German invasion quite aside from the country's disarmed status. Now, the country overrun and occupied by German troops, this same paucity of resources made it all but impossible for the Luxembourg government to offer more than token forces and contributions to the Allied war effort. Luxembourg, unlike its neighbors, had no colonial possessions nor vast emigrant populations whose moral support might give weight to the position of the government. Nor were there substantial foreign investments to draw upon although the steel industry had affiliations in Brazil and the Congo. Thus, almost wholly dependent upon the Allied powers, the Luxembourg authorities were incapable of offering more than a symbolic support. But the Allied governments were not loathe to accept this symbolic support nor to align themselves officially as associates of so small a country. The inclusion of a defenseless, diminutive country as an equal in the Grand Alliance against the totalitarian powers of the Axis did much to strengthen the moral position of the Allies and to justify its formation. In an age when public opinion can be decisive

1. Luxembourg Grey Book, 46.

in political affairs these matters were significant. Such a striking example of the lamb devoured by the wolf in Luxembourg's relation with Germany was not without emotional appeal to a group dedicated to democratic principles. Consequently and almost paradoxically Luxembourg's weakness became its strength and its lack of resources its greatest resource. For it became a symbol among the smaller nations.

It remains to consider what measures the grand ducal government adopted to assure itself a role in international affairs abroad, to effect cooperation in the common war effort, and to prepare for the liberation of the homeland. Some of these activities had some military significance. Others followed the pattern set by many of the governments-in-exile. For reasons of convenience these activities can be categorized as those relating to refugees, post-war relief, propaganda, military contributions and, perhaps most important of all, diplomacy.

In the period preceding the gigantic growth of the iron and steel industry within the Grand Duchy and the development of manufacturing centers, Luxembourg was a poor land of very little promise economically. Thousands of Luxembourgeois emigrated and in some cases whole villages packed their belongings for life in a more promising land. The vast majority of these people entered the United States. Others in comparatively smaller numbers settled in Canada, Brazil, and Argentina, and others again in Cuba and the Belgian Congo. In Europe there were some 20,000 Luxembourgeois domiciled in France and 10,000

in Belgium. Despite the fact that before World War I Luxembourg had a customs-union with Germany and even thereafter traded extensively with that country, the Reich reputedly attracted only about 2,400 subjects of the Grand Duchy.¹ These Luxembourg emigrants and their descendents constituted, as officials declared them, the Grand Duchy's greatest asset abroad. It was to them that the government appealed in its need and they rallied to the call. They were the leaven in public opinion capable of influence within their adopted countries. They contributed to the relief organizations established with the blessings of the Luxembourg government. They were enlisted in the dissemination of material informational in form, propagandistic in intent. They were the couriers, donors, and supporters of the Luxembourg government in foreign lands while remaining no less patriotic and loyal citizens of their adopted countries. In effect the support of emigrants of Luxembourg descent proved invaluable to the operations of the Luxembourg government.

While Luxembourg emigrants to other countries numbered in the hundreds and thousands by the most conservative estimates, citizens of Luxembourg ancestry in the United States of America numbered well over 100,000--a figure trebled by some writers--an overwhelming majority among the totality of emigrants. They tended to congregate principally in the Middle Western states, in New York state, California, and the city of Chicago. Several organizations were formed for the

1. "The Luxembourgers Abroad," Luxembourg Bulletin, No. 8, June, 1943, 69-71.

aid of refugees from the Grand Duchy and to supply the immediate needs of the Luxembourg population at the moment of liberation. In the United States the principal relief organization was the American Committee for Luxembourg Relief, Inc., (Grand Duchess Charlotte Relief Fund) with its headquarters in Chicago and headed by Mr. Fred A. Gilson, then head of the Luxembourger Brotherhood of America. This relief fund was affiliated with the Society of the American Friends of Luxembourg under the initial chairmanship of Mr. Matthew Woll, vice-president of the American Federation of Labour. On the West Coast the society Feierwon (named after the title of a national song) was formed in Los Angeles, California, to raise funds for Luxembourg relief and also to organize a service of blood donors for soldiers of the United Nations. A similar society was constituted in Portland, Oregon. In 1947 when the corporation was dissolved the American Committee for Luxembourg Relief declared that about \$140,000. in material and cash receipts had passed through its hands. This sum did not include funds sent directly to the Grand Duchy by subsidiary societies and individuals after the liberation.¹

The investment of capital by Luxembourg companies in the nascent iron and steel industry of Brazil brought many skilled emigrants from the Grand Duchy into that South American country where, because of their position in the metallurgical industry, they enjoyed influence and prestige out of proportion to their numbers. This same skill and training in industrial

1. "Final Report of American Committee for Luxembourg Relief, Inc.," Luxembourg Bulletin, Fifth Year, No. 8, May/June, 1947, 71.

enterprizes brought hundreds of Luxembourgeois into the Belgian Congo. Their entry into that region was facilitated by the Belgo-Luxembourg Economic Union and by the intimate political and cultural relations between the two neighbors. Smaller groups settled in Canada, in the agricultural province of Bahia in the Argentine, in Cuba, and, for commercial reasons, in Great Britain. In each of these countries a relief organization was instituted, among others the Luxembourg Relief Fund in Great Britain inaugurated by the Luxembourg Society of that country, the Prince John Fund in the Congo, and the Canadian Friends of Luxembourg. In Brazil relief work was under the leadership of Mr. Louis Ensch, general manager of the Companha Siderurgica Belgo-Mineira.

These organizations in Europe, the Americas, and Africa were important to the success of the propaganda campaign conducted by the grand ducal government to call attention to the plight of their country and, in some instances, to the fact of its very existence. President Roosevelt with a politician's concern for publicity and an American's respect for it reputedly advised the grand duchess and her ministers to "put Luxembourg on the map." Having been a part of the European map for almost a thousand years this recommendation may have seemed presumptuous to the Luxembourg officials but, acknowledging the almost total ignorance of their little country in the United States, they heeded his advice. The program adopted included the publication of books and periodicals, tours of members of the dynasty and of the government, lectures, and

broadcasts from various radio stations.

The press presented the least costly and most effective means of presenting news and information on Luxembourg. In 1942 the government issued its own white paper, The Luxembourg Grey Book, Luxembourg and the German Invasion Before and After, an official exposition of national policy. A periodical, the Luxembourg Bulletin, issued rather irregularly, was also published under the auspices of the Press Section of the Luxembourg government. These two publications had a comparatively wide circulation. An information bulletin was also released for the general press and for the use of other governments and their agencies. Reliance was also placed on the general press coverage of the activities of the various governments-in-exile and aperçus of the occupied countries. Few of the books and periodicals having their origin at this time were highly critical in character; they were designed to enlist popular support and necessarily highly charged with emotion to obtain this effect. The success of this part of the program of propaganda became apparent on the liberation of the country. On a higher political and literary level were the lectures delivered by Premier Dupong and the other ministers before civic and educational groups.¹

1. Pierre Dupong, born in 1885, studied law in Paris, Berlin, and Fribourg, and, having received his doctorate in law, began his practice at the bar in 1911. He was elected to the Chamber of Deputies in 1915, served as minister of finance in the cabinet from 1926 to 1937, and, upon the resignation of Joseph Bech in 1937, became prime minister, an office which he held until his death in December, 1953. He presided over the government-in-exile, residing in Montreal where his government established itself until its return to Luxembourg in 1944. He was a member of the Christian-Social party.

The good-will tours in the Americas made by the grand duchess, the grand duke hereditary, and government ministers provoked considerable favorable publicity. The heir to the throne, Prince John, visited Brazil in the latter part of June, 1942, where, after a round of diplomatic receptions in Rio de Janeiro, he visited the affluent Luxembourggeois resident in the mining cities of the state of Minas Geraes. In addition to numerous visits made in the company of her family and of her ministers to the presidential residences in Hyde Park and Washington, the grand duchess made several state visits throughout the country. On November 23-24, 1942, she was the guest of the commonwealth of Massachusetts. She was also given a reception in Chicago under the auspices of the American Committee for Luxembourg Relief. Subsequently she made a rather extended tour of some of the states west of the Mississippi beginning in Louisiana on February 3, 1943. The tour was continued in March and April with a visit through the states of Washington, Oregon, California, and Missouri. The prime minister, Monsieur Dupong, accompanied the grand duchess on these tours and made several lecture tours himself through the provinces of Ontario and Quebec, Canada. In the United States the tours were scheduled with the recommendation and assistance of the State Department as part of the general program to stimulate support for the war effort.

Except for an occasional program of a special nature, almost all broadcasting was directed towards the Grand Duchy to present information and to exhort the Luxembourggeois to

be patient, hopeful, and steadfast in their opposition to the Germans. Broadcasts in the Luxembourg dialect and in French were disseminated from Leopoldville in the Belgian Congo, the B. B. C. in Great Britain on three different wave lengths, station WRUL, Boston, Massachusetts, and the Voice of America, New York, in the United States. All of these broadcasts directed towards Luxembourg were according to an established schedule. They provided the government with an effective means of contacting the Luxembourg people either to inform them concerning the dispositions taken abroad on an international plane or of decrees and acts of their government. More important, counselled and heartened, the population was assured that it had not been forgotten.

To coordinate and facilitate much of this work the Luxembourg Office of Information was made a central agency for the collection and publication of material. The special needs of Luxembourg refugees of the Jewish faith were met by the Luxembourg Jewish Information Office under the direction of the Grand Rabbi of Luxembourg, Dr. Robert Serebrenik.

An armistice in France in June, 1940, had caused the dissolution of the newly organizing Luxembourg Legion. Eventually, nevertheless, many young men from the Grand Duchy, some of them volunteers in the Legion, escaped from the continent and enlisted in the Free French, British, and Canadian armies. The prince-consort, Prince Felix, and his elder son, Prince John, set an example by joining the British army, the father with the rank of colonel, and the son, after a period

of training at Sandhurst, as an officer in the Regiment of the Irish Guards. Within the British army a Luxembourg unit was formed which served with some distinction.

Perhaps more heroic, certainly more dramatically appealing, were the resistance groups in Luxembourg. These groups based their operations for the most part in the heavily forested northern cantons, in the Ardennes. They aided escaped prisoners of war, smuggled parachuted Allied airmen to places of refuge, and offered shelter to those young Luxembourgeois who refused conscription into the Wehrmacht. The underground movement, later designated the Luxembourg Maquis when that appellation became fashionable, performed a valuable service in the clandestine publication of three papers, the most influential of which was De Freie Letzeburger (The Free Luxemburger). The underground publications offered information on the activity of the government-in-exile with which they were in touch, affairs in Luxembourg, and helped sabotage certain German propaganda projects. The resistance groups also carried out operations on a minor scale against the invader. In 1942 the principal resistance group, the L. P. L., Luxembourg Patriotic League, was broken by the Germans but, after considerable difficulty, it was reconstituted and merged with other groups to form the "Union." The Luxembourg underground movement was able to offer information to the government-in-exile on home conditions and, through a network of informers, on conditions in the Reich. Information was also supplied on the movement of German troops. The forced deportation of Luxembourg

families throughout the Reich and the conscription of Luxembourg bourgeois into the Wehrmacht provided a broad basis for this information service.¹ When Luxembourg was liberated these resistance forces offered their services as militia to the Allied forces, an offer gratefully accepted during the reversal of the Battle of the Bulge. These forces of a military character, whether openly in the Allied ranks or secretly in the underground, were invaluable to the Luxembourg government, strengthening its position abroad and emphasizing its authority.

If many of the wartime activities of the Luxembourg government were conducted on a minor scale, diplomacy remained a happy exception. For generations Luxembourg had a foreign policy dominated and circumscribed by its neutrality. Indeed, neutrality was the Grand Duchy's foreign policy and the obligations of that policy restricted diplomatic activity considerably. Only international accords of a non-military character could be considered. The Luxembourg foreign office was forever obliged to tender its regrets upon invitation to adhere to various international agreements or projects of a military character, regrets invariably carrying a rote explanation of the Grand Duchy's status and unique situation. This rather passive role in international relations was unavoidable by circumstances. However necessary, guarding the inviolable dove of neutrality had been a confining role for the authorities.

1. The Luxembourg espionage system has been credited with the first precise information on the subterranean installations of Peenemunde.

Consequently when the restrictive neutrality was abolished as of May 10, 1940, and the foreign office was as a result loosed of its silken bonds, the authorities entered with some zest into the negotiation of a number of treaties which, in number and scope, quite made up for the rather barren pre-war years.

To be sure the majority of the treaties and agreements were multilateral and relative to the World War then raging. Aside from engaging in discussions on particular points relevant to their country, the Luxembourg delegates joined the chorus of small nations approving propositions formulated by the great powers. These treaties following one another in rather rapid succession and drafted to meet immediate and eventual problems were in a sense predetermined. They were significant to Luxembourg as a country at war even after a limited fashion but they are also important to the policy adopted during the post-war years, setting a precedent and a trend which, once accepted in liberated Luxembourg, were continued by the government without undue parliamentary re-creation or obstruction.

The conventions are listed in chronological order and, with the exception of those of more immediate interest to Luxembourg, with very brief commentary.

The Declaration of St. James' Palace of June 12, 1941, was the first formal statement of the powers associated in a common war against Germany and Italy. Signed by the governments of the United Kingdom, Canada, Australia, New Zealand, South Africa, Belgium, Czechoslovakia, Greece, Luxembourg, The

Netherlands, Norway, Poland, Jugoslavia, and representatives of General de Gaulle's Free Frenchmen, it was a pledge to continue the fight against the enemy until ultimate victory, not to negotiate a separate peace, and to obtain this victory and to establish an enduring peace through willing cooperation both during the war and in the post-war period. Luxembourg's Prime Minister Dupong and Foreign Minister Bech attended the conference during which Monsieur Dupong addressed the assembly, expressing his government's enthusiasm for this close association of the Allied governments.

On September 24, 1941, at a second Inter-Allied Conference held in St. James' Palace, London, the Atlantic Charter of August 14, 1941, proclaimed by Prime Minister Churchill and President Roosevelt, received the adherence of the governments represented in the assembly. Joseph Bech pronounced the customary eulogy in stating his country's approval.

The United Nations Declaration signed on January 1, 1942, in Washington formally inaugurated the coalition formed to defeat the Axis. The declaration, after reference to the principles of the Atlantic Charter, pledged each signatory government to "employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war" in cooperation with the other signatory governments and not to conclude a separate armistice or peace with the enemies. Luxembourg was included among the twenty-six original signatories.

Less than two weeks after the signing of the United

Nations Declaration a treaty relative to crimes of war was concluded in London on January 13, 1942. By this treaty the governments of Belgium, Greece, Luxembourg, Norway, The Netherlands, Poland, Czechoslovakia, Jugoslavia, and the French National Committee advocated the punishment of those guilty or responsible for war crimes in direct contravention of The Hague Conventions of 1907 through the channels of organized justice. Those guilty would be sought out, handed over to justice, judged, and the sentences carried out in a legal and orderly fashion. Thus post-war acts of violence and vengeance on the part of the general public would be avoided. The treaty was a promissory note to the Axis powers for their illegal and barbarous acts, a promissory note redeemable upon victory.

Luxembourg was represented by Hugues Le Gallais, minister to the United States, and Leon Schaus, counselor and secretary general to the government, at the United Nations Conference on Food and Agriculture.¹ The conference was in

1. Hugues Le Gallais, Luxembourg's minister to Washington for more than a decade, attended the universities of Liege and Zurich. Employed by the Luxembourg Steel Export Corporation, Columeta, he served abroad for almost seventeen years, from 1919 to 1936, in Paris, London, Saarbrücken, Tokyo, and Bombay; from 1927 to 1936 he was the director in Tokyo. In 1937 he was promoted to the position of chief of the Rail Export Division in Luxembourg. In April, 1940, he was appointed grand ducal chargé d'affaires in Washington and in November of that year he was elevated to the rank of minister. He represented his country at many of the leading international conferences in North America during World War II. In March, 1948, he was appointed minister to Mexico with residence in Washington and in 1950 he was accredited as minister to Canada. Serving on Luxembourg's delegation to the general assemblies

session from May 18 through June 2, 1943, at Hot Springs, Virginia, for the purpose of coordinating the world's production and distribution of food products. Forty-five countries were represented.

A prelude to the Benelux Customs Union, a tripartite Monetary Pact was signed at The Netherlands ministry of foreign affairs in London by The Netherlands, Belgium, and Luxembourg on October 21, 1943. By this pact the Belgian franc (by virtue of the Economic Union acceptable in Luxembourg) and The Netherlands guilder were fixed at the pre-war rate of one guilder to 16.52 francs. Foreign Minister Bech and Minister of Justice Victor Bodson signed for Luxembourg. One of the first monetary stabilization pacts signed by European countries during the war, it prepared the way for commercial exchanges and a close economic collaboration between these countries.

The United Nations Relief and Rehabilitation Agreement was signed by forty-four nations on November 9, 1943, at the White House in Washington. Prime Minister Dupong signed for Luxembourg as the head of the grand ducal delegation including Hugues Le Gallais, minister to Washington, and Pierre Elvinger, secretary to the government. On November 12 at a plenary session of the Council of the Administration in Atlantic City, New Jersey, Prime Minister Dupong addressed the assembled delegates.

of the United Nations Organization and simultaneously as minister to Canada, Mexico, and the United States, he enjoys a pre-eminent diplomatic status in the Americas as far as grand ducal diplomacy is concerned.

The Luxembourg Government warmly welcomes the creation of the Council of the United Nations Relief and Rehabilitation Administration. The magnitude of the task of Post War Relief and Rehabilitation has made it necessary to set up an international body to deal with the innumerable problems arising from this question. No country on earth, not even the wealthiest, could possibly achieve this work alone. Only a close and full collaboration of the United and Associated Nations to bar competition in the world markets for at least a certain period can relieve the destitute people of the occupied countries from their sufferings and restore their economy to peacetime conditions.

