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Institutional Issues

The Territory of 'Liège' in Belgian Public Law

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Due to its thousand years as a principality, Liège has been able to embrace and adopt many different legal realities. The Athens of the North, the *Cité ardente*, the Mosan City, little France on the banks of the Meuse, the city of a hundred steeples – the city has enjoyed many nicknames over time. Liège undoubtedly retained both its national and its international importance after the emergence of the Belgian State in 1831.

She very nearly became the seat of the institutions of the European Coal and Steel Community, instituted by the Treaty of Paris of 18 April 1951, as Catherine Lanneau has pointed out elsewhere in this book. The Belgian government argued the case for basing the European institutions there,¹ but ultimately the choice fell upon Luxembourg.² Bolstered by its historical and demographic importance – as the fourth city of Belgium and the second of Wallonia – Liège served as the geographical basis for a host of territorial divisions and subdivisions, as abound under Belgian public law. The territory referred to by 'Liège' in legal terms is therefore variable and sometimes extends across a vast part of the surface of the kingdom. Thus, in the broadest use of the word, the territorial jurisdiction of the Liège Court of Appeal extends over almost 12,000 square kilometres, or 40 per cent of the national territory. Conversely, each justice of the peace court in Liège covers a quarter of the city, on average 17 square kilometres.

Now let us conduct an overview of the many legal territorial realities covered by the term 'Liège', from the largest to the smallest. We begin this journey with the Court of Appeal, followed by the judicial district (*arrondissement*), the Province of Liège, and the emergency response zone, before considering the City of Liège proper, to conclude our study with the judicial cantons, the smallest territorial entities bearing the name Liège.

Liège, jurisdiction of the Court of Appeal

The Belgian judicial system is a hierarchical system in which territorial powers are determined either by the Constitution or by legislation – primarily by the Judicial Code. Thus, apart from the presence of a Court of Cassation, the supreme court, competent for the entire kingdom, Belgium has five Courts



The Provincial Palace seen from Rue de Bruxelles.

of Appeal, each with its own territorial jurisdiction, enumerated under Article 156 of the Constitution. Historically, the Court of Appeal of Liège was among the first, alongside Ghent and Brussels. It may seem remarkable today that until the judicial reform of 1974 the Liège Court of Appeal was legally trilingual, its former jurisdiction including the Province of Limburg as well as the municipalities of the German-speaking region. On 31 December 1974, as the revision of the Constitution came into force, the number of appellate jurisdictions was increased to five by adding new courts of appeal in Mons and Antwerp. From then on, the Liège Court of Appeal heard appeals from the provinces of Liège, Namur and Luxembourg. Trilingualism has given way to the principle of unilingualism, with the notable exception of appeal judgments pronounced in the judicial district of Eupen,

in which German *may* be chosen (article 106 of the Judicial Code). The Liège Court of Appeal sits in the Palace of the Prince-Bishops and deals with appeals against rulings by the lower courts under its jurisdiction, namely the courts of first instance of the arrondissements of Namur, Liège, Luxembourg and Eupen, as well as the commercial courts of the districts of Liège and Eupen. The Employment Appeal Tribunal of Liège has the same territorial jurisdiction and is responsible for examining appeals from the employment tribunals. However, the Liège Employment Appeal Tribunal is divided into three divisions.³ The first sits in Liège and exercises its jurisdiction within the province, which means appeals from the districts of Liège and Eupen. The other two have their seats in Neufchâteau, for the Province of Luxembourg, and in Namur, for the Province of Namur.

