

The status of the Head of State

In 1830 Belgium opted for a monarchy

The independence of Belgium had international repercussions given its geographic position and the European political context of the time.

In order not to collide with the absolute monarchies such as Prussia, Austria and Russia, on 22 November 1830 the National Congress, the first legislative assembly of Belgium, ruled in favour of a constitutional monarchy by 174 votes to 13.

» The monarchy is hereditary

Article 85 of the Constitution stipulates: “The King’s constitutional powers are hereditary through the direct, natural and legitimate descent of H. M. Leopold, George, Christian, Frederick of Saxony-Coburg, by order of progeniture. Since the 1991 revision of the Constitution, women may also accede to the throne.

» The heir to the throne only accedes to the throne after having taken the solemn oath

Between the time of the King’s death and the swearing of the oath by his successor to the throne, the King’s constitutional powers are exercised by the Council of Ministers.

On the death of the King, both Chambers of Parliament meet, at the latest ten days after his death.

The King only accedes to the throne after having taken a solemn oath, within the Chambers together, ie before the deputies and senators who sit together in the House of Representatives. The oath is as follows: “I swear to observe the Constitution and the laws of the Belgian people, to preserve our national independence and our territorial integrity” (art. 90 and 91 of the Constitution).

On 21 July 2013, King Philippe swore the constitutional oath before both houses of parliament. By swearing the oath, he succeeded his father Albert II as King of the Belgians. Previously, King Albert II had signed an act of abdication, whereby he renounced the exercise of the functions of Head of State.

The Belgian monarchy is a constitutional monarchy

In 1830 “enlightened” despotism was still fresh in the minds of the constitutional powers. That is why the King has no powers other than those formally allocated to him by the Constitution and by specific laws established by virtue of the Constitution itself (art. 105 of the Constitution).

» What authority does the Constitution grant to the King?

The King has authority within the three powers:

- He is the head of the executive.
He appoints and dismisses his ministers (art. 96 of the Constitution). He has the right to dissolve the House of Representatives under certain conditions (art. 46 of the Constitution). He sanctions and promulgates laws (art. 109 of the Constitution). He establishes regulations and decrees required for execution of laws (art. 108 of the Constitution). He commands the armed forces (art. 167 of the Constitution). He bestows ranks in the army (art. 107 of the Constitution). He manages international relations and concludes certain treaties (art. 167 of the Constitution), etc.
- He exercises a certain number of functions which form part of the legislative power.
He may submit draft Bills to the federal Parliament (art. 75 of the Constitution). He gives royal assent to laws, etc.
- The King intervenes in the judiciary:
He appoints the first presiding justice and the judges of the Supreme Court of Justice, the judges of courts and tribunals on the basis of justification (art. 151 of the Constitution).

He appoints and dismisses officers of the State Prosecution working within courts and tribunals (art. 153 of the Constitution).

Belgium is a parliamentary monarchy

» «The King can do no wrong»

Art. 88 of the Constitution “The King’s person is inviolable; his ministers are responsible.”

This means that:

- on the criminal level: the King cannot be prosecuted, arrested or convicted because of crimes.
- on the civil level: the King cannot be summoned to appear before a civil court, even if it concerns private contracts concluded with regard to his private estate. However, the manager of the civil list may be summoned in law.
- on a political level the King cannot be held accountable before the House of Representatives, but the federal ministers are accountable.

The inviolability of the monarchy requires restraint, but it is also the guarantee of its permanence. Thanks to this principle, the monarchy can rise above the political, social and philosophical groupings and play a conciliatory role.

» The King cannot act alone without the political cover of a minister

Article 106 of the Constitution stipulates: “No actions of the King may take effect without the countersignature of a minister, who, in doing so, takes the responsibility upon himself.”

This article applies to any action of the King liable to have direct or indirect political repercussions.

» The inviolability and non-responsibility of the King are coupled with ministerial responsibility

This responsibility consists of the fact that a minister can be held accountable before the House of Representatives.

The King thus exercises his powers “jointly” with his ministers. The management of the State belongs to the government, who is accountable to the House of Representatives.

The development of royal power

Leopold I interpreted the constitutional powers very widely. He was able to act in this way because the new State was under diplomatic and military pressure. The survival of the State required a great spirit of union.

The widening and the democratization of the right to vote and the creation of political parties would severely limit the power of the King in government policy.

Leopold II, Albert I, and Leopold III, however, succeeded in retaining certain areas of policy (eg. Leopold II on urban development, Leopold III on foreign policy).

Since the “Royal Question” in 1951, the King has no longer had any direct power.

This does not mean that the King does not exert any political influence. The King has maintained the right “to be consulted by his ministers, to encourage them, and to caution them.” This influential power is exercised in particular during government crises.

But even in normal circumstances the King may exercise his power of influence on government action during his audiences. Each week the King receives the Prime Minister. The meeting is secret like the participation of the King in final decisions.

The monarchy has an important symbolic role. The monarchy is the personification of the State and the unity of the country. The King sees that the principles of the federal State are respected.

The fact that our monarchy has a more important role than in other European countries with a similar system is undoubtedly due to the phenomenon of “coalition government” which is a consequence of our proportional representation electoral system.

The financial resources at the disposal of the King and the royal family

The King is granted a civil list which allows him to perform his duties as head of State. The amount of this is established by law for the duration of each reign (art. 89 of the Constitution). In this way an annual debate is avoided which would risk jeopardising the dignity of the royal function. The legal amount is linked to the consumer price index. For 2024, the amount of the civil list is 14,896 million euro.

Neither the House of Representatives, nor the government, nor the State Audit Office are entitled to check the use of these financial resources.

Furthermore, the following members of the royal family receive a yearly emolument: King Albert II (1,165,000 euro), Princess Astrid (404,000 euro) and Prince Laurent (388,000 euro).

Their emoluments are partly a remuneration and partly an allowance intended to cover operating and staff costs. The remuneration is subject to personal income tax; the legality and regularity of expenses charged against the allowance intended to cover operating and staff costs are audited by the First President and the President of the State Audit Office.