Luxembourg welcomes the Council as a most practical step to ensure freedom from want for all peoples, great or small. She sees in its composition the affirmation that in the partnership of the United and Associated Nations, the small nations are considered the equals of the great.¹

A convention creating the United Nations Office of Information was signed in London on March 16, 1944. The central agency thus established primarily assured a unity in propaganda. It also served as a clearing house, a permanent liaison, among the various national offices of information and facilitated the discussion of questions of common interest.

The International Labor Conference held in Philadelphia from April 28 until May 12, 1944, was attended by Pierre Krier, Luxembourg's minister of labor, Monsieur Le Gallais, and Monsieur Charles Heuertz.

Minister Le Gallais also represented the Grand Duchy at the International Monetary Conference sitting at Bretton Woods, New Hampshire, from July 1 to 23, 1944. Called to place international financial and economic relations on a sound basis through the adoption of a monetary plan, the

1. Luxembourg Bulletin, No. 10, Sept./Nov., 1943, 102.

conference passed certain resolutions advocating the stabilization of currencies by the creation of an international monetary fund and bank to facilitate the financial problems of reconstruction. The resolutions adopted at the Bretton Woods Conference lacked an obligatory nature but they were realized; an International Fund and an International Bank were established which were of the greatest importance for Luxembourg in rebuilding the northern cantons devastated during the Battle of the Bulge.

A Civil Affairs Agreement between Great Britain, the United States, and the Grand Duchy of Luxembourg was reached on July 27, 1944. It served as an instrument regulating the relations between the Luxembourg civil authorities and the Allied military forces which of necessity would pass through and occupy the country. The Civil Affairs Agreement was concluded just about two weeks before the capital was liberated. Its dispositions were reinforced by grand ducal decrees. A decree of September, 1944, declared the country in a state of siege and gave the orders, ordinances, and regulations issued by the commander-in-chief of the Allied armies operating in the Grand Duchy an obligatory character for the population.

An annex to the Belgo-Luxembourg financial conventions of May 23, 1935, was signed in London by the Belgian and Luxembourg governments on August 31, 1944. It officially entered into force on March 12, 1945, with the exchange of the instruments of ratification in Brussels. By this annex

the Luxembourg franc and the Belgian franc had the same parity with respect to gold and foreign currencies. To lend uniformity to the common monetary system, the Luxembourg government was obliged to introduce within its territory the same legislation as the Belgian government with respect to the supervision of foreign exchange. This supervision is confined to one organ, the Belgo-Luxembourg Institute of Exchange, in whose Council Luxembourg is represented by two members out of ten. The institute has jurisdiction over the entire territory of the Economic Union and within its defined sphere of action its decisions are obligatory.

One of the more important treaties signed by the Luxembourg government and certainly one heralded in the foreign press with much fanfare was the Convention of Customs Union concluded among Belgium, Luxembourg, and The Netherlands. The convention was signed by the three governments in London on September 5, 1944. The Customs Union was of a provisional character and adopted pending the conclusion of an envisaged treaty of economic union among the three countries when post-war conditions would warrant effecting such a union. The convention was, in some respects, a realization of the Convention of Ouchy of 1932 which was never put into execution because of the emphatic opposition of Great Britain and other powers. It was also the first step in a closer integration of the three countries in affairs not only economic but political as well. Two of the three countries, Belgium and Luxembourg, had already enjoyed an Economic Union and the difficulties attending the evolution

of that union provided a background of enlightening experience from which the negotiators could draw in formulating the instruments which would ultimately give the three states a full economic union. After their liberation Belgium and Luxembourg were able with some difficulty to refashion their Economic Union. This action might have facilitated placing the Convention of September 5 into effect relatively soon but for the slow liberation of The Netherlands. Belgium and Luxembourg were liberated in September, 1944, although sections were overrun subsequently during the Battle of the Bulge; by contrast most of The Netherlands remained under enemy rule until the surrender of Germany. Consequently the proposed tripartite customs union was postponed until economic recovery permitted. Reconstruction demands delayed any action until April, 1946, when the first conference of cabinet ministers sat in session at The Hague. The development of Benelux will be treated in a later chapter. At this point a consideration of the convention itself will suffice since the difficulties it encountered awaited execution.

The governments of Belgium, Luxembourg, and The Netherlands expressing their desire "of creating at the moment of the Liberation of the territories of the Belgo-Luxembourg Economic Union and of The Netherlands the most propitious conditions for the subsequent realization of a lasting customs union and for the restoration of economic activity, have decided to pursue these under the regime of a customs

"community, and have agreed to this end on the following articles:"¹

Article 1 related to the identical customs duties to be applied as listed in a Tariff annexed to the convention and constituting an integral part of the accord. Article 3 removed customs duties on goods passing between the Belgo-Luxembourg Economic Union and The Netherlands. The other dispositions of the treaty, Articles 3 through 9, set up the administrative machinery which would put the accord into effect.

An Administrative Council of the Customs composed of six members, three from the Belgo-Luxembourg Economic Union and three from The Netherlands, was to be constituted with the presidency exercised alternately by the heads of the two delegations. "The Administrative Council of Customs will propose the proper measures to assure the unification of legislative dispositions and regulations governing the levying of import duties and of excise duties in the Belgo-Luxembourg Economic Union and in The Netherlands, and the adaptation of these to the dispositions of the present accord, this without prejudice to the preliminary dispositions of the tariff here annexed." The Administrative Council of Customs was to be assisted by a Commission composed of four members, two each from Belgium-Luxembourg and The Netherlands. It was to have competence in litigations relative to the customs

1. Majerus, Le Luxembourg, 211-213; the subsequent statements are made with reference to the text of the convention as given in the section Recueil de Textes et de Documents.

while its decisions would be executed by the competent ministers

An Administrative Council for the regulation of foreign commerce was also formed with a membership and presidency patterned after that of the Council of the Customs. The Council submitted opinions relative to the regulation of imports, exports, and transit, notably by the institution of restrictions of an economic order, of licences, special duties, quotas, and taxes. Its character was primarily coordinative, designed to assure an efficient functioning of the Customs Union among the three countries.

Also assigned the duty of assuring the coordination of dispositions relative to treaty relations was the Council of Commercial Agreements. Six members selected on a basis of parity formed its membership like those of the aforementioned councils.

The convention was to enter into force eight days after the exchange of the instruments of ratification. It might be terminated after an advance notice of one year, and it would cease, in any case, with the enforcement of the projected economic union of the three lands.

The convention was designedly provisional, permitting the three governments to integrate their economies as circumstances might permit. The very fact of the treaty's latitude of action suggests the intention of the three governments to improvise in conformity with changing economic demands. The wisdom of the statesmen who negotiated the treaty with cautious consideration for the problems of the post-war era became

apparent when the dispositions of the document were finally put into force--the modifications were many.

While the Luxembourg government in London was busily engaged negotiating treaties and issuing decrees which would enable a quick transition from the German regime to that of a national administration, the Allied armies were rapidly approaching the Luxembourg frontier. The German retreat soon gave indication of degenerating into a rout. On the night of August 31 and the morning of September 1, 1944, the Gauleiter Gustav Simon prepared to flee with his staff, all of the functionaries, party directors, Gestapo, and carpet-baggers as well as local collaborators. The festivities which began with his departure were cut short by his sudden but momentary reappearance on September 3.¹ Thereafter the country was in a state of anarchy, devoid of civil government and deluged with German troops retreating towards the east. Day and night the passage continued until September 9 when the first American forces passed the Luxembourg frontier near Pétange. Little resistance was met by the liberators who found some areas completely cleared of German troops by Luxembourg resistance groups; the Moselle valley as it forms the Grand Duchy's southeastern frontier was cleared relatively early in the operations. The Allied forces progressed as far as the

1. The Gauleiter Gustav Simon, having fled into Germany, went into hiding upon the collapse of the Reich. He worked as a gardener and tried to secure employment as a hairdresser before he was found and arrested on the demand of the Luxembourg government. Before being taken to Luxembourg for trial he committed suicide in the prison of Paderborn.

suburbs of the capital in the afternoon of the same day. Providentially, on Sunday morning, September 10, 1944, four years and four months to the day after the German invasion, American troops made their entry into the city of Luxembourg. The enthusiasm of the population approached a degree of frenzy when Prince-Consort Felix and his son, the grand duke hereditary, appeared in British uniform. Prince Felix arrived in the capacity of chief of the Luxembourg Military Mission to the Allied Armies. General Oliver of the Fifth Armored Division, mistakenly identified as General Patton at the moment, headed the American forces passing victoriously through the city. General Eisenhower, commander-in-chief of the Allied Expeditionary Forces, issued a proclamation to the people of the Grand Duchy similar to that delivered by his predecessor, General Pershing, twenty-six years earlier.

For many years you have suffered courageously Nazi tyranny and aggression. During this time you have borne yourselves as brave patriots and by your resistance you have done everything to help us to defeat the Nazis. At the end of the War of 1914-1918 you received the Allied troops with enthusiasm as liberators from the German yoke. Again at this moment the forces of the United Nations under my command have arrived, in full agreement with the Grand Ducal Government, to liberate your country. My troops will be withdrawn when your liberty is assured definitely by complete victory over our common enemy.

. . . I count on all to endure with patience the inevitable privations which, for some time yet will be the price to pay for liberty. My troops must first of all take into consideration the provisions of war essential to our common cause, but, without prejudice to this essential need, they will make all efforts to bring to you every other assistance that you need so much.¹

1. Majerus, Le Luxembourg, 167.

For reasons of security among others, the grand duchess remained in London where she received messages of good-will and congratulations from the heads of various governments with whom her government maintained cordial relations, from King George VI, President Roosevelt, King Haakon, Queen Wilhelmina, etc. On September 23, two weeks after the liberation, the four ministers of the government who had gone into exile with their monarch returned to Luxembourg to resume the administration of the country.

The Civil Affairs Agreement with Great Britain and the United States gave a legal basis to the actions adopted by the military authorities of those countries in the Grand Duchy. The Allied Military Mission was headed by Colonel Frank E. Fraser who had, as a lieutenant, entered Luxembourg during World War I--one of the old guard. Colonel Lamberts of the British Army served as deputy-chief. An American civil-affairs team of thirty-eight officers and enlisted men was under the supervision of Colonel Edgar A. Jett. Prince Felix of Luxembourg, chief of the Luxembourg Military Mission to the Allied Armies, and three members of his staff, Majors Konsbruck, Schommer, and Ensch, directed the prosecution of traitors, spies, collaborators, war profiteers, and Nazis who had neglected to flee to the east. The problem of purging the country of traitorous elements was very difficult; Luxembourg had been incorporated into the Reich and its citizens, against their will, had become--statistically--Germans. Most citizens having been enlisted in various German organizations

under the threat of force they could not be judged by appearances but rather by intentions--as well as they could be ascertained. The resistance groups had quickly arrested collaborators and others whose patriotism was suspect without legal authorization during the first days of liberation. These arrests had to be regularized and a procedure adopted in prosecuting such cases. This duty was assumed by Prince Felix and his staff as the competent authorities during the period of military administration. Repatriation was also a pressing problem for which a special commission was created under the direction of Monsieur Kauffman.

On December 15, 1944, the government, recognizing its obligations to its Allies, published a decree of conscription. The influential Luxembourger Wort published the news with this comment: ". . . we were among those who signed the United Nations Declaration. We must honor our signature if we cherish our freedom and independence. There are such great issues at stake for humanity itself that a nation which would not give its all for this cause would damn itself and perish."¹ The publication of the decree was most timely. The next day, on December 16, 1944, the von Rundstedt counter-offensive began, the famed Battle of the Bulge which was so ruinous for Luxembourg.

The counter-offensive posed the threat of a reoccupation of the Grand Duchy by German forces. On December 19 the capital was shelled and German tanks were only a few miles

1. Luxembourg Bulletin, No. 14, March, 1945, 161.

away. Reinforcements sent by General Patton saved the southern cantons from the destruction which was the lot of the northern region as the enemy was slowly forced back. It was not until February 15, 1945, that the Germans were completely ejected from grand ducal territory, almost two months to the day after their attack began.

The disaster had the moral effect of reanimating the national spirit of the people in the face of this renewed threat of German occupation. But the cost for Luxembourg was staggering. One-fifth of its population were deprived of their habitations reduced to rubble. Whole villages were obliterated, industries were ruined, and forty-five per cent of the cultivable land lay idle throughout 1945 because of buried mines and other obstacles. The reconstruction of this devastated region was one of the feats of the post-war government.

On April 14, 1945, Grand Duchess Charlotte returned to her country after almost five years of exile. On May 7, 1945, Field Marshal Jodl signed the instrument of surrender. The defeat of Germany initiated a new era for Luxembourg.

CHAPTER V

THE POLICY OF ALLIANCE

The post-war period for Luxembourg was characterized by problems common to most of the nations of Europe. Reconstruction of the northern cantons was a pressing, immediate need of which the cost threatened to be crushing. Reactivation of the all-important steel industry was delayed because of an inability to secure vital coke and coal from shattered Germany. Meeting long unsatisfied domestic needs coupled with inadequate production reduced exports to a minimum. The finances of the state were precarious; the all but astronomical expenditures could not possibly be met by current receipts and the indebtedness incurred approached staggering sums for so small a state. With the passage of a few years these economic nightmares gradually faded only to be superseded by fears for security.

Luxembourg's foreign policy was naturally dictated by its war-time commitments and post-war conditions--it goes without saying. Having abandoned neutrality as a policy the country acted in concert with the other powers at war with the Axis; it was not only logical but necessary that the association thus begun continue as an effort was made to

meet common post-war problems through common projects. This attempt to meet threats to the economy and security of the Western European states on other than a strictly national basis was manifested early in the Grand Duchy. The Benelux Convention of Customs Union of September 5, 1944, was but a prelude to accords more comprehensive in nature and larger in territorial scope. Small in dimensions and in population, Luxembourg could not envisage a strictly independent policy with regard to trade or security. Luxembourg's circumstances were such that cooperation with its neighbors, if not integration after a fashion, was the only possible course. Thus it was that Luxembourg adhered enthusiastically to the United Nations Organization, the Western European Pact, the North Atlantic Treaty Organization, Benelux, and the Council of Europe, participated in the Marshall Plan, and sanctioned the projected Schuman Plan. Luxembourg's participation in these organizations of an economic, political, and military order illustrates the distinction between the two policies pursued by the government, between the policy of neutrality as it was maintained for seventy-three years and the policy of alliance pursued since 1940.

Relations with defeated Germany were an immediate, almost pressing concern of the foreign office. Illustrative of the change in policy, where Luxembourg merely had denounced a customs-union and made a request for compensation in 1918, in 1946 reparations, territory, and a voice in the administration of Germany were vigorously demanded.

Reparations and Germany

It will be remembered that reparations were an issue clouding Luxembourg's relations with the Reich after World War I, an issue which was never satisfactorily settled. Having accepted an initial payment from Germany several years after the Armistice, Luxembourg had agreed to defer final payments pending certain negotiations. The negotiations were inconclusive. With the passage of years and the resurgence of German power the Luxembourg government lost hope of obtaining further indemnification. It was perhaps with this precedent in mind that the grand ducal government made known quickly and specifically its demands for reparations from Germany when that question arose for settlement among the victorious powers. There was a fear lest prolonged negotiation result in another stalemate or that changed conditions would lead to an alteration or--distressing possibility--rejection of claims. The urgency with which these claims were presented was also dictated by particular economic considerations. Reparations delivered in time would finance, partially at least, reconstruction of devastated areas, provide the coke so vital to the operation of the steel industry in the southern region, and, through the cession of German territory, permit the construction of a series of dams envisaged in a government project of electrification. Furthermore, the whole question of reparations entered into Luxembourg's policy towards the defeated Reich, a policy echoing that of France

in some respects--especially with regard to an international authority of the Ruhr and the decentralization of Germany. Luxembourg's demands for reparations were coupled with recommendations on the future status of Germany.

The steel industry of Luxembourg is of overwhelming proportions in relation to the size of the country and the needs of the population. Before World War II the Grand Duchy ranked eighth in the world as a producer of steel and sixth as an exporter of rolled products. The metallurgical industry has produced as much as 3,000,000 tons of steel and 3,000,000 tons of iron annually under favorable conditions but of this vast amount only about 30,000 tons of steel is needed for internal consumption, normally less than ten per cent. Approximately one-third of the nation's workers are engaged in the steel industry or in the iron mines. Steel is thus the very life-blood of the country. Although agriculture remains important, supplying almost seventy-five per cent of the country's alimentary needs in pre-war years, still the metallurgical industry remains basic, providing the principal export, the primary source of revenue and of national wealth. Since Luxembourg's prosperity consequently is contingent on the function of this vital industry, circumstances dictated that the iron and steel industry be revived as quickly as possible; how much the Grand Duchy could import and how quickly reconstruction could be achieved depended in the post-war years on such an industrial revival.