Liège, judicial district

The next level down in the Belgian judiciary comprises the courts of first instance, the employment tribunals, the commercial courts and the police courts. Since a recent judicial reform,⁴ there is now one judicial district per province. The only exceptions to this rule are the provinces of Flemish Brabant and of Liège. For the latter, its territory is divided between two judicial districts: the nine German-speaking municipalities constitute a specific judicial district, the *arrondissement judiciaire d'Eupen* or *Gerichtsbezirk Eupen*.⁵ The other municipalities in the province – all in the French-speaking region – constitute the judicial district of Liège. Nevertheless, the territorial jurisdiction of the various types of courts varies. Thus, the employment tribunal of Liège and the commercial tribunal of Liège have jurisdiction *ratione loci* over a more extensive territory than that of the judicial district of first instance. This also covers the provinces of Namur and Luxembourg. These two types of tribunals in turn comprise eight divisions.⁶ As concerns the Liège Court of First Instance, the ordinary court with jurisdiction for the eponymous district, it is subject to the aforementioned division by province, namely the territory of the Province of Liège excepting the district of Eupen. However, this court is also physically present in other cities due to two additional divisions, namely those of Huy and Verviers.⁷ The same applies to the police courts,⁸ which are mainly involved in handling (traffic) offences.

Liège, province, administrative district and constituency

Since 1831 – then in its first article – the Constitution has mentioned the division of the kingdom into provinces. The subdivision into provinces falls under the current article 6 of the Constitution. Their number and borders are not fixed by this fundamental text, which presupposes separate legislation on the matter.⁹ In the Walloon Region, the five provinces each correspond to one or more administrative districts. The

Province of Liège itself has existed since Belgian independence. It is currently composed of four administrative districts¹⁰ – Liège, Huy, Waremme and Verviers – and 84 municipalities.¹¹

The province is a partly decentralized and partly deconcentrated body, which means that it has broad scope for some of its powers and for others is subject to hierarchical control of its supervisory authority. Each province is notably autonomously empowered to determine and manage matters of 'provincial interest'.¹² There is no legal catalogue of what these matters are: they are subject to the discretion of the provincial authorities. The province adopts standards that are published in the *Bulletin Provincial*.¹³

In 2001, jurisdiction over subordinate powers (provinces and municipalities) was transferred to the Walloon, Brussels Capital and Flemish regions. Consequently, the Walloon Region now holds the essential legislative power relating to the Province and the administrative district of Liège, excepting management of matters subject to the federal government or to the language community.¹⁴ The main legislation is now in the Local Democracy and Decentralization Code.¹⁵ Since the Sixth State Reform in 2014, the Regions have been authorized to abolish provincial institutions by adopting a special decree supported by two thirds of the votes cast. A provincial council and a provincial college (formerly the permanent deputation) are responsible for the management of each Walloon province. In Liège, both sit in what is known as the 'provincial wing' of the Palace of the Prince-Bishops. There is a governor for each province, assisted by a district commissioner.¹⁶ The governor is both a commissioner of the Walloon regional government and a representative of the Federal Government and the government of the French-speaking Community (or of the German-speaking Community for the German-speaking municipalities), which explains why, although appointed by the regional government, the appointment has to be confirmed by the Federal Council of Ministers.¹⁷ The district commissioner is, in addition to his or her own duties, responsible for acting on behalf of the governor should they be prevented from carrying out their duties.



Courtroom of the Criminal Court (Assize Court) of Liège.

If, at present, only one district commissioner has been appointed per province, a special arrangement exists within the Province of Liège, more particularly in the Verviers district. There is, in fact, a deputy district commissioner in Malmedy, whose competence extends to the eleven municipalities which were part of the German Empire until 1919.¹⁸ In practice, however, the duties of district commissioner and of deputy district commissioner are exercised by the same person.

The division of the national territory into provinces is also useful from an electoral point of view. In fact, the division of the kingdom into several electoral districts for the election of members of the Chamber of Representatives is enshrined in the Constitution, which nevertheless does not provide for their number

or their geographical limits, but delegates the task of determining these to the legislator. The province serves as the basis for drawing the boundaries of constituencies.¹⁹ The electoral district of Liège therefore corresponds to the provincial boundaries and sends fifteen members to the Chamber of Representatives. There is, however, one exception to the assimilation of the electoral district to the provincial territory. When the linguistic separation of provinces was implemented on 1 September 1963, the municipality of Voeren had been transferred from French-speaking Liège to Dutch-speaking Limburg. The 1980s saw a long-running series of political manoeuvres to have Voeren returned to Liège, and in 1988 special concessions were included in the Electoral Code allowing the inhabitants to go

to the polling stations in the neighbouring municipality of Aubel, in the French-language region, to cast their vote there in support of the list for the constituency of Liège. This ‘Comines–Voeren clause’ continues to apply to elections both to the Chamber of Representatives and to the European Parliament.²⁰