The Luxembourg metallurgical industry is supplied

with iron ore from mines located very close to the French border, from a region actually an extension of the Minettes Basin of Lorraine. The deposits of this rather narrow strip of territory are being depleted and the industry has been forced to import iron ore of higher quality, especially since that of Luxembourg has only thirty per cent metal content. The gradual exhaustion of low-grade ores and the increasing dependence on better grade foreign imports were surpassed as problems only by Luxembourg's complete dependence on imported fuel. Devoid of coal deposits, Luxembourg has had to import almost the totality of fuel required for industrial and domestic needs. Before World War II, Luxembourg imported eighty per cent of its coke from Germany, the other twenty per cent being supplied by Belgium and The Netherlands. Indeed, as early as 1913 the A. R. B. E. D. concern, one of the three great companies in the Grand Duchy, with a view to redressing this deficiency, had entered into a community of interests with the Eschweiler Bergwerksverein at Eschweiler in the Aix-la-Chapelle basin of Germany to assure a regular supply of coke. During the immediate post-war years Luxembourg's position with respect to fuel became desperate. Coal and coke deliveries from Germany were not forthcoming and the coal industries of Belgium and The Netherlands were insufficient to meet grand ducal needs. It is thus understandable that when the question of reparations from Germany came up for discussion Luxembourg's demands centered about fuel, with respect to coke primarily, and to a state project for

electrification. German reparations to provide this basic need for fuel was vital to the whole economy of the country. This economic need was also a factor in Luxembourg's advocacy of international control of the Ruhr. Aside from political, military, and psychological considerations, coal remained the key to Luxembourg's attitude towards the defeated Reich.

At a time when German troops had not been completely ejected from the Grand Duchy and when the devastation following in the wake of the Battle of the Bulge could be surmised but not definitely assessed, on January 22, 1945, the Luxembourg government presented to the European Consultative Commission in London a note whereby the Luxembourg government reserved to itself compensation from the Reich for damages inflicted in the course of the war, both to individuals and to the state. The note was a declaration that claims would be made when circumstances permitted an evaluation of damages. Subsequently these damages were assessed at 660 million dollars.

A memorandum stating Luxembourg's claims against Germany, both territorial and economic claims, was presented to the Four Great Powers at New York on November 27, 1946, by the minister for foreign affairs of Luxembourg.

TERRITORIAL PROPOSALS

The Luxembourg Government, though as a matter of principle opposed to any policy of annexation, has been determined to ask for the cession of German territory for the purpose of carrying out two projects of vital economic importance to the Grand Duchy; the execution of these projects would at least, in a slight measure, compensate the losses suffered on account of the war.

These projects are:--

1. Acquisition and exploitation by the Grand Duchy of the railway on the German bank of the Moselle.
2. The construction of the great dam on the river Our.

1. Railway

The Our, Sure and Moselle and some of the eighteen bridges which connect the river banks are common property of both countries. Before the war, this state of affairs caused a number of incidents. The Germans even started military works on the waterways and the Luxembourg Government had no means to prevent them from doing so. To put an end to this situation the Government claims the exclusive ownership of the afore-mentioned rivers as well as the cession of adjoining German territories extending along the Moselle and the Sure to a depth of 1 to 5 km. In this way the frontier will be moved back to the range of hills, and thereby the railway from Perl to Wasserbillig will become Luxembourg property. The expense resulting from the junction of this line to the Luxembourg railway net will have to be paid by Germany. The cession of the railway line will necessarily entail the cession of German villages, situated along its course as well as the cession of the depending territories.

2. Dam of the Our

The execution of this project, which foresees a reservoir of 25 km. in length, renders necessary the annexation of a hydrographic hinterland of a depth of 5 to 10 km. The constructional expenses of the dam will have to be borne by Germany.

ECONOMIC PROPOSALS

1. For the fuel supply of the iron-metallurgy which employs two-thirds of the working population, the Grand Duchy depends entirely on foreign imports. The principal supplier in the past was Germany. In view of this fact, Luxembourg siderurgy acquired, a long time ago, mining concessions in the coal mining district of Aix-la-Chapelle. Consequently the Grand Ducal Government demands that the exploitation and production of these mines, in so far as Luxembourg property, shall be put at the disposal of the Grand Duchy with the right to act as if the products came from mines situated on Luxembourg territory.

2. Exactly as other neighboring countries of Germany, Luxembourg also demands that it should receive on the score of reparations, either direct deliveries of coal

and coke from Germany over a certain period of years or the concession and temporary exploitation of mines situated in the coal mining district of Aix-la-Chapelle and the Ruhr. With regard to this the Government intends to specify its demands later on.¹

A Luxembourg delegation composed of the chief of the Luxembourg Military Mission to the Inter-Allied Control Commission in Berlin, Monsieur Wehrer, the minister to the Court of St. James, Monsieur Clasen, and an attaché of the foreign ministry, Monsieur Calmes, presented a second memorandum on February 7, 1947, to the Joint Council of Foreign Ministers sitting in London.² The second memorandum presented proposals on the future status of Germany and appended further claims for reparations.

The memorandum consists of three parts:--

- (a) The policy of the Allied Powers with regard to Germany.
- (b) The revindications of Luxembourg with regard to Germany.
- (c) An appendix to the memorandum, presented on November 27th, 1946, to the Ministers for Foreign Affairs in New York.

The problem of Germany, from a Luxembourg viewpoint, ought to be dominated by the effort for the re-establishment of security in Europe. The Luxembourg Government accordingly approves of the measures taken or planned

1. "Luxembourg and the German Problem," Luxembourg Bulletin, Fifth Year, No. 8, May/June, 1947, 70.

2. André Clasen studied in Great Britain, attending Beaumont College in Windsor, University College, Oxford, and the Royal School of Mines, London, thus acquiring an educational background which fitted him admirably for his ministerial post in that country. He served as acting secretary general of the grand ducal ministry of foreign affairs from 1941 through 1944. He also served as consul-general and chargé d'affaires with the government-in-exile in London. In 1944 he was appointed minister to the Court of St. James.

by the Great Powers to that effect and especially the permanent disarmament, drastic demilitarization and denazification of Germany.

Luxembourg as neighbour, twice the victim of Germany, considers the de-centralization of Germany as an indispensable condition for Germany's democratization.

The ideology of the Reich and the evil hegemony of Prussia have caused a succession of wars in Europe. The only solution of the problem is the transformation of Germany into a federation of autonomous Länder, established according to the regional unities based on the history and the character of the inhabitants. Prussia in particular must be liquidated by giving its provinces the status of autonomous Länder. The centre of political and cultural activities should be within the Länder whilst the central powers of the Confederation should be strictly limited.

STATUS OF THE RUHR

The Ruhr area has been the principal arsenal of Germany and its control means the control of Germany's re-armament potential. The Grand Duchy advocates a system of exploitation and control by international bodies amongst which the position of the border-countries of the West should be particularly marked. These organizations would control the exploitation of resources and the exports from the territory both in the interest of Germany and that of European and world economy. A control over use of Ruhr products, extended to the whole of Germany, would prevent the misdirection of production and energy towards military purposes.

STATUS OF THE RHINELAND

The Rhineland (i.e. the entire left bank of the Rhine and as little as possible of the right bank) should be given the status of a security zone.

These territories should form one or several autonomous states, subject to a prolonged occupation which, if necessary, might be extended and to a permanent system of control by an international organization with special participation of all the western neighbours. Particular importance should be attached to the re-education of the Rhineland population in order to re-establish gradually good neighbour-relations with the border countries.

TERRITORIAL REVINDICATIONS

In the new memorandum nothing is added to the revindications indicated in the memorandum of 27th November, 1946, concerning the regime of the frontier rivers or waterways, the dam of the Our and the railway along the Moselle.

ECONOMIC REVINDICATIONS

Apart from putting at its disposal the mines of the Eschweiler Bergwerks-Verein as its property Luxembourg also demands the attribution of the concession Nordstern which forms an enclave in the concessions of the Eschweiler Bergwerks-Verein.

Furthermore, Luxembourg demands the following supplies:-- Three and a half million tons of coal per annum to be supplied by Germany over a period of 40 years. Various industrial deliveries, wood for mining needs, siderurgical raw materials, fertilizer and electric power, to be supplied free of charge and additionally against payment in Luxembourg goods. Luxembourg would desire to see a special clause inserted in the peace treaty to this effect, in order to protect, in future, the economic life in the face of any arbitrary alterations on the part of Germany in commercial relations.

WORKS OF ART

To compensate the plunder of its art patrimony, Luxembourg reserves its right to claim works of art and archives of particular interest to the Grand Duchy.

VARIOUS DESIDERATA

Luxembourg demands the protection of property in Germany belonging to Luxembourg nationals or Luxembourg companies as well as their interests and participation in German enterprises, against any acts of confiscation and any measures of decartelisation, socialization, or nationalization. It demands the free transfer of the profits from such property to the Grand Duchy.

Finally, Luxembourg would like to see priority of allied enterprises established in the programme of reconstruction.¹

1. "Luxembourg and the German Problem," Luxembourg Bulletin, Fifth Year, No. 8, May/June, 1947, 69-70.

"Luxembourg likewise wanted timber, and also water power for a dam and hydroelectric plant to be constructed on

The ministry of economic affairs of the Grand Duchy had constituted a committee to study the problem of reparations from Germany as that problem was related to reconstruction. The claims established by that committee were based upon direct damages inflicted upon the country, indirect damages resulting from the war, and losses of values in capital and revenue. The basis of assessment was the dollar of 1938. Eventually the sum of 660 million dollars was agreed upon for submission to the Inter-Allied authorities supervising the allotment of reparations.¹ Arriving at such a figure through careful evaluation was not easy. Translating it into a quota was much more difficult. And obtaining delivery of reparations proved to be quite another matter.

At the Yalta Conference of 1945 the principle of reparations for war damages had been formulated. A priority system among the beneficiaries based on contributions to the war effort was established. Subsequently the Potsdam Declaration all but gave the Soviet Union a free hand with regard to reparations in her own zone of occupation in Germany and

"the Our River near Vianden. In addition, the government was interested in a German railroad that paralleled the Moselle River along its right bank between Apach and Oberbillig. Bridges to be built at several points would carry connecting lines across the river, to provide rail service for a number of Luxembourg towns on the left bank. For these purposes 140 square miles of land, containing nearly 30,000 Germans, would be transferred to the Grand Duchy." Lewis M. Alexander, "Recent Changes in the Benelux-German Boundary," Geographical Review, January, 1953, XLIII, 71.

1. Nicolas Hommel, "Luxembourg and German Reparations," Luxembourg Bulletin, Fifth Year, No. 8, May/June, 1947, 67.

in the former German satellites. Other countries with acceptable claims were to draw their reparations from the western zones of France, the United Kingdom, and the United States. Thus what claims Luxembourg advanced had reference to the German assets and production in this western region. A conference summoned by the three occupying powers of the western zones and held in Paris beginning November 9, 1945, proposed to make allotments of reparations according to a quota system to those claimants who were to draw their reparations from the western zones. There was ultimately a striking divergence between the original national claims, the designated quotas, and the actual deliveries made from the respective zones. Reparations became subject to other, more pressing considerations. The demands of individual countries were set aside in the interest of the general European economy when it became apparent that the prosperity of several countries bordering Germany, among them The Netherlands, was contingent upon the resurgence of the German economy. The plans made at Yalta, Potsdam, New York, London, and Paris, were subject to constant amendment in response to the requirements of changing circumstances.

The Paris Conference of November, 1945, accepted the Yalta principle of giving priority in reparations on the basis of the war effort of the participating country. In keeping with this principle the claimants were divided into unoccupied countries capable of contributing actively to the prosecution of the war and the occupied countries who based their claims

on "damages sustained." The United States logically championed the preferred position of those countries basing their claims on their "war effort," while France remained the chief advocate of the thesis that equal rights should be enjoyed by countries which had sustained severe war damages in the course of the occupation.

The Luxembourg delegation quite naturally adhered to the "damages sustained" theory in view of their country's prolonged occupation and the devastation which covered one-third of the Grand Duchy after the Rundstedt Offensive. The delegation also appealed for "a formula of justice allocating to each country concerned a fair share in consideration of the damage sustained as well as of the resources which each country might mobilize for its reparations. The relationship between the means of a country and the entirety of the damages suffered by it should rather take the place of a purely arithmetical calculation."¹ The plan of Luxembourg for a more equitable distribution of reparations was dictated by the serious difficulties encountered by the occupied countries. While the unoccupied countries had poured their wealth and manpower into the war effort they could redirect their economies perhaps with more ease than the occupied countries. Not all of them had been ravaged by battle. On the contrary, many of the occupied countries had to pick themselves from their ruin and all but begin anew--from scratch. The Luxembourg view

1. Nicolas Hommel, "Luxembourg and German Reparations," Luxembourg Bulletin, Fifth Year, May/June, 1947, 67.

called the attention of the delegates to the need of each country as well as to its merit.

German reparations had been placed in two categories, category A comprising German assets abroad and current production, and category B including merchantmen, industrial machinery and equipment in capital, vessels of interior navigation, and captured enemy stocks. Luxembourg was to be compensated in both categories. Rather than pool German assets abroad under category A, each country was permitted to retain what German assets had come within its jurisdiction. The matter of current production was subject to constant dispute and alteration. Under category B, Luxembourg was originally awarded a quota of 0.20 per cent which was subsequently raised to 0.40 per cent.¹ The Paris Conference established an Inter-Allied Agency for Reparations with its seat in Brussels to handle details.

Luxembourg's steel industry had been left almost intact. There was no great need for German industrial equipment in this respect. Although projects to introduce new industries into the Grand Duchy for the sake of a varied economy had been discussed, the diminutive dimensions of the country with its limited domestic market rendered such industrial expansion infeasible. Consequently Luxembourg's needs were, for the most part, confined to current German production, especially of coal and other raw materials necessary to the functioning

1. Nicolas Hommel, "Luxembourg and German Reparations," Luxembourg Bulletin, Fifth Year, May/June, 1947, 67.

of Luxembourg's metallurgical industry. And, although German industrial equipment was welcomed, greater hopes were entertained for German payments in the form of necessary raw materials. This hope was doomed. The enormous deficit in the German economy following initial deliveries of reparations in the form of material and goods sealed the fate of current production in the western zones. What reparations Luxembourg could hope for would have to be limited to industrial equipment which would have to be utilized as best it could in the Grand Duchy. Such equipment would be inadequate to meet Luxembourg's actual needs but it was preferable as reparations to nothing whatsoever.

In April, 1946, the Inter-Allied Reparations Agency, having received a series of inventories of German factories, began the task of selection and allocation of those destined to be dismantled and transported as reparations. Several months later the military commanders of the three western zones temporarily suspended further dismantling and delivery of factories other than those already assigned. The administrative costs of the separate zones, the disproportion between imports and exports, and the precarious state of the economy of western Germany forced the adoption of the temporary policy. When the delivery of reparations was resumed it was more slowly, more cautiously. Luxembourg's allotment of machine tools and industrial equipment at this period was negligible.

Of more value to Luxembourg were those German assets abroad which were the portion of the Grand Duchy. Most of

these assets were in the form of transferable securities which had been abandoned in Luxembourg after the war. They constituted an important proportion of the total German assets abroad and the grand ducal Office of Sequester which held these German securities was subjected to considerable criticism from abroad; it was considered in some quarters that the securities entering category A were in excess of Luxembourg's quota of 0.15 per cent in that category, and that the balance should be distributed to other countries lacking sufficient assets to meet their quota in this category. The Luxembourg delegate to the Inter-Allied Commission of Reparations, Nicolas Hommel, declared any excess in assets would not be distributed to a common pool but rather would be attributed against Luxembourg's undelivered quota in category B. These German assets which the grand ducal government proposed to retain in their totality constituted the most valuable form of reparations and the only reparations which appeared to any degree certain. Luxembourg, an inland country, had not participated in the allocation of German merchantmen. The hope for deliveries from current production of coal and other raw materials was not being realized. In the competition for industrial equipment and machinery Luxembourg's bargaining position was poor; its needs were for specific goods rather than large related groups and quite logically the Grand Duchy was outbid by countries demanding complete systems and factory groups. Because reparations from current production and industrial equipment were scarcely realized at this time, the Luxembourg

government was obliged in self-interest to retain what assets it might lay its hands upon, namely German securities in the Grand Duchy.

The matter of reparations became increasingly complex as political considerations took precedence. The inability of certain European countries to revive their economies contingent upon an industrial revival in Germany tended towards a relaxation of demands for claims. The growing hostility between the West, the United States in particular, and the Soviet Union necessitated a revival of German industry in the interest of a balanced German economy and Western security. Subsequently reparations were curtailed and all but abandoned.

The modified attitude toward Germany, especially with respect to the German economy, was quickly recognized by the Luxembourg foreign office. Luxembourg-German trade had been of considerable importance in the pre-war years and the revival of this commercial relationship could do much to better Luxembourg's financial position. Luxembourg, like The Netherlands, was particularly susceptible to the repercussions of economic crises in Germany. Therefore a stabilization of the German economy was to the Grand Duchy's advantage. Joseph Bech voiced his government's attitude towards Germany in an address to the Chamber of Deputies delivered on March 22, 1949, quoted in part.

. . . Our policy concerning Germany aims principally at assuring ourselves a maximum of guarantees and security. That is why we are in favor of political decentralization of Germany to the greatest possible extent. However, we know also that a Germany whose finances and economy are in distress must constitute a grave menace for the economic rehabilitation of Europe and of our country in particular. Therefore

we favor German economic unity. To rise again, Western Europe needs a Germany which works, produces, imports, and exports. The occupying Powers and the Military Security Office must watch over the German industrial power to ensure its remaining in the service of peace instead of serving aims of war.

I cannot speak of Germany without touching on two questions which interest our country to a very great extent: The Ruhr and Reparations.

The fate of the Ruhr has always preoccupied the Luxembourg Government. That is natural because the Luxembourg siderurgical industry depends on the Ruhr for its supplies.

The attitude of the Luxembourg Government in this matter was stated in its memorandum of February 1st, 1947, which advocated notably the international control over the export of all energy (coal, steel, electricity) from the Ruhr into Germany and the administration of the resources of the Ruhr territory in the general interest.

I should like to stress the following points with regard to our particular position.

Our country is represented in the International Authority for the Ruhr with the United States, the United Kingdom, France and our Benelux partners. While the occupying Powers each have three votes, the Benelux countries have three votes together so that our country has one.

Our coke supply cannot possibly be subjected to arbitration since the Authority will in future carry out the distribution of coal, coke, and steel from the Ruhr between German consumption and export, in order to assure for countries co-operating for the common economic welfare a satisfactory access to these products within the frame-work of international agreements. In this sphere, the functions of the Authority will be co-ordinated with the activities of the Organization for Economic Co-operation in Europe.

Moreover, the Authority will have the power to prevent the German Authorities from applying or authorizing discriminative practices as regards transport, price, commerce, and quotas, tariffs or any other governmental measures or commercial agreements of a nature likely to violate the movements of coal, coke or steel from the Ruhr into international commerce except under protective measures approved by the Authority.

Thirdly, the Authority will be entrusted with the safeguarding and protection of foreign interests in coal, coke and steel industries of the Ruhr according to international agreements.

It is understood that when the time comes the power appertaining to the control of the administration of the coal, coke and steel industries, at present held by control groups of coal and steel established by the occupation authorities, will be transferred to the Ruhr Authority or the Military Security Office or to any other international organ. This is a matter of general control powers over production, investment and equipment.

In conclusion, I think we can say that this agreement takes into account the need of security and particularly the economic security of our country.¹

This part of Monsieur Bech's statement is of particular interest since the foreign minister therein manifests his government's primary concern with the economic aspects of certain problems.

On this occasion a report on the delivery of reparations to Luxembourg was made. By the beginning of Spring, 1949, Luxembourg had received German industrial equipment to the value of 2,355,559 Reichsmarks at the 1948 rate. The equipment delivered numbered 1,038 pieces and fell into two categories, machine tools for the working of steel and machine tools for wood-working. The major portion of these reparations, some 799 machines, were sold to interested parties capable of utilizing them. Their sale realized the sum of 17,000,000 francs, less than \$350,000. at that time, a comparatively small sum to be applied against the 660 million dollars damages established by the commission of the ministry for economic

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, Seventh Year, No. 19/20, Feb./Apr., 1949, 167-168.

affairs.¹

At the opening of a parliamentary session of April 19, 1950, Monsieur Bech again addressed the Chamber of Deputies on the state's foreign relations. In a report on reparations the minister for foreign affairs called the attention of the deputies to the necessity of considering Germany's economy as part of the general problem of European rehabilitation. It was with this need in mind that reparations, gradually reduced in the preceding years, had assumed definite form at the end of 1949 in the Bonn Agreement. The initial number of 1,800 factories ear-marked for dismantling as reparations, a number set in 1946, was reduced by the Bonn Agreement to 680 enterprises or about thirty-eight per cent of the original number. This reduction of industrial equipment did not harm Luxembourg's interests too much; the Grand Duchy's allotment had been relatively small and, insofar as it could be met, the major part had been delivered. Luxembourg had been allotted 1,750 machines of which 1,419 were delivered at the time Monsieur Bech spoke. The delivered machines were valued at about thirty-eight million francs.² Although Luxembourg levied everything to which it was entitled, the financial results appeared rather meager. However, the reparations had more actual economic value than appearances suggested. They enabled repairs to

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, Seventh Year, No. 19/20, Feb./Apr., 1949, 168.

2. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 240.

industries at a time when neither purchase nor delivery was possible through the European market. Luxembourg's reparations never measured up to the original estimate of war damages.

Luxembourg's territorial claims raised loud protests on the German bank of the Moselle, especially in the Saar. Protesting against territorial indemnification, German leaders nevertheless admitted their country's guilt with respect to Luxembourg but suggested that indemnity should be made in some other form than that of territorial compensation. The Luxembourg government gave consideration to these objections with the understanding that the German authorities would assure concessions relating to Luxembourg's proposed series of dams on the Our and Sure rivers as part of an electrification project. Objections were voiced in Luxembourg to the annexation of German territory and the inclusion of a German population in the state, a population which might prove disruptive to the unity of the nation. Ultimately the claims for a frontier region beyond those rivers bordering Germany, a strip of territory paralleling those rivers to a depth of from one to five kilometers, were not pressed vigorously. This modification of the government's attitude was prompted by concern for the aggravated international situation as well as by consideration for opinions in the Grand Duchy and the cooperative intentions of German leaders, the latter specifically with respect to the grand ducal electrification project.

When rectifications along the German western border

were definitely made in March, 1949, Luxembourg was awarded the uninhabited Kammerwald across the river Our and adjacent to the grand ducal city of Vianden, a forested area comprising eleven square miles. The eleven square miles of German territory constituted about one-fifth of a total of fifty-two square miles, 135 square kilometers, involved in thirty-one minor border changes favoring France, Luxembourg, Belgium, and The Netherlands.¹ The annexation of this small area raised Luxembourg's territorial extent from 999 to 1,010 square miles. An agreement was reached between the grand ducal government and the Federal German government concerning the construction of a dam at Rosport on the Sure river serving as a boundary between the two countries. Agreements were also concluded relative to frontier traffic with a view to freeing on a large scale the movement of people and the exchange of goods.

1. Provisional Rectifications along the Western German Frontier: Six Power Communiqué, Paris, March 26, 1949. The communiqué stated that the adjustments were minor and "may be confirmed or modified by terms of the final settlement concerning Germany." The date of transfer for the 52 square miles of land containing some 13,500 inhabitants was set for April 23, 1949. The status of the land awarded Luxembourg remains indeterminate. Dr. Lewis Alexander has pointed out that the Luxembourg government announced that it would occupy only the Kammerwald and leave the rest of the area (the village of Roth with 130 inhabitants) alone. Citing a letter from E. C. Maloney, Luxembourg Legation, Washington, dated July 13, 1951, he remarks that the government has explained that the use of the area is solely for exploitation. He doubts that Luxembourg sovereignty will ever be exercised over the inhabitants. (Lewis M. Alexander, "Recent Changes in the Benelux-German Boundary," Geographical Review, January, 1953, XLIII, 69-76). Yet maps printed in the Grand Duchy show the awarded area as part of the national territory, exclusive, however, of the village of Roth. The region will remain in dispute probably until a peace conference is held; the West German government maintains that a plebiscite should be conducted in the disputed areas.

Monsieur Bech indicated Luxembourg's attitude towards its eastern neighbor in his address of April 19, 1950.

. . . Evidently the co-operation of a democratic Germany, within the Strasbourg organization, in the cultural, economic and political life would strengthen and complete the conception of a united Europe, while the democratic institutions of this country would be consolidated by its co-operation with free nations.

We can merely hope that the Federal Republic, realizing the effort of good will made by the democratic countries, could show in its attitude the same European spirit.

Five years after its capitulation Germany has become aware again of its own existence. The numerous interests which we have to defend there make normal relations with that country and its integration in the Western community desirable.¹

Luxembourg's post-war relations with Germany have been conditioned by political and economic changes unforeseen at the moment of liberation. The necessity of securing its eastern frontier and of maintaining profitable commercial relations with Germany would be assured the Grand Duchy by the inclusion and full integration of the Reich in an European union.

The United Nations

As one of the original signers of the United Nations Declaration of 1942, Luxembourg participated in the United Nations Conference on International Organization which met in San Francisco from April 25 to June 26, 1945. Luxembourg was represented by Joseph Bech and Hugues Le Gallais assisted

1. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 239.

by Robert Als, Chef de Cabinet of the minister for foreign affairs, serving as secretary and advisor of the Luxembourg delegation.¹ Monsieur Bech addressed the Seventh Plenary Session on May 1, 1945, expressing his country's hopes in the organization under consideration and emphasizing, with due regard for the resources of his land, the modest role which his country could play in world affairs. On June 26, 1945, Luxembourg's delegation subscribed to the Charter adopted after considerable discussion and on October 17, 1945, Luxembourg was officially admitted.

Within the United Nations Organization the Grand Duchy tended to follow a policy in conformity with those of its neighbors, Belgium, The Netherlands, and France. As the cleavage between the non-communist and communist nations became more apparent and hostility between the two groups more bitter, the Western European nations were constrained by reasons of security, economy, cultural affiliation, and politics to accept the hegemony of the United States. Luxembourg, one of the smallest members of the United Nations Organization, had never

1. Robert Als practiced as a lawyer in Luxembourg from 1921 to 1928. In 1929 he became deputy state attorney, in 1932 judge of the district tribunal, and in 1936 attorney general. The Germans removed him from office and deported him to the Reich in 1941. With the liberation in 1944 he again became attorney general. Appointed minister of the interior in February, 1945, he also became a member of the Council of State, the Council of Litigation, and the Administrative Court of Inquiry in December of that year, heading the latter body. In March, 1947, he was appointed grand ducal minister to Belgium.

been able to follow a purely independent policy. The Grand Duchy's economic cooperation with Belgium and The Netherlands extended to the field of foreign policy, a logical consequence of the Benelux Economic Union. Thus in concert with its neighbors Luxembourg generally voted with the Western Bloc. The policy of the Grand Duchy within the international organization is not particularly distinguishable from that of the other West European states relying on the economic and military aid of the United States to bolster their economies and enable them to develop common defenses.

The Grand Duchy enjoyed membership in almost all of the Specialized Agencies, including: the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the Universal Postal Union, the International Telecommunication Union, the International Refugee Organization, the Interim Commission of the International Trade Organization, and the International Court of Justice. The government applied to the International Bank for Reconstruction and Development for a loan of twenty million dollars; on August 28, 1947, the Grand Duchy was granted a loan of twelve million dollars to finance the purchase of equipment for the Luxembourg steel industry and of rolling stock for the nationalized railways. Of this sum \$238,017. was cancelled on December 19,

1949, at the request of the grand ducal government leaving a net loan of \$11,761,938.¹ Aside from this substantial benefit, cooperation within these organizations gave the Grand Duchy some moral stature. Luxembourg, whose military potential was so inconsequential that the country could play only a very minor role in affairs involving the use of force, had a natural enthusiasm for those agencies of a pacific character. It had supported them eagerly in the League. It gave its adherence to them in the United Nations Organization. This faith was not misplaced since the Specialized Agencies accomplished much constructive work; their achievements in the underdeveloped regions of the world are real and notable.

Monsieur Bech, who as a delegate to the League of Nations and as minister of foreign affairs for almost a generation had acquired considerable experience in international relations and gained stature as a statesman, served on various committees and commissions of the United Nations Organization, among others as chairman of the First (Political and Security) Committee of the Second Regular Session of the General Assembly which terminated its work on November 19, 1947. While Luxembourg did not bring any great problems to the organization and while its diminutive size and population recommended a dignified but above all modest attitude, one which borders on reticence, the Grand Duchy was represented by capable men whose knowledge and experience were valuable to councils and committees and who, as the delegates of a very small state, were also in a

1. Yearbook of the United Nations, 1948-1949, 1047.

position to serve as disinterested arbiters and counsellors.

In a statement of March 22, 1949, before the Chamber of Deputies Minister Bech made an appraisal of the United Nations Organization with reference to Luxembourg's foreign policy.

. . . As regards the world plan, we have been amongst the founder members of that greatest endeavor for human solidarity which is the United Nations. The United Nations at their beginning inspired enthusiasm, hope, faith. It was expected to profit from the experience and correct the faults of the League of Nations. But soon we knew better.

Hardly brought into being, the United Nations were exposed to thunderous storms, and today appear paralysed when faced with disputes dividing their principal members. To many people they appear more like a sonorous rostrum, amplifier of international conflicts than as an instrument of peace-making. The ideal of the United Nations primarily as an upholder of world peace is and always has been ours. Thinking of their impotence, due not only to the use of the veto by certain Powers, could we still seriously maintain that the United Nations as they stand now still have sufficient means to assure peace in security and to safeguard the States, and particularly the small ones, against future aggression.

I do not share the ironical scepticism which is evident too often in discussions of the United Nations activities. During the few years of its existence they have carried out, within the cultural, economic and social spheres, work which if not spectacular nevertheless is enormous. Even in the purely political field, it is profoundly unfair to underline always their failures and never their real successes. Unfortunately, at the moment this organization is not capable of assuring world security.¹

This analysis of the state of the United Nations was reiterated in a subsequent speech made a year later, on April 19, 1950, by the minister for foreign affairs, but on this occasion

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, Seventh Year, No. 19/20, Feb./Apr., 1949, 166.

Monsieur Bech thought it opportune to draw the attention of the deputies to the advantages their country had in its representation in that international body, primarily in diplomatic contacts.

. . . I have already said last year that the situation inside the United Nations reflects the gravity of the world situation. This state of affairs has hardly improved since. If, however, national selfishness and divergences of views and ideas clash at times violently in the United Nations, it is as Izvestia states on United Nations 4th anniversary "a good instrument for maintaining peace and international security." It is certainly not this international institution's fault if it reflects above all serious clashes of political opinion. If the United Nations has not yet fulfilled the hopes placed in its essential mission, the strengthening of peace, it has on the other hand achieved a valuable task of international co-operation in the economic, social, cultural and technical fields. Its auxiliary bodies, amongst them UNESCO, the Refugee and the Agricultural Organizations, are working efficiently to bring people together by multiplying contacts and by making efforts to solve concrete problems entirely outside politics. It would be wrong to judge the work of the United Nations and other international organizations by taking into consideration only their not very spectacular successes. Against a wide background of history, these organizations represent stages of a great evolution. Fifty years ago international relations developed by narrow diplomatic channels exclusively. Today constant personal meetings between statesmen, parliamentarians, economic and social groups create precious contacts from which small nations, with restricted diplomatic means, benefit in particular.

Apart from any other considerations our active presence in international organizations contributes to the reinforcement of our existence and safeguards our interests on an international plane.

I need not tell you that since I have had the honor of representing Luxembourg at the League of Nations, the United Nations and all the international organizations to which we belong, I have always endeavored to give to our presence the character of reserve,

consideration and conciliation which, in the conflict of ideas and interests between the peoples of the world, befits our small country.¹

Luxembourg is represented by its own envoys in eleven countries and, in certain instances, one envoy may serve as minister to several countries. Thus the minister to the United States with residence in Washington also represents his sovereign in Mexico and Canada, and the minister to the Soviet Union is likewise accredited to Poland. In those countries where the Grand Duchy does not have its own proper representatives, by an agreement of January 6-7, 1880, between the Grand Duchy and The Netherlands, diplomatic agents of The Netherlands are charged with representation of Luxembourg although they are not authorized to negotiate grand ducal political affairs. The sessions of the Assembly and of various commissions--the general diplomatic activity of the United Nations--present opportunities for diplomatic contacts with envoys of nations with whom Luxembourg does not maintain direct diplomatic relations.²

Luxembourg's activity within the United Nations is

1. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 237.

2. Seven countries, the Federal Republic of Germany, Belgium, the United States, France, Great Britain, Italy, and The Netherlands, maintain their own proper legations in Luxembourg city with resident envoys. As the administrative seat of the High Authority of the European Coal and Steel Community, Luxembourg's diplomatic importance has undoubtedly been enhanced. Envoys of thirty-three other countries accredited to the grand ducal court reside in Brussels, serving in the dual capacity of representatives to Belgium and to Luxembourg.

considered in its proper context in the reports and various publications of that organization. It is a subject capable of separate and possibly lengthy treatment, a record of voting and representation. Here only a general review of policy has been attempted. But brief reference to the Grand Duchy's attitude towards certain issues will substantiate the Western orientation of Luxembourg policy. The Luxembourg delegation voted for a resolution giving Libya independence in 1952 and for placing Somaliland under Italian trusteeship, for placing the city of Jerusalem and the Holy Places under international control, and for the establishment of a High Commissariat for Refugees to assume the duties of the International Refugee Organization then in the process of dissolution. Luxembourg also voted for a resolution abolishing two measures, adopted in 1946, condemning the Franco regime in Spain, and at the same time recommended the return of that country to international conferences not contingent on membership in the United Nations. With the invasion of the Republic of Korea by North Korean forces on June 25, 1950, Luxembourg voted in favor of the successive resolutions introduced in the General Assembly leading to the intervention of the United Nations in that conflict. In accordance with the obligation to support the action initiated by the United Nations, incumbent on it as a member, Luxembourg contributed an infantry unit, composed of volunteers, to the United Nations forces serving in Korea. The infantry unit serves in association with Belgian volunteers in a Belgo-Luxembourg battallion.

One problem of the Grand Duchy which has been brought up in the United Nations on every feasible occasion has been that of Luxembourg prisoners of war, grand ducal subjects conscripted into the German Army during the occupation and still held by the Soviet Union. When delegations from the United States, Great Britain, and Australia demanded an international inquiry on the question of prisoners of war detained in the U. S. S. R., the delegate from Luxembourg called the attention of the delegates to the special problem of Luxembourg subjects penalized through no fault of their own and placed by circumstances beyond repatriation. About 2,000 Luxembourgeois, formerly in the German Wehrmacht, remain untraced and on their behalf the Luxembourg government has lodged appeal after appeal both in the United Nations and through normal diplomatic channels. The Assembly adopted a resolution, enthusiastically supported by Luxembourg, requesting all governments to submit information concerning the disposition of prisoners still detained and of those deceased with some explanation for their detention or the circumstances in which they died. On a bilateral plane of negotiation Luxembourg's minister to Moscow, Monsieur Blum, made repeated and urgent démarches with the Soviet authorities to institute a search for such Luxembourgeois among the German prisoners of war from whom they had not been separated.¹ The

1. René Blum, born in 1889, studied in Liège, Paris, Montpellier, and New York. He began his practice as a barrister in 1911. From 1918 through 1944 he was a member of the Chamber of Deputies and was speaker of that body from 1925 to 1927. In 1937 he became minister of justice and

ministry of repatriation in Luxembourg offered to furnish all relevant information. The Soviet government received these notes with seeming concern but nothing was effected. In an attempt to emphasize the seriousness of the question for Luxembourg the Grand Duchess Charlotte appealed to the president of the Soviet Union. The intervention of the grand duchess, the démarches of Monsieur Blum, the personal discussions of Monsieur Bech with Soviet officials at the United Nations, and the official resolutions have resulted in vague promises, denials, and indifference on the part of the U. S. S. R. But the problem remains unsolved.¹

Problems remained unsolved in the United Nations in many cases and it was because so many projects ended in a stalemate or were not even broached that the Marshall Plan--from which stemmed a succession of political, economic, and military alliances--was brought into being. Since it was so fundamental to the formulation and success of the successive alliances, a survey of it and of its operation in Luxembourg would be pertinent.

retained that position for three years. He presented his credentials as minister to the Soviet Union in Moscow on August 12, 1944. He was subsequently accredited as minister to Poland with residence in Moscow. He has been described as an extremely able but by no means orthodox envoy who provides his superior with information quite different from the routine facts supplied by other legations in Moscow.