Finally, it should be noted that the province also serves as the basis for the territorial jurisdiction of the assize courts. However, since 2016 and the so-called ‘Pot-pourri 2’ reform, sessions of the assize courts are becoming increasingly rare, as offences are more likely to be dealt with correctionally.²¹

Liège, emergency response zone

The federal authority is responsible for the organization and functioning of the fire services and civil defence corps, whose mission is ‘at all times to safeguard and protect persons, their property and their environment’.²² In order to ensure public service, the federal executive branch has chosen to define emergency response zones. There are currently 34 of these in Belgium, and they are subject to a different territorial division than the (187) police zones.²³ Six emergency response zones were created in the Province of Liège. The City of Liège and twenty other municipalities²⁴ comprise zone 2.²⁵

Liège, municipality, city and police zone

Liège is above all a municipal entity, the result of the merger, in 1977,²⁶ of the former municipalities of Liège, Angleur, Bressoux, Chênée, Glain, Grivegnée, Jupille, Rocourt, Sclessin and Wandre. Liège has also, moreover, held the legal status of a ‘city’ since the origin of the Kingdom of Belgium. Under Belgian public law, this title has purely symbolic importance.²⁷ On the other hand, the municipality, like the province, is a territorial collective that exercises federal powers (such as those relating to civil status – the registration of marriages, the issuing of identity cards and passports



The municipal council meeting room at the Town Hall.



The office of the burgomaster of Liège.

– or to the maintenance of public order), regional powers (rubbish collection, road maintenance, public works, energy-saving measures, some energy subsidies) and also municipal powers (education, libraries, arts centres). Three bodies are responsible for the municipal administration: the burgomaster, the municipal college (formerly the bench of burgomaster and aldermen) and the municipal council. The last sits in Liège Town Hall and, in principle, meets every month. The standards adopted at a municipal level, and the publication of which is of public interest, are not published in the *Moniteur belge* (Belgium's official gazette), but enter into force on the fifth day after they are posted up, unless otherwise stipulated.²⁸

A single police zone covers the territory of the City of Liège and was created by the King²⁹ pursuant to the Law of 7 December 1998.³⁰ The Liège zone is a single-municipal zone and therefore does not have its own legal personality, unlike multi-municipal zones such as the neighbouring 'Basse-Meuse' zone.³¹ The municipal college and council have the authority to organize and manage the local police force, in particular with regard to appointments.

Liège, judicial cantons

Finally, the term 'Liège' applies to one last territorial reality, namely the judicial canton. This is the most restricted entity, as the *Cité ardente* is divided into four different cantons, established according to the layout of the city's streets.³² The various justices of the peace of Liège consider, within the boundaries of their canton, small claims suits for a value under 2,500 euros, as well as disputes relating to particular objects, such as leases, current utility bills (gas, electricity, etc.) and easements.

This analysis has shown the diversity of the geographical realities covered by the word 'Liège' in Belgian law. The territorial boundaries mentioned have changed over time. Some have existed since Belgian independence and have remained unchanged, such as the province, others have seen their importance diminish – for instance the jurisdiction of the Court of Appeal – while others, such as the emergency response zone, have emerged over time, or like the electoral circumscription have been subject to regular amendment. All are part of the kingdom's complex legal, administrative and electoral systems, with territorial divisions established by a large and varied number of legal instruments. At the end of this overview, a single conclusion springs to mind: the boundaries of Liège are, legally speaking, all decidedly relative.