1. Joseph Bech, "La Politique Etrangère du Luxembourg," Bulletin d'Information, No. 1/2, February 28, 1951, 9-10.

The Marshall Plan

It was as a partner in the Belgo-Luxembourg Economic Union that the Grand Duchy participated in the Marshall Plan. The manner of participation--within the framework of the Economic Union--was dictated by the primarily financial character of the European Recovery Program. Because of this integrated economic relationship, those credits received by Luxembourg initially came not through any direct agreement with the United States but in the form of allocation on a proportional basis within the Union. Consequently a definitive review of Luxembourg's foreign commerce has been rendered difficult by the very fact of the Economic Union; figures of grand ducal exports and imports, included with those of Belgium, are not readily ascertained. This situation further suggests that with reference to the Organization for European Economic Cooperation Luxembourg be treated necessarily as a partner in the Economic Union rather than on a distinctly national basis.

It must be kept in mind that Luxembourg's mammoth metallurgical industry was all but intact when the Germans were expelled. The industry was in need of modernization after serving the Germans for almost five years but, provided with sufficient coke, it was capable of nearly normal production. As it has been remarked before, more than ninety per cent of Luxembourg's iron and steel were offered for export. As the increased deliveries of vital coke were assured from

the Ruhr, the iron and steel industry began to approach pre-war figures in its production. Luxembourg thus enjoyed a strong economic position in comparison with other European countries and this in spite of the costs of reconstruction of the northern cantons. The supplies furnished to the American Army provided a source of needed dollars at first, and when this market tended to taper off, there was a pressing demand for metallurgical products from nations deprived of such products during the war years. Thus Luxembourg as well as Belgium enjoyed an almost insatiable market. However, it was the very character of this market which threatened the Belgo-Luxembourg economy for, while the neighbors of the Economic Union provided a constant market for goods, those same countries were incapable of paying for their imports. To enable such customers to continue making purchases, the Economic Union extended huge credits to their clients. At the time the Marshall Plan was put into execution the Belgo-Luxembourg Economic Union had granted credits amounting to thirteen billion Belgian francs or approximately three hundred million dollars. A very large part of these credits were placed at the disposal of The Netherlands and were the basis of an intensive trade with that country. But it is apparent that credits could not be granted indefinitely. The Marshall Plan came at a time when the Economic Union was pondering the need of restricting exports.

Luxembourg's needs tended not so much towards direct aid as indirect aid, not so much a want of dollars as for

assistance to meet the credit demands of insolvent customers. What Luxembourg required, primarily, was the financial and economic re-establishment of those European countries which constituted a market for grand ducal products, a stabilized condition permitting them to pay for their imports. In recognition of this circumstance, the creditor position of the Economic Union, most of the Marshall Plan aid granted Belgium and Luxembourg assumed an indirect character.

For the first year of Marshall Plan aid, from July 1, 1948, to June 30, 1949, the Belgo-Luxembourg Economic Union was granted in one form three million dollars as direct aid. Luxembourg's share of the grant, a gift, was four million francs or \$98,750., a sum allocated proportionally on a population ratio of 1:29. This percentage of the direct aid was relatively unimportant although certainly welcomed. Of greater significance was a loan of fifty-nine million dollars to the Economic Union of which Luxembourg was allocated 3.5 million dollars. The allocation of loans was based on the productive capacity of the two countries, a ratio of 1:17. The direct loan had its counterpart fund in accordance with the provisions of the European Recovery Program, the counterpart fund of Luxembourg providing for the re-establishment of agriculture and medium industries as well as for the financing of special works such as dams. Of supreme importance to the Economic Union were some 207.5 million dollars or 9.7 billion francs in conditional credits placed at the disposal of other specified countries which had drawing rights for declared amounts.

The conditional credits in effect financed the export trade of the Economic Union. Luxembourg's share in conditional credits amounted to between twenty to twenty-five million dollars although there was no provision for a definite allocation from this fund.¹

The policy of indirect aid was sufficient to meet the needs of the Economic Union. In the year from July 1, 1949, through June 30, 1950, no direct aid was provided for Belgium and Luxembourg but rather within the system of inter-European payments 352.5 million dollars was designated for the Economic Union, a sum representing 17.5 billion francs of drawing rights for debtor nations.

In the third year of operation of the European Recovery Program, from July, 1950, to June, 1951, the Economic Union was apportioned 88.1 million dollars, half of it designated as direct aid, the rest as conditional credit.

The Marshall Plan was, for Luxembourg, vitally important as a means of re-establishing the economies of the Western European states. Since so much of Luxembourg's industrial production is designed for export the Grand Duchy is particularly vulnerable in a time of economic crisis. The Marshall Plan provided for the stabilization of the West European economy and consequently enabled Luxembourg to increase its exports, in effect partially insuring the foreign commerce

1. Marcel Fischbach, "Luxembourg and the Marshall Plan," The Grand Duchy of Luxembourg: A Study in Economic Development Since the Liberation, 1949, 6-8.

of the Grand Duchy. Moreover, the Marshall Plan provided technical assistance, a matter of particular interest for Luxembourg with respect to plans for a system of electrification. The Marshall Plan also effected a liberalization of trade and finance through such agencies as the Organization for European Economic Cooperation and the system for inter-European payments. Since Luxembourg's export-dominated economy recommended itself to free or at least liberalized commerce, these measures were enthusiastically welcomed. The industrial expansion following in the wake of this economic assistance also meant full employment in Luxembourg; economic stability had a political counterpart. The plan also called for the cooperation of the participating states to obtain the proposed benefits. Cooperative reconstruction, demanded under the Marshall Plan, provided a basis for closer economic integration in such projects as Benelux and the Schuman Plan, for military alliances such as Western Union and the North Atlantic Pact, and for political association or federation as envisaged in the Council of Europe. In a world tending towards great states spanning continents, Luxembourg's continued existence as a state with some measure of autonomy seems possible only within the framework of an European union. Inasmuch as the Marshall Plan has contributed towards this end, both in the aid granted to the Belgo-Luxembourg Economic Union and in the impulse towards European cooperation, Luxembourg has welcomed it.

The Marshall Plan provided a background for one of

the first post-war military alliances entered into by Luxembourg, an alliance which was a striking departure from the pre-war policy of neutrality, and an alliance which for the first time since liberation in 1944 involved international military obligations: Western Union or, as it is also called, the Brussels Pact.

Western Union

A population of less than 300,000 certainly is scarcely the basis for an army, properly considered, at the present time when potential military forces of the great powers number in millions. Nor does an area of slightly over one thousand square miles recommend itself to defense in an era when aircraft are capable of traversing the country in a matter of minutes. Anciently Luxembourg was a fortress described by some strategists as comparable to Gibraltar until new weapons of war rendered it obsolete. Luxembourg relying solely upon its own resources is indefensible in the modern world and it was in recognition of this fact that its statesmen had held so tenaciously to a policy of permanent neutrality during the pre-war years. The second German invasion necessitated the abandoning of neutrality. Henceforth the Grand Duchy was to assume military obligations commensurate, in theory at least, with its resources, small as they were. But because of the country's indefensibility, rearmament--the formation of armed contingents dignified as an army--was possible only

in association with neighboring countries.

During World War II the German occupation did not permit the organization of grand ducal forces of any number; those Luxembourgish who succeeded in fleeing the continent served as volunteers in the Allied armies or with a Luxembourg unit integrated in the British army. With liberation the Luxembourg government accepted the consequences of its new status when, about a month and a half after its return to the country, on November 30, 1944, a grand ducal decree instituted compulsory military service. The execution of the decree was delayed by the counter-invasion of the Rundstedt Offensive and the social and economic results it gave rise to. By July, 1945, an army was in the process of organization, 1,825 men having been inducted, two light infantry battalions in training, and an American officer, Lt. Colonel Arnold Sommer, appointed chief of staff. At the time the grand ducal forces were equipped by the British and fed by the Americans. Subsequently they served as occupation troops in the French zone of Germany garrisoning the town of Bitbourg. The army formed within a year of liberation and slowly augmented in numbers was constituted on a permanent basis. One legal impediment to its existence remained: neutrality was inscribed in the Luxembourg Constitution. By a constitutional amendment passed by the Chamber of Deputies on April 15, 1948, by a vote of 41 to 3 the stipulation in Article 1 establishing neutrality was deleted. Incumbent on Luxembourg were the duties of defense but a defense which could be considered only with

relation to that of friendly neighbors.

Despite its diminutive size and population Luxembourg enjoys a distinguished position in Western Europe. Its political status as an independent state, its geographic position at the crossroads between France, Belgium, and Germany, and its relatively large industrial output tend to assure it a seat in international councils. It is too small to ever effectively challenge policies mutually agreed upon by its neighbors and yet too important to be ignored. Luxembourg is a paradox, too large in one sense and too small in another. This situation has not been so apparent in the United Nations Organization which includes states of equal and even less population but it becomes almost painfully obvious within the framework of a military alliance. Nevertheless, despite the miniscule size of its army, Luxembourg has entered into military alliances within the framework of the Western European Pact (Western Union or the Brussels Pact) and the North Atlantic Pact.

The Marshall Plan, the Belgo-Luxembourg Economic Union, and the Benelux Customs Union formed a background for Luxembourg's inclusion in the Western European Pact. Marshall Plan aid created certain moral obligations for the Grand Duchy, an obligation to share military burdens even as it had shared economic benefits. The Belgo-Luxembourg Economic Union and the Benelux Customs Union tied Luxembourg's economy so closely to those of its neighbors that their inclusion in certain projects automatically entailed the admission of the Grand Duchy. Even if it were desired, Luxembourg could not be easily

excluded. Thus it was that as a sovereign state, a member of the United Nations, of the Belgo-Luxembourg Economic Union, of the Benelux Customs Union, and as a participant in the Marshall Plan, Luxembourg signed the Treaty of Western European Alliance in Brussels on March 17, 1948, and became associated in a common defense with Belgium, France, The Netherlands, and the United Kingdom. The agreement binds the five powers to provide military and material aid should one of the signatories become a victim of an armed attack upon the European continent or the adjacent islands. Provision is made for the coordination of the economic activities of the members of the alliance to implement the military stipulations. Arrangements were also made for cultural and educational exchanges to improve understanding among the signatory nations. The alliance is to endure for fifty years. Joseph Bech and Robert Als signed the treaty on behalf of Luxembourg.

Western Union, as the association of the five states is commonly known, has been considered a regional arrangement in accordance with provisions of the United Nations Charter, Article 52, paragraph 1, which specifically states that nothing in the Charter precludes the existence of such arrangements or associations with the provision that such regional groups be designed to maintain international peace and security and are in keeping with the principles of the United Nations. The preamble of the Brussels Treaty enumerates a list of such laudable objectives to be attained through "collaboration in economic, social, and cultural matters and for collective

"self-defense." Within a year the military objectives of the pact were implemented in a complementary fashion by the signing of the North Atlantic Defense Pact. Since all of the signatories of the Brussels Pact signed the Atlantic Pact the military provisions of the former have tended to be superseded by those of the larger, more inclusive alliance. Western Union initially was characterized by hopes and plans which could be put into operation very gradually because of the financial status of its members. The formation of the North Atlantic Defense system in which the United States assumed the role of creditor and principal power gave rise to a situation in which the Brussels Pact became, in a sense, subsidiary. The military provisions of the North Atlantic Defense Pact became paramount because of the position of the United States in the alliance and the all-important aid provided by the United States through bilateral agreements, as well as the generally larger scope of the North Atlantic system. The Consultative Council of the Brussels Pact powers, composed of ministers of the member states, continued to meet on occasion as originally scheduled but the subjects considered were primarily cultural and social; military coordination was treated with reference to the North Atlantic Pact. The general trend of conferences of the Brussels Pact powers is indicated in Foreign Minister Bech's parliamentary address of April 19, 1950.

. . . Their [the Brussels Pact powers] activity was manifested in particular very recently through the conclusion of bilateral and multilateral conventions in matters of social security. I do not have to tell you that on November 7, 1949, I signed with my four

colleagues of the other signatory countries of the Brussels Pact, an agreement of social security, superposed on the bilateral conventions which take into consideration the cases of people who have worked or lived in more than two of the five countries. I have just taken part in a session of the Consultative Council at which I signed two new conventions in social matters, one for the encouragement of exchanging probationers and the other to facilitate the movements of frontier workers, nationals of these five countries.

The social co-operation between the five countries is assured by four principal Committees, the social committee, the committee for public health, the committee for war pensions and a mixed committee. I am only giving these few examples without entering into the details of the numerous activities and studies undertaken successfully in this matter by the experts of the five countries.

Nor will I dwell on the projects and realizations in the cultural field. I shall only mention that the cultural experts of the five countries held a number of meetings where they studied amongst other questions that of cultural identity cards, the circulation and free exchange of cultural materials, such as books, works of art, documentary films, etc.

The countries of the Five Power Pact are continuing their efforts of military co-ordination in matters of aid for mutual defense. Thus, as you will have learned from the communiqué published at the conclusion of the recent session of the Consultative Council in Brussels, the defense organization of the Five Power Pact aims more and more at its integration in the vaster organization established within the framework of the Atlantic Pact.¹

The military questions which the Brussels Pact raised for Luxembourg tend to be merged in those arising from inclusion in the North Atlantic Defense system. Contrary to the popular impression in this country that small countries have small problems, the organization of an army by battalions in Luxembourg has not been accomplished without financial

1. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 238.

difficulty and some popular opposition. This opposition became more manifest as the military demands made within the North Atlantic system increased and it is with reference to the larger organization that such opposition should be considered.

The Atlantic Pact

The United States had sanctioned the dispositions adopted in the Brussels Treaty of March 17, 1948, and had encouraged the five powers in their plans. Within several months discussions were initiated to explore the possibilities of enlarging the alliance of the five nations to include Canada and the United States as well as certain invited powers. While diplomatic representatives of the seven powers discussed tentative proposals, military representatives of the United States and Canada took part in the consultations of the Permanent Military Committee set up within the framework of the Brussels Pact. The pourparlers resulted in a general agreement, reached in October, 1948, that the proposed system of collective security was within possibility. More formal discussions were subsequently undertaken by the Brussels Pact powers, the United States, and Canada. Norway joined in the negotiations as they entered their last stages.

In presenting the pact to the Luxembourg Chamber of Deputies for that body's consideration and ultimate approval, even before it had been signed in Washington, Monsieur Bech

drew attention to its essentially defensive character, declaring that it was inspired by a concern to win any war imposed upon the signatories but more so by a desire to avoid any such war through a display of determination and solidarity in meeting it. Emphasizing the pacific aspects of the pact was deemed necessary to secure its approval in so small a country where, with respect to modern methods of warfare, a whole generation might be lost with the destruction of the army or the whole land devastated through aerial attack and invasion.

. . . Convinced that our security was hardly safeguarded through the United Nations, we have signed the Five Power Pact and we are preparing to sign the North Atlantic Pact. By doing so we are substituting the illusory guarantees of our former status of unarmed neutrality and the still feeble guarantees of the United Nations with concrete guarantees of a system of common reciprocal defense against all aggression. These pacts are in agreement with the United Nations Charter which foresees the conclusion of regional defense pacts. They neither violate its terms nor its spirit. You have given your approval of the Brussels Pact by passing it by a majority representing nine-tenths of the members of this assembly. I am certain that you will ratify with the same majority the North Atlantic Pact as soon as it has been signed.¹

On April 4, 1949, the North Atlantic Treaty was signed in Washington, D. C., by the representatives of Great Britain, France, Belgium, The Netherlands, Luxembourg, Portugal, Denmark, Norway, Italy, Iceland, Canada, and the United States. For the Grand Duchy the treaty had a corollary in an Agreement for Mutual Defense Aid between the Grand Duchy of Luxembourg and the United States of America signed at Washington on

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, Seventh Year, No. 19/20, Feb./Apr., 1949, 166.

January 27, 1950, an agreement ratified in Luxembourg on March 16, 1950.

Commenting on the treaty as related to his own country Luxembourg's minister for foreign affairs stated:

. . . To have signed it, to have freely assumed the obligations which it puts upon us means that in the world of today we have to make a choice and that for a small country like ours there can be no salvation if we were to seek shelter in isolation and neutrality.

. . . Many treaties of alliance concluded in history have resulted in the subjection of the weakest partner to the strongest. This is not the case where the Atlantic Pact is concerned. Never in times of peace have signatories of a treaty endeavored with so much obvious good faith to make each other strong by mutual aid. None of the partners is subjected to the strongest or has lost his equality of rights, his independence or sovereignty; quite to the contrary, the knowledge of forming part of a political and moral group of contemporaries strengthens the feeling of security and the liberty of big and small partners.

We are the smallest of the signatory countries of the Pact. Our military obligations can of course not be equal to those of the others. Yet we have pledged ourselves, in the interest of our own as much as in that of collective security, to maintain and to increase our capacity of individual and collective defense. We mean to honour this pledge.¹

The minister's words, however sincere, seem designed to calm any fears that Luxembourg, always conscious of its small dimensions and population, might assume in effect a colonial, a subservient, position with relation to the larger powers, the United States in particular. The Luxembourg mentality had been conditioned by almost a century of neutrality, of no compulsory military service, of an "army" of company strength organized to maintain internal order and provide a

1. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 238.

setting for state ceremonies, and of necessary isolationism in Europe's alliances and affairs of a military character. Two German occupations had tempered this attitude. Moreover German conscription of Luxembourgish into the Wehrmacht, an act which occasioned a strike of national dimensions, had set a precedent. The German introduction of compulsory military service, however unwelcome it was to the people and their government, in effect made it easier for the grand ducal government to enforce its decree establishing conscription, a measure which might have encountered violent opposition under other circumstances. As it was the people were conditioned to the duty and the need. Nevertheless, there still lurked in the popular mind a suspicion that they were being put upon, that despite appearances military obligations need not be. It was not easy to rearm after a century of comparatively carefree and costless neutrality when there was no conscription, no entangling foreign alliances, no crushing military expense; like Lot's wife they might look back and sigh for what had been. To soothe this unreasoning mentality the minister for foreign affairs demonstrated the equality of Luxembourg in the organizations which it had joined as well as their very necessity.

The Atlantic Pact was generally accepted but its obligations and burdens weighed rather heavily on a people just beginning to relax and enjoy some of the fruits of their industry after the horrors of the occupation and the privations of the first few years of the post-war era. Having

suffered considerable devastation the Benelux countries would have preferred concentrated efforts to enlarge peacetime production and delay large expenditures on military improvements until the national economies could better stand the strain they would impose. Nevertheless, the Benelux countries, needful of American aid and military support, could not afford an apparent dilatory attitude despite this opinion.

Luxembourg, with an army of about 2,000 men in active service and 8,000 reserves in 1949, was the first of the Benelux countries to raise the term of service from six months to one year in an effort to meet obligations incumbent on it as a member of the pact. In extending--doubling--the term of military service the grand ducal government was guilty of several blunders. No proclamations were broadcast nor statements given relative to comparable sacrifices among other members of the pact. No serious effort was made through counteracting propaganda to balance or quell the natural discontent which this measure aroused. The Socialist opposition, removed from a coalition government in 1948, was quick to exploit these oversights on the part of the ministries concerned.¹

The attitude of the Socialist party is significant. Of late growing in strength, the party ranks second in numbers in the Chamber of Deputies among the four national parties, lacking only a few seats of attaining equality with the long

1. A. J. Fischer, "Benelux and the Atlantic Pact," Contemporary Review, CLXXIX, February, 1951, 85-86.

dominant Christian-Socialists. Michel Rasquin, the leader of the party, has expressed views interesting as indicative of the attitude of the opposition at the time the North Atlantic Pact was signed and relevant as those of the leader of a party emerging into power.¹ The Socialists gained considerable support through their vigorous criticism of the government's conscription policy. In their eyes under present methods of warfare the Luxembourg army, treated as a unit, could be wiped out in a day. It would mean the loss of a whole generation of young men, a veritable disaster for any country. The Socialists, definitely opposed to the uniform system of two years conscription proposed by the British, in a compromise with the Christian-Socialists finally agreed upon a term of a year of military service with two three-month additional training periods. The Socialists have also tended to oppose an independent German rearmament, and yet they are hesitant concerning the project of an European army which they view as equivalent to the surrender of national sovereignty.²

1. Michel Rasquin, born in 1899, studied engineering at Munich and economics at Liège, receiving his degree, Licencié ès Sciences Economiques et Commerciales, in Paris. From 1925 through 1935 he was employed in a private insurance company. He was also employed as a journalist on the Journal d'Esch, a powerful organ in the southern industrial cantons. With the German invasion in 1940 he fled into France where he remained as a refugee. In 1946 he was elected to the Chamber of Deputies but resigned and was appointed to the Council of State. In 1948 he was re-elected to the Chamber. He was appointed minister of economic affairs in 1951.

2. A. J. Fischer, "Benelux and the Atlantic Pact," Contemporary Review, CLXXIX, February, 1951, 85-89.

The Luxembourg government itself has tended, like that of Belgium, to adopt a rather distrustful view of German rearmament, remembering bitterly two German invasions. Hesitant over the prospect of a German army under a German High Command, the government has admitted the feasibility of German rearmament within the framework of an integrated European army but in this circumstance priority should remain with those states which had suffered invasion from Germany.

These views, both of the government as representative of the Christian-Socialist party, and of the Socialist party have been subject to some alteration as changing circumstances have demanded. Internal differences have not had a noticeable reflection in Luxembourg's foreign policy.

Aside from participation in the Marshall Plan, the Brussels Pact and the Atlantic Pact, Luxembourg's inclusion in the Benelux Economic Union has been the most noteworthy post-war achievement. The union, designed in 1944, was made possible through Marshall Plan aid as it has been remarked before. The union also made possible Luxembourg's inclusion in the Brussels Pact and the Atlantic Pact. Like the Belgo-Luxembourg Economic Union it is basic to grand duocal policy.

Benelux

The Benelux Economic Union seems a logical and natural unification of those territories which originally formed a large part of ancient Lotharingia and, with the dissolution of that ephemeral realm, evolved as distinct provinces bound

by dynastic ties and cultural and economic affinities, finally enjoying a degree of association under the unified rule of the able and ambitious dukes of Burgundy. And it is true that a long and common history coupled with linguistic and cultural affinities has provided a background for the present union. But if nostalgic remembrance of a common heritage had been one of the primary bases of reunion, such unity could have been achieved generations ago. The Netherlands and Belgium-Luxembourg had parted as provinces under a common ruler with the rise of the United Provinces. The factors separating them tended to increase with the passage of centuries until, when the congress of Vienna proposed to unify them under the House of Orange-Nassau, the artificial union was capable of enduring only fifteen years. The United Provinces and the southern Catholic Provinces had followed different paths too long to be unified by fiat. If, since the establishment of the kingdom of Belgium, many old grievances have been put to rest and a rapprochement has been achieved under more congenial conditions, yet differences in the economic policies of the Belgo-Luxembourg Economic Union and The Netherlands were not readily reconciled. The difficulties of adjustment became more apparent as attempts were made to bring the economic policies of the two territories into agreement.

Closer cooperation in economic affairs had been proposed in the abortive Convention of Ouchy concluded in 1932 with stipulations arranging for a gradual lowering of trade barriers. Execution of the convention was contingent upon

the approval of the United Kingdom and other countries with whom both the Belgo-Luxembourg Economic Union and The Netherlands had commercial treaties containing the most-favored-nation clause. Such a waiving of rights was never conceded and the Convention of Ouchy consequently lapsed. Attempts were also made by the Benelux states for closer economic cooperation as members of the Oslo Group, in association with Norway, Sweden, Denmark, and Finland. The Hague Convention of May 28, 1937, concluded among the Oslo Group, came into operation but after one year it was permitted to lapse through the refusal of The Netherlands to renew it. These attempts at economic association had their counterpart in closer political relations. A drawing together of the small states of Europe was a natural reaction to the disturbing events of the period, the drift towards war. With the invasion and occupation by Germany of the three lands, the Belgian, Luxembourg, and Netherlands governments-in-exile entertained the hope that, with liberation, they might form a customs union which would be enlarged in scope into an actual economic union. In all of these projects the Grand Duchy of Luxembourg entered into the negotiations primarily as a partner in the Belgo-Luxembourg Economic Union.

The project for post-war economic union seemed feasible at the time it was under consideration. While the German invasion and occupation undoubtedly would bring in its wake formidable problems it would have the salutary effect of sweeping away pre-war tariff barriers and other economic obstacles. The governments of the three countries would have to rebuild

their economies and administrations, starting almost from scratch, and this situation would offer an excellent opportunity to do this work in association with one another.¹ Building in common would provide a basis for the desired tripartite union.

However, this optimistic view of the proposed union, while making provision for a gradual reduction of economic barriers because of probable difficulties, certainly did not foresee a redirection of much of The Netherlands' economy and outstanding changes in the commercial relations of that country with the Belgo-Luxembourg Economic Union. There were such factors as war-devastation in The Netherlands and Luxembourg, the disparity in time between the liberation of The Netherlands and of Belgium, the liquidation of Dutch assets abroad, the loss of Dutch transit trade with Germany, the burdensome war in Indonesia, and the debtor status of The Netherlands within the Customs and Tariff Union. In contrast, Belgium enjoyed a prosperity not immediately shared by her partners. Even Luxembourg was not immediately able to resume its position in the Belgo-Luxembourg Economic Union upon liberation.

Luxembourg's wartime losses were comparable, proportionally, to those of The Netherlands.² When the country was invaded in 1940 one-third of the population, 100,000 people, were dislocated and the southern cantons depopulated for

1. William Diebold Jr., Trade Payments in Western Europe, A Study in Economic Co-Operation 1947-1951, Chapter 18, "Benelux," 324. Hereafter cited as Diebold, Trade Payments.

2. Ibid., 325.

several months. During the period of the German occupation aside from outrages committed against the Luxembourggeois, grand ducal natural resources were depleted with little heed for future needs, the forests were felled, the mines exploited, and transportation facilities requisitioned in a peremptory fashion. Certainly these measures were dictated by the exigencies of a war economy but this qualification did not mitigate the problem faced by the government-in-exile upon its return. Moreover, with incorporation of the Grand Duchy into the Reich, the Economic Union with Belgium was dissolved, the Reichsmark declared the legal tender of the territory, and Luxembourg became economically as well as politically a part of the Greater German Reich. While the natural resources of the land were depleted and the industrial plants suffered depreciation through excessive use and a lack of replacements --all to meet the needs of the German war machine--thousands of young men were conscripted into the German army and fifteen per cent of the population was deported from the country as politically unreliable into Germany and regions east. Almost miraculously, Luxembourg was liberated with little damage. But then came the von Rundstedt Offensive, repulsed slowly and bitterly to the great destruction of the northern cantons. This area was devastated to such a degree as to constitute a calamity for the country. Losses in capital were equivalent to thirty-three per cent of the national patrimony as evaluated before the war. In 1945 about forty-five per cent of the cultivable land lay fallow because of mines and other obstacles.

Out of 58,000 houses, 18,000 were destroyed or damaged. And 10,000 people died in the course of the war.¹

Because of these factors, which had their equivalent in The Netherlands, the Convention of Customs Union signed on September 5, 1944, by the Benelux states could not be put into execution. Indeed, Luxembourg was unable to resume immediately its old position in the Belgo-Luxembourg Economic Union. The German annexation had introduced a new administration in Luxembourg divorcing the country economically from Belgium. Reunion could not be accomplished without a reconstitution of the grand ducal administration and a reorganization and reorientation of the national economy, a matter requiring a period of transition. The franc had to be reintroduced to replace the Reichsmark, prices adjusted to meet those of Belgium, higher through less strict regulation. The government adopted an autonomous economic policy, taking gradual steps to adjust the country's prices to those of Belgium, and regulating the country's finances in such a way as to render reunion feasible. On May 1, 1945, the Economic Union was resumed.

While Luxembourg and Belgium were able to resume their old relationship, be it with initial difficulties, the Benelux Customs Union was shelved during 1945. Reconstruction problems were urgent, demanding the complete attention of all three governments. During that year and in following years there

1. Jérôme Anders, L'évolution économique du Grand Duché de Luxembourg depuis la Libération, 4.

were political and colonial preoccupations which did not permit the governments of Belgium and of The Netherlands to adopt bold or daring policies with regard to Benelux. In Belgium the conflict over the status of King Leopold III did little to enhance the stability of a government which, considering the possibility of its demission, could not pledge itself to a program capable of being altered by a new ministry. Likewise, The Netherlands, in addition to the formidable task of reconstruction, was burdened with costly military operations in Indonesia. The political instability in Belgium and the colonial problems of The Netherlands created a fear in both countries that economic integration, entered into rashly, might bring in its train more burdens than advantages. An atmosphere of anxiety developed. Caution characterized negotiations when they were again initiated.

In April, 1946, the first conference of Benelux cabinet ministers was held at The Hague. A proposal to broaden the customs union into an economic union, envisaged in 1944, was adopted, but in view of the circumstances it was decided that such an objective could be best attained by progressive steps, by a gradual approach. Rather than suffer the dislocation of any industry within its frontiers, each government considered union with reference to the protection of its economy, with a view to securing commercial advantages while obtaining certain minimum guarantees. Compromises on conflicting issues came with hesitation. The conference began work on tariff reform, the standardization of excise taxes, and the regulation of

agricultural trade. This was a period of study, planning, and adjustment.

Plans for the Benelux Union progressed relatively slowly in keeping with the complexity of commercial relations. Finally, on March 14, 1947, a protocol between The Netherlands on one hand and Belgium and Luxembourg on the other was signed at The Hague. Ratifications were exchanged in Brussels on October 29, 1947. The protocol clarified and interpreted the Convention of Customs Union of 1944 and in so doing modified it to meet changing conditions.

On January 1, 1948, Benelux became a tariff union; customs duties on trade between the partners were abolished. The common tariffs were agreed upon only after much adjustment since those of Belgium had been relatively high and specific while those of The Netherlands were low and on an ad valorem basis.¹ The tariffs of the Benelux Union were a compromise which had the ultimate effect of increasing the Dutch rates.

The abolition of customs duties did not mean that goods moved freely between Belgium-Luxembourg and The Netherlands. Trade was limited by a system of quotas and exchange controls, a very necessary measure occasioned by The Netherlands' chronic debtor position.² As it was, the Belgo-Luxembourg Economic Union had extended huge credits to their sister-nation which had to be restricted. Had it not been for the alleviation of this situation as provided through Marshall

1. Diebold, Trade Payments, 342.

2. Ibid., 333.

Plan aid, it is doubtful whether the Benelux Union could have progressed beyond this point of evolution.

The same month the third Benelux conference was held in Luxembourg when the governments reached an agreement to coordinate investments in such a way as to avoid duplication or the creation of new industries which, requiring special protection, would hamper the functioning of the union. However, the agreement lacked enforcement since it merely prescribed consultation. Projects, once adopted, could not be abandoned merely because of a protest registered by one of the countries. There was, for all that, a realization that the cartels, in looking after their own interests, would restrain the formation of rash enterprises.

There was also a proposal made to arrange for uniformity in the tax systems, especially with regard to excise taxes. It might be pointed out that in thirty years of economic union Belgium and Luxembourg had never completely aligned their excise taxes.¹

Aside from balance-of-payments difficulties, the agricultural problem was outstanding and particularly so for Luxembourg. The position of Luxembourg agriculture in the nation's economy has been suggested earlier. If there was one demand which the Luxembourg government had to insist upon, both for reasons of political support and of economy, it was that Luxembourg agriculture receive even more protection than that conceded to Belgium. Before the war, within the Economic Union,

1. Diebold, Trade Payments, 329.

Luxembourg agriculture was accorded special protection, a program of supports which guaranteed to the rural population engaged in such pursuits a basic profit.¹ Luxembourg's production was less efficient than that of The Netherlands because of natural conditions and less efficient organization. Thus in such unfavorable circumstances the competition of Dutch agriculture, unrestricted and without compensation to the grand ducal agriculturist, would have been crippling in Luxembourg. More than likely had the grand ducal government failed to adopt a firm policy in this respect, it would have suffered defeat in the Chamber of Deputies.

The Benelux conference of May 9, 1947, granted to each country the right to practice on its territory a policy of autonomous agricultural protection. The policy was considered temporary, a concession to Belgian and Luxembourg farmers who feared a flood of cheap Dutch products. Each country was permitted to set minimum prices on its products after consultation with the other members of the union. Protection at this time assumed the form of a tax on imported agricultural produce raising it to meet the price of the importing country. The conference of October, 1950, meeting in Luxembourg, modified the 1947 agreement which was to apply to a limited and specified list of products. Those farm products not listed would be admitted freely in the three countries as of January 1, 1951.

1. Carlo Hemmer, "Luxembourg's Contribution to the Benelux Customs and Economic Union," The Grand Duchy of Luxembourg--A Study in Economic Development Since the Liberation, 13.

By the agreement reached at this time, the importing country no longer had the exclusive right to determine the minimum price at which farm products might cross its frontiers but rather was obliged to reach an agreement on prices with the exporting country. This program was subjected to strain in December of that year. The Belgian government of Prime Minister Pholien, dependent on the support of Flemish farmers and opposed to an influx of Dutch food products, expressed a desire for revision of the agreement.¹ The Luxembourg government also remained adamant in its position with regard to farm produce.

Belgium and The Netherlands tended to be more tolerant of Luxembourg's agricultural policy. The farm produce of the Grand Duchy was consumed on the domestic market and did not offer competition in that of its neighbors. Moreover, Luxembourg was a small country which, aside from the agricultural issue, offered advantages to the union through its export of iron and steel, the basis of a very active commercial balance, and of leather, Luxembourg being responsible for fifty per cent of the total production of the Belgo-Luxembourg Economic Union. There were also exports of wines, ceramics, cement, etc., which counterbalanced any disadvantages in agriculture.

As to the benefits Luxembourg derives as a member of the Benelux Union, Monsieur Bech has enumerated some of them in a parliamentary address of March 22, 1949, in which he gave a résumé of the progress of Benelux.

1. Diebold, Trade Payments, 335-336.

. . . The Customs Union or rather the regime of common tariffs came into force legally on January 1st, 1948. That was the first stage. As from July 1st next, we will enter into the period of Pre-Union or the period of adaptation of three economies during which the difference in the conditions and the economic policy of the partner will be mitigated.

The co-ordination of the three countries' economies will be pursued notably through unification of the excise duties. The levying of these duties according to the common basic tables and rules represents one of the necessary conditions for the goods, subject to these duties, to pass freely from one territory to another.

The Administrative Council of Customs has been able to find a solution which was approved by the three Governments.

On December 16th, 1948, an unification agreement of excise duties was signed at The Hague. The agreement will be submitted for the ratification of the Chamber. Therefore I need not go into details at this moment.

Furthermore, it should be noted that the three Governments presented on October 18th, 1948, to the European Organization of Economic Co-operation a memorandum on the long-term economic program which presents the line along which these countries hope to attain the objectives proposed by the OECE through the co-ordination of their efforts.

Such a co-ordination is so much more justified as the approaching integration of the three economies will allow a considerable reduction in the needs for outside help which must be much lower than the total requirements for each country taken individually. Moreover, such co-operation with European economy is sure to bring results.

The principal aim of the long-term program is to balance the scales of payments and to find a solution to the problem of the deficit in the dollar account.

On November 26th, 1948, the Benelux countries presented to the 19 Governments a special memorandum on the long-term economic program. This document completed the general memorandum; it provided information on the plans of action for the principal economic sectors, on the policy of usage, on foreign commercial relations, on the balance of payments and on the national revenue.

The work of the Conference, held from March 10th to 13th, 1949, at The Hague, is known, as the text of

the protocol was published in its entirety. A collection of documents concerning the work carried out and the compiled data giving an idea of the future of the Union will be placed at the disposal of the Chamber as soon as it is ready. Therefore I need not refer to the different questions dealt with in those documents.

You know that the Protocol fixes two dates: July 1st, 1949, for the Pre-Union, a period during which a certain number of products will be freed progressively and during which the commercial and monetary policy of the three countries with regard to other countries will be co-ordinated systematically; July 1st, 1950, for the Economic Union.

The work of The Hague, as previous work, has revealed difficulties which it would be vain to deny.

These difficulties concern first and foremost the monetary and commercial policy and that explains why the action aiming at an equilibrium between the two economies is linked with the fulfillment of the ERP aid of the United States.

My colleague, the Minister of Agriculture, will present to you, during the discussion of his budget, the aspects of the agricultural question within Benelux.

As regards the social policy, the three Governments are considering the disparity of wages; this question is still under examination. We are of the opinion--and this principle has been accepted--that equal remuneration is not a condition for the realization of the Economic Union.

Certain fiscal problems, particularly the unification of the taxe de transmission, are raising very great difficulties.

Despite all these difficulties we must have faith in Benelux. As a small country, wedged in, situated at a long distance from sea ports, we have sufficient experience of customs unions to know that their establishment has always been the cause of certain passing disturbances but that the invigorating current of new and increased commercial exchanges resulting from it has never failed to appear rapidly.

What are at this moment the practical realisations of Benelux and the direct advantages for our country?

Apart from the fundamental agreements which brought Benelux into being these are the realisations:

The postal tariffs are unified almost entirely with regard to internal rates: as from April 1st, 1947, letters between Belgium, the Netherlands and Luxembourg are no longer subject to the international tariff;

Since January 1st, 1948, customs duties have been abolished between the Netherlands and the Belgo-Luxembourg Economic Union;

With effect from May 1st, 1948, the traffic of passenger vehicles has been eased by the abolition of triptychs and transit certificates;

With effect from April 1st, 1949, certain excise duties will be unified;

Certain international negotiations have been conducted in common, and with all the weight which the defense of the three countries' interests gain by an economic entity of such importance as that of Benelux.

The fact that Luxembourg is taking part in the Agreements of London, that it has obtained a vote and a seat in the International Authority for the Ruhr, that it is participating in the Brussels Pact, and the Atlantic Pact, is due, not in the last place, to the fact that we are a member of Benelux.

Meanwhile, the Belgo-Netherlands-Luxembourg Union gives our country this prime advantage of free circulation of our products in our neighbours' territories.¹

In the Spring of 1950 the minister of foreign affairs was in a position to announce that Luxembourg would be represented in all of the organizations of the Economic Union which was scheduled at that time to come into force shortly thereafter. He also assured his countrymen that no vital interest of the nation would be sacrificed to an ideal however inspiring it might be. To rest the fears of the farm population, it was announced that special measures relative to grand ducal

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, No. 19/20, Seventh Year, Feb./Apr., 1949, 168-169.

agriculture were envisaged because of the special natural conditions of that industry although such measures would have to be considered with reference to possible repercussions in the other two realms of the Economic Union.

It was agreed at the Luxembourg conference of October, 1950, that Luxembourg and Belgium should try to modernize their agricultural methods and so lower production costs while The Netherlands would gradually abolish subsidies to her farmers. Ultimately special protection was conceded to Luxembourg agriculture by Belgium and The Netherlands in the Treaty of Economic Union.

Aside from these economic considerations, Benelux has been the basis for much of the Grand Duchy's participation in West European pacts and organizations. As it has been remarked before, and as Luxembourg's minister for foreign affairs has candidly admitted, it has been as a member of Benelux that the Grand Duchy has participated in the Marshall Plan, the International Authority of the Ruhr, the Brussels Pact, the Atlantic Pact, the Council of Europe, and the Schuman Plan. Moreover, the tendency of the Benelux governments to act in concert in foreign affairs as well as in the field of commerce has strengthened the Grand Duchy's position abroad. Indeed, this tendency to collaborate has been made apparent not only within the United Nations Organization where each country is represented by distinct delegations but even more so at various international conferences such as those of Geneva, Annecy, Torquay, and OEEC, where the Benelux states have been

represented as a single unit by a common delegation.

However, the original impetus to the formation of Benelux seems to have passed. The elan of the movement appears to be in decline, a preference to accept affairs as they are without serious thought to implement them by devising new projects. And, most important of all, Benelux has been overshadowed by the more comprehensive and effective Schuman Plan as well as by the European Payments Union. The possibilities suggested by the Council of Europe also emphasize this aspect of Benelux as a stepping-stone to a greater objective.

The Council of Europe

While the military commitments of the Brussels Pact and the Atlantic Pact aroused some apprehension in ci-devant neutralized Luxembourg, the Council of Europe was greeted with an almost uniform enthusiasm. Unlike the British and the French, the Luxembourggeois did not have a long tradition of national absolute sovereignty--a psychological barrier to federation--and so they were more willing to surrender a portion of their sovereignty in federation. As late as 1867 the sovereign of the country, the King-Grand Duke William III, had considered selling his small domain to the Emperor Napoleon III. And when the throne passed to an agnate of the House of Orange-Nassau according to a family compact, to the present reigning dynasty, the change was accomplished with an attitude describable as indifferent on the part of the

Luxembourgeois. This national mentality at the time may be attributed partly to the security provided by neutrality and partly to the economic and social preoccupations of this period. Luxembourg nationalism, quiescent theretofore, became more vocal in the period following World War I, with the realization that a guaranteed neutrality was capable of being violated, that Luxembourg's security was not infallibly assured. But this ancient heritage of having been a crossroads in dynastic wars, of being a borderland between cultures and races, of being ruled by a succession of foreign princes, did much to condition the Luxembourgeois in their attitude towards other European peoples. The geographic position of the country and its history made Luxembourg more receptive to the idea of European Union.

Furthermore, the position of small countries in the modern world has become precarious. Reasons of economy and security recommend the association of smaller powers and this need for alliance has become urgent as the Western democracies and the Eastern communist states have become actively hostile towards one another. Such an association has been realized in the Atlantic Pact, but this military alliance is still among sovereign states and subject to all of the liabilities and conditions inherent in relations between powers. As a small, weak state having a legal status of equality in the alliance Luxembourg is nevertheless subject to financial and military pressures within the framework of this organization, pressures which in effect could give it an inferior position. Military

association is not enough; Luxembourg needs protection within a larger political framework. A United Europe would give the Grand Duchy certain advantages. The country would enter such a union as an equal and would enjoy a defined legal status within it. It would preserve the Grand Duchy's identity and a measure of autonomy while assuring economic advantages and, most important of all, security. It has been remarked that Luxembourg has a natural vocation for European Union. European Union would certainly solve many of the problems of the country.

The idea of European Union had been urged by Briand during the interim period between world conflicts. The project was taken up with renewed enthusiasm after World War II and sponsored by such internationally prominent men as Winston Churchill heading "United Europe," Edouard Herriot of the French Council for United Europe, Paul van Zeeland, Belgian chairman of the Economic League for European Cooperation, and Henri Brugmans of The Netherlands, directing the European Union of Federalists. These organizations, together with the New International Teams (Les Nouvelles Equipes Internationales) supported by Catholic groups, sponsored a congress held at The Hague in May, 1948. The subject was introduced at a session of the Council of the Brussels Pact powers where measures were adopted by the five states advocating the formation of a representative body for Europe. Having established outlines for the proposed organization, the Benelux states, France, and Great Britain invited Ireland, Italy, Denmark, Norway, and Sweden to send representatives to a conference in London.

The Statute for the Council of Europe finally adopted and signed on May 5, 1949, provides for a Consultative Assembly and a Committee of Ministers. The Committee of Ministers is composed of the ministers for foreign affairs or their deputies of the member countries. This body has the directing power of the organization, determining the agenda of the Consultative Assembly, extending invitations to prospective members, and establishing the number of representatives which new members may have in the Consultative Assembly. In the Consultative Assembly, Italy, Great Britain, and France each have 18 representatives; Belgium, The Netherlands, Sweden, 6; Ireland, Denmark, Norway, 4; Luxembourg 3. The Assembly, lacking any authority to enact legislation, is given over to debate and the making of recommendations. It is in some respects a sounding board for proposals made by the Committee of Ministers. Strasbourg is the seat of the Council of Europe where the first meeting was held on August 10, 1949. On this occasion an invitation was extended to Greece, Turkey, and Iceland to join the organization. Later Western Germany and the Saar were invited to become Associate Members.

Luxembourg's minister for foreign affairs stated his government's view of the Council of Europe while negotiations were still in progress in 1949, before the Statute of the Council had yet been signed.

. . . To this European Union we have brought our complete agreement even when the efforts to establish it were not yet co-ordinated. We adhere to it all the more spontaneously, as the principle of absolute national sovereignty, which the member states of the future European Federation will have to renounce to

some extent, had never in the past the significance for us which those bigger than we are, realizing their power, attach to it.

. . . The European Union will raise numerous political, economic and monetary problems. We shall tackle these problems in close agreement with our Belgian and Dutch friends to whom we are linked by ties, becoming ever closer, and who have to face the same situations as we have. This applies particularly to the question of Germany in the future Europe.¹

Besides these statements relative to Luxembourg's participation, the minister appraised the work of the Council and the problems it faces in his parliamentary address of April 19, 1950. He remarked that, faced with the danger of possible conflicts, the nations of Western Europe have realized that national isolation would mean their being crushed by enemy forces. From the beginning Luxembourg supported the idea of European Union, he emphasized, not only because his country saw in European Union the means of assuring peace and of preserving its democratic institutions, but also because no European state has resources or dimensions large enough to accommodate the expansion of the forces characteristic of our era with reference to the economic and social needs of the world at present. He admonished the deputies that Europe will face grave difficulties if it cannot agree on principles and settlements in regard to its common interests. The institutions of Strasbourg were admittedly only a modest, "rather vague manifestation for Europe's will of solidarity" which was in the process of taking shape, but small wonder when it

1. Joseph Bech, "Foreign Policy and Commerce," Luxembourg Bulletin, Seventh Year, No. 19/20, Feb./Apr., 1949, 166-167.

can be recalled that in the past Europe had never existed as a genuine political reality. And Monsieur Bech quoted as appropriate the remark of the French minister for foreign affairs that "The Europe in view is the Europe which by its will attests its existence." With due caution he admitted that it was natural that responsible statesmen feared improvisation and preferred to advance gradually and safely, and did not want to risk the final success of a task undertaken while the promoters of European unity, both within and outside the Consultative Assembly, grew impatient and wished to accelerate the cadence of realizations. But, he concluded, this was no reason for pessimism. The road towards federation, towards the abandonment of important parts of national sovereignty and the establishment of a European super-national executive power, would be necessarily a long road. Then he proceeded to demonstrate that achievements had been made. The idea of a United Europe had won over broad stratas of the European population. Moreover, the European Consultative Assembly had shown surprising vitality both in the range of its work and in the dignity and the quality of its debates. He also remarked on the activity of his own country within the organization.

. . . Our country in a spirit of healthy realism will cooperate in the realisation of an ideal, far off maybe, but one which we shall not renounce.

The thirteen countries recently assembled at Strasbourg have unanimously invited Germany and the Saar to become associate members of the European Council. This means that our country has acted in a true spirit of European solidarity.¹

1. "The Grand Duchy in International Affairs," Luxembourg Bulletin, Eighth Year, No. 28/29, April/May, 1950, 239.

The Luxembourg foreign ministry has been one of the most ardent advocates of European Union for reasons reviewed in the preceding paragraphs. It has consistently affirmed that federation is impossible without the surrender of a portion of national sovereignty by each member; union on any other basis would be illusory. However, in the opinion of officials of that ministry the approach must be gradual and cautious in view of the complexity of the project. The Grand Duchy's long experience in the Zollverein, the Belgo-Luxembourg Economic Union, and Benelux recommended caution. A country whose history for almost five hundred years has been outlined at international conferences of one sort or another may consider the value of future conferences hopefully but not blindly, unrealistically.

Although the achievements of the Council of Europe have not been spectacular, they have held a note of promise. Conducted less on a theoretical level, the Schuman Plan was translated into reality as the European Coal and Steel Community.

The Schuman Plan

The Schuman Plan was proposed on May 9, 1950, and, compared to other European organizations, its evolution and final adoption were not overly prolonged. However, its primarily economic considerations in the field of industry, as well as formidable political ramifications of some complexity would preclude anything more than superficial treatment here.

Nevertheless, it would not be inopportune at this point to refer to the problem Luxembourg's metallurgical industry brought to the European Coal and Steel Community when it came into being, a problem outlined by Foreign Minister Bech in a parliamentary address. Although many aspects of the problem have been settled to the satisfaction of Luxembourg authorities, the problem as it was described by the foreign minister is illustrative of the many difficulties encountered in attempts towards European integration.

The foreign minister remarked that from the beginning his government had applauded the generous idea which inspired Monsieur Schuman to take an initiative as revolutionary in its methods as in its repercussions on the economic and political relations of the peoples of Europe. In doing this the government had acted within the policy of European integration to which the Chamber of Deputies had given its sanction on more than one occasion. But from the beginning the government had also taken into account that, as the sector of the national economy on which the Schuman Plan would have bearing--namely the metallurgical industry--dominated the whole national economy, the realization of this plan would have a determining influence on the economic and social evolution of the entire country.

The minister pointed out that, among the six countries represented at the Conference of Paris for the Schuman Plan, his country occupied a position absolutely unique and more vulnerable than that of any other country. Having a

metallurgical production which classified Luxembourg seventh among the steel-producing countries, but having practically no home market, the nation was obliged to sell almost the whole of its production on foreign markets. The importance of the metallurgical industry consequently conditioned the whole economic and social life of the land.

By an evolution, slow, difficult, and progressive, since the creation and within the framework of the Belgo-Luxembourg Economic Union, a balance had been established between the metallurgical industries of the two countries. Monsieur Bech demonstrated that this balance permitted the two metallurgical industries to dispose of their products under conditions appreciably equal since a disadvantage in one of the elements of cost-price was more or less compensated by an advantage in another element of this cost-price. As a consequence of this balance in the conditions of production and of sale, a balance laboriously established in the course of an evolution of almost thirty years, a home market within the Economic Union was opened to Luxembourg which absorbed about forty per cent of the national metallurgical production. The remaining sixty per cent of national production was sold on foreign markets, none of which was represented by the five other countries of the Schuman Plan then in formation.

Luxembourg's anxieties were so much more great, he declared, since the cost-prices in the two major countries of the plan, Germany and France, were considerably lower than

those of Luxembourg and her economic ally, Belgium. In the face of the competition of lower prices, the Grand Duchy could scarcely count on selling its products on the great markets within the Schuman Plan unless a certain harmonization could be established among the productive conditions of the six countries of the plan.

He admitted that none of the six countries had approached the negotiations of Paris without major technical preoccupations, but he emphasized that for none of the five other countries would the realization of the plan present repercussions comparable to those affecting Luxembourg. The whole national economy and the very future of the country would be affected.

Having acknowledged the formidable technical problems raised at the conference, and having assured the Chamber that he had not failed to consult with its Commission for Foreign Affairs, Monsieur Bech observed that the creation of a common market for steel and coal presupposed a progressive harmonization of conditions of production and of sale. This harmonization could not be effected without a transitional period which it was thought desirable to limit to five years.

Too often, he declared, a prepared solution for the special position of a country opened a new problem for the position of another country. Thus a solution adopted to permit Belgian coal to enter the common market under the same conditions as German coal permitted the Belgian metallurgical industry, by lowering the price of coal, to lower the sale

prices of its metallurgical products. But by the same token it was in a position to destroy the balance between the metallurgical industries of the Economic Union, and in that way have grave repercussions on Luxembourg's capacity for competition in all of its distributive markets.

. . . Every aspect of the general problem presented by the entrance of Luxembourg steel in the common market has been discussed at length at the Conference, and a compromise formula has been submitted to it which would oblige the High Authority of the Plan to take into account, when laying down the conditions for the entry of our metallurgical products on the common market, the special influence of our iron and steel industry on the general economy of the country and the special conditions under which the sale of our products has been made in the past, in order to maintain our competitive capacity within the community set up by the Schuman Plan. It is a question vital to the immediate and remote future of the country, and we hope that the final phase of the negotiations of Paris will give us, in this question, the satisfaction that we by right expect and claim.¹

The concessions which Joseph Bech sought to obtain for his country met with initial criticism in the Grand Duchy, especially from the Socialist party. In an interview with Alexander Werth of The Nation, Michel Rasquin, the Socialist leader, expressed strong views on the Schuman Plan. He had grave doubts about all "supra-national" authorities and not least about the board that would administer the Schuman Plan. Moreover, at the time he considered the concessions secured by the minister for foreign affairs "paper concessions and quite inadequate." His concern, like that of Monsieur Bech, and equally inspired by fears concerning the effect of the

1. Joseph Bech, "La Politique Etrangère du Luxembourg," Bulletin d'Information, No. 1/2, February 28, 1951, 13-14.

plan on Luxembourg's economy, is apparent in a statement made to Mr. Werth.

The steel industry is the lifeblood of Luxembourg, and I am very hesitant indeed about transferring to people of whom we know nothing the power to decide on the living standard of our people. I fear this all the more as our standard of living and our wages are high, our transport problems difficult, and our home market almost non-existent. For these reasons we are very vulnerable. We have no coal; our reserves of iron ore will barely last us another generation; in short, the risks are so great that distrust is justified. Although we produce ten times more steel per head of population than the United States our production is still only a small fraction of the pool, which can, if it wishes, do without us. There is our tragedy.

We must ask for a minimum of safeguards--for the very existence of our people, not just for the good of the steel companies. I am sure we can get these safeguards if we fight hard enough. The present text of the Schuman Plan must undergo a lot of amending.

We shall, in any case, probably be the very last to ratify it, and not without a big fight.¹

But eventually the Chamber of Deputies did ratify the treaty establishing the European Coal and Steel Community by a vote of 47 to 4 on May 13, 1952. Indeed, Luxembourg city became the seat of the High Authority and also of the High Court of the European Coal and Steel Community and thus centered as the administrative capital of the community. The Assembly, however, holds its sessions in Strasbourg. The location of the High Authority in Luxembourg was not unusual. Enclaved among France, Belgium, and Germany, Luxembourg is centrally located from a political viewpoint. Moreover its location near the Minettes Basin of Lorraine--and

1. Alexander Werth, "Luxembourg: Steel and Socialism," The Nation, Vol. 173, August 4, 1951, 93.

France's iron and steel industry, and its proximity to the Saar and to the Ruhr give it a strategic importance which cannot be dismissed. And it must not be forgotten that French, Belgian, and--to a lesser extent--German capital invested in the Luxembourg iron and steel industry give it an international character. These factors contributed to the selection of Luxembourg as the headquarters of the European iron and steel cartel in pre-war years. These same factors served to induce the six powers to select Luxembourg as the administrative headquarters of the High Authority. Luxembourg is represented in all of the organs of the community.

CHAPTER VI

SUMMARY

In this review of Luxembourg's foreign policy, from the permanent neutralization of the country in 1867, the pursuance of the policy of neutrality for almost three-quarters of a century, the abandonment of that policy in 1940, and finally the adoption of a policy of close alliance, certain tendencies are discernible which serve to indicate the probable direction of grand ducal policy in the future. It is only necessary to call to mind certain high points in the history of the country to demonstrate the general tendency of governmental policy.

The policy of permanent, disarmed neutrality under the guarantee of the great powers met its first test in the course of the Franco-Prussian War of 1870. The Grand Duchy's neutrality was respected but the threatening tone adopted by Prussia over certain alleged violations of its neutrality on the part of Luxembourg did much to provoke speculation in the country concerning the effectiveness of the collective guarantee made by the powers. Although Luxembourg's territorial integrity, neutrality, and independence were not violated nor infringed upon, as a result of Germany's victory Luxembourg was forced to admit German exploitation of the grand ducal railway

Guillaume-Luxembourg. This concession, coupled with a customs union with the Reich, permitted thorough German economic penetration of the country and the dominant influence of German capital.

The Conventions of The Hague 1899-1907 did much to clarify the status of neutral nations in time of war. The obligations and rights of neutrals were defined and the inviolability of perpetually neutral states was reaffirmed. Luxembourg's permanent neutrality was thus made sacrosanct and a subject of international law. Consequently the conventions had the effect of strengthening the country's position internationally. Moreover, Luxembourg's participation in the conferences in a position of apparent equality with the other powers did much to enhance the prestige of the country.

The first World War--the German invasion and occupation of the land--brought a violation of Luxembourg's neutrality but the violation did not, as the grand ducal government consistently maintained, automatically involve the abrogation of neutrality. The policy of permanent neutrality was inscribed in the Constitution; it was fundamental and it was maintained as well as it could be throughout the occupation and thereafter.

As it has been remarked repeatedly in the foregoing chapters, permanent neutrality was the only policy which the Luxembourg government could pursue. The modest dimensions of the land, its small population, as well as its comparatively meager resources certainly precluded the adoption of a policy of self-defense or even the negotiation of a defensive

alliance with a neighboring country at this particular time. Alliance with Belgium or with France or with both countries (Germany was beyond consideration) under existing conditions would have meant an intolerable strain on the economy of the Grand Duchy, and the military forces offered would have appeared negligible from an international viewpoint. Only within the framework of a regional system of defensive alliances such as those negotiated after World War II and on a proportional basis would such participation be possible. Necessarily Luxembourg continued to maintain its traditional policy of neutrality. When certain jurists proposed to interpret Article 40 of the Treaty of Versailles as abrogating Luxembourg's neutrality, the grand ducal government refused to concede such an interpretation.

Certainly the most pertinent factor in the maintenance of the policy of neutrality in the period between the first and second World Wars was the formation of the League of Nations. True, the question of Luxembourg's neutrality was posed when the country sought admission to the League. But once Luxembourg became a member, the land's declared neutral status remained beyond question. Thereafter the League of Nations was a haven for the Grand Duchy, an organization within which the policy of neutrality might be maintained and possibly strengthened. Luxembourg firmly held to that policy within the bosom of the League until the German invasion of May 10, 1940. On that day permanent neutrality as a national policy was abandoned.

Perhaps in many respects more significant at this time was the economic reorientation of the country after World War I. Having repudiated its customs and railway conventions with Germany, Luxembourg turned to Belgium for an economic partner. On July 25, 1921, a Treaty of Economic Union with Belgium was signed. The Belgo-Luxembourg Economic Union thus established is the key to Luxembourg's foreign policy since the abandonment of neutrality and, moreover, it was an influential factor in the policy followed in the period between wars. It is fundamental to almost all treaties signed by the Grand Duchy in the course of the last thirty years and apparently it will remain an influential if not determining factor in all future treaties. It created a close association between Belgium and Luxembourg which ever grows more intimate.

The primarily economic aspects of the association proved a basis for close cooperation in educational, cultural, social, political and ultimately military affairs. But the approach towards integration in these several spheres of action was cautious. Experience gradually begot trust between the partners of the Union and the growing threat of war among their neighbors drew them closer together. Initially Luxembourg's policy of permanent neutrality proved a barrier in any negotiations or plans of a political nature. But in 1937 Belgium resumed her older policy of neutrality and this barrier was removed. The two nations, united economically, were able to follow similar foreign policies. The innocuous Convention of Oslo, 1930, among the Low Countries and the Scandinavian

states of Denmark, Norway, and Sweden--thereafter grouped as the Oslo states--was followed by the abortive Convention of Ouchy in 1932 between Belgium-Luxembourg and The Netherlands. On May 28, 1937, the Convention of The Hague was signed by the Oslo states including Finland. The economic character of the association of the Oslo states gradually assumed political overtones. In July, 1938, representatives of the Oslo states met in Copenhagen to discuss measures of political cooperation and in effect to constitute themselves as a neutral bloc. The plan miscarried.

On May 10, 1940, with Germany's invasion, occupation, and subsequent annexation of Luxembourg, grand ducal policy assumed a new direction. The traditional policy of neutrality was abandoned with this second violation by Germany. The Luxembourg government declared a state of war to exist between the Grand Duchy and the Reich. Although the country was occupied and contributions to the prosecution of the war necessarily were token, the government-in-exile nevertheless was signatory to the United Nations Declaration and a number of war-time agreements which effectively set a pattern for the post-war period.

In its exile the grand ducal government worked closely with the Belgian government. Belgian means of propaganda and communication--publications and the Congo radio station--were utilized by the Luxembourg government. On October 21, 1943, a tripartite Monetary Pact was signed in London by Belgium, Luxembourg, and The Netherlands. And on September 5, 1944,

a Convention of Customs Union was concluded in London among the three Low Countries.

The policy of alliance initiated during World War II was retained and implemented in the post-war period. Luxembourg joined the United Nations Organization, participated in the Marshall Plan, is signatory to the Brussels Pact and the Atlantic Pact, is a member of the Benelux Economic Union, the Council of Europe, and the European Coal and Steel Community of which it is the administrative capital. Nevertheless, it must be noted that, with the exception of the United Nations Organization, Luxembourg has joined almost all of these organizations primarily as a member of the Belgo-Luxembourg Economic Union.

Certainly the country, so small and so powerless, has a natural disposition towards European Union. Such a union would preserve the country in its identity and in a measure of autonomy while assuring security. European Union would be a haven for Luxembourg after centuries of buffeting at the European crossroads.

But while this haven is hopefully awaited, the ties with Belgium grow ever tighter. When the Luxembourg railways were nationalized, it was with Belgian participation. When Belgian troops were despatched to Korea, a Luxembourg contingent was integrated in the unit. When the treaty establishing the European Defense Community was signed on May 27, 1952, Luxembourg's Joseph Bech announced that his country's small army of four battalions would be integrated with the Belgian

armed forces. And on April 9, 1953, the grand duke hereditary of Luxembourg, Prince John, was married to the Princess Josephine-Charlotte of Belgium thus adding a dynastic tie to the many accords already in existence. The economic, cultural, educational, social, religious, political, dynastic and military ties between Luxembourg and Belgium are so strong and so intimate that since the abandonment of grand ducal neutrality in 1940 it has been difficult if not impossible to differentiate between the foreign policies pursued by the two countries in matters touching both of them. The identity in policy is striking and the inference patent: Luxembourg is constrained both by its community of interests with Belgium and the international problems which it faces mutually with Belgium to march in step with its sister nation. While both nations await the creation of an European system capable of offering them security they draw ever closer the bonds which unite them.

APPENDIX

Treaty Relative to the Neutralization of the Grand Duchy of Luxembourg May 11, 1867

In the name of the most holy and indivisible trinity

His majesty, the King of the Netherlands, grand duke of Luxembourg, taking into consideration the change produced in the situation of the Grand Duchy in consequence of the dissolution of the ties by which it was attached to the late Germanic Confederation, has invited their majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of the Belgians, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to assemble their representatives in conference at London, in order to come to an understanding with the plenipotentiaries of his majesty, the King Grand Duke, as to the new arrangements to be made in the general interests of peace.

And their said majesties, after having accepted that invitation, have resolved, by common consent, to respond to the desire manifested by his majesty the King of Italy to take part in a deliberation destined to offer a new pledge of security for the maintenance of the general tranquility.

In consequence, their majesties, in concert with his majesty the King of Italy, wishing to conclude a treaty with a view to that object, have named as their plenipotentiaries, that is to say:

(Here follow the names.)

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article 1.

His Majesty the King of the Netherlands, grand duke of Luxembourg, maintains the ties which attach the said Grand Duchy to the house of Orange-Nassau, in virtue of the treaties which placed that state under the sovereignty of the King Grand Duke, his descendents and successors.

The rights which the agnates of the house of Nassau possess with regard to the succession of the Grand Duchy, in virtue of the same treaties, are maintained.

The high contracting parties accept the present declaration, and place it on record.

Article 2.

The Grand Duchy of Luxembourg, within the limits determined by the act annexed to the treaties of the 19th of April, 1839, under the guarantee of the courts of Great Britain, Austria, France, Prussia, and Russia, shall henceforth form a perpetually neutral state.

It shall be bound to observe the same neutrality towards all other states.

The high contracting parties engage to respect the principle of neutrality stipulated by the present article.

That principle is and remains placed under the sanction of the collective guarantee of the powers signing parties to the present treaty, with the exception of Belgium, which is itself a neutral state.

Article 3.

The Grand Duchy of Luxembourg being neutralized, according to the terms of the preceding article, the maintenance or establishment of fortresses upon its territory becomes without necessity as well as without object.

In consequence, it is agreed by common consent that the city of Luxembourg, considered in time past, in a military point of view, as a federal fortress, shall cease to be a fortified city.

His majesty the King Grand Duke reserves to himself to maintain in that city the number of troops necessary to provide in it for the maintenance of good order.

Article 4.

In conformity with the stipulations contained in articles 2 and 3, his majesty the King of Prussia declares that his troops actually in garrison in the fortress of Luxembourg shall receive orders to proceed to the evacuation of that place immediately after the exchange of the ratifications of the present treaty. The withdrawal of the artillery, munitions, and every object which forms part of the equipment of the said fortress shall commence simultaneously. During that operation there shall remain in it no more than the number of troops necessary to provide for the safety of the material of

war, and to effect the dispatch thereof, which shall be completed within the shortest time possible.

Article 5.

His majesty the King Grand Duke, in virtue of the rights of sovereignty which he exercises over the city and fortress of Luxembourg, engages, on his part, to take the necessary measures for converting the said fortress into an open city by means of a demolition which his majesty shall deem sufficient to fulfill the intentions of the high contracting parties expressed in article 3 of the present treaty. The works requisite for that purpose shall be commenced immediately after the withdrawal of the garrison. They shall be carried out with all the attention required for the interests of the inhabitants of the city.

His majesty the King Grand Duke promises, moreover, that the fortifications of the city of Luxembourg shall not be restored in future, and that no military establishment shall be there maintained or created.

Article 6.

The powers signing parties to the present treaty recognize that the dissolution of the Germanic Confederation having equally produced the dissolution of the ties which united the Duchy of Limburg, collectively with the Grand Duchy of Luxembourg, to the said confederation, it results therefrom that the relations, of which mention is made in articles 3, 4, and 5 of the treaty of the 19th of April, 1839, between the Grand Duchy and certain territories belonging to the Duchy of Limburg, have ceased to exist, the said territories continuing to form an integral part of the Kingdom of the Netherlands.

Article 7.

The present treaty shall be ratified, and the ratifications shall be exchanged in London within the space of four weeks, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the eleventh day of May, in the year of our Lord one thousand eight hundred and sixty-seven.¹

(Here follow the signatures of the plenipotentiaries.)

1. American Journal of International Law, Supplement/Official Documents, 1909, III, 118-120.

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Bibliographical Note

An inadequate knowledge of German--my inability to utilize sources written in that language--certainly constitutes a serious drawback in an evaluation of this review of grand ducal foreign policy and foreign relations. I have been confined to French and English sources. Pierre Majerus' Le Luxembourg Indépendant (Lux., 1945), recommended to me by Mr. Hugues Le Gallais, grand ducal minister to Washington, as the most significant work on the subject, has proved indispensable. It is authoritative; Mr. Majerus has served as a counselor to the ministry of foreign affairs, as one of four representatives to the Fifth General Assembly of the United Nations, as chargé d'affaires in the grand ducal legation in Brussels, and is presently serving as minister to Bonn. Le Luxembourg Indépendant is an exposition of events up to the Liberation with emphasis on the legal aspects of the matters treated. Similarly, La politique de sécurité et d'arbitrage du Grand-Duché de Luxembourg--Sa politique de neutralité (Lux., 1932) and Le Statut International du Grand-Duché de Luxembourg (Belgium, 1937) by Albert Wehrer are authoritative; Mr. Wehrer served on Luxembourg's delegation to the Assembly of the League of Nations and both of his works treat the Grand Duchy's relations within the context of the activity of the League. Paul Weber's Histoire du Grand-Duché de Luxembourg (Brussels, 1949) has the quality of being trenchant in style and yet, despite its brevity, of not being superficial or given to

generalizations. The perception of the author, his ability to seize and emphasize significant points, made the book invaluable in outlining the direction of grand ducal affairs. A collection of well-written articles by Luxembourg authors comprises the encyclopaedic Le Luxembourg: Livre du Centenaire (Lux., 1949) designed to commemorate a century of independence in 1939 and delayed in publication by the German invasion until the post-war years. Quotations from French texts are my own translations.

Publications in English have not fared as well. Most writers in Great Britain and the United States seem unable to extricate themselves from the perplexing questions of where Luxembourg is located and what it is. I have included in the Bibliography several books properly entering the category of Travel because they contained material of a general nature or, as in the case of Robert J. Casey's The Land of Haunted Castles (New York, 1921), because there was a reference to the abortive revolution of 1919 or some such significant event. Luxemburg and Her Neighbours (New York, 1918) by Ruth Putnam has excellent sections on the Congress of Vienna, the Treaty of London, May 11, 1867, and the first months of the German invasion in 1914. But the book suffers from its war-time associations, from an Allied bias particularly evident in the last chapter; still, for the period covered it remains one of the best works on the subject published in the United States. Arthur Herchen's History of the Grand Duchy of Luxembourg (Lux., 1950) is excellent as an exposition of national history from the Gallo-Roman

period although more recent events are merely sketched. The translation by A. H. Cooper-Prichard is, in some respects, frightful; the translator has embellished the text with patriotic slogans and pious exhortations which are neither a credit to his taste nor to the dignity of the author. Pierre Krier's Luxembourg Under German Occupation has been cited with due regard for the author's position as minister of labor in the Luxembourg government-in-exile.

The Bulletin d'Information and the Luxembourg Bulletin published under the auspices of the Press Section of the government have been invaluable in the formulation of the later chapters.

W. J. P.