

The Political Consequences of the Use of Motions of Constructive
No Confidence at the Local Level in Wallonia (2006-2018)

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During a legislature, relations between different members of a local majority may become strained. Whether these tensions relate to a particular individual, or to a whole political group participating in the majority pact, it may be considered important for local representatives to have a legal mechanism enabling them to put an end to these conflicts and ensure the continuity of local affairs. For this reason, in 2005, the Walloon legislator, wishing to strengthen the responsibility of local representatives, introduced a new article L1123-14 into the Code of Local Democracy and Decentralisation (*Code de la démocratie locale et de la décentralisation*, hereinafter CDLD) by the decree of 8 December 2005¹. This article, which came into force on 2 January 2006, states that:

«The College, as well as each of its members, is accountable to the Council.

The Council may pass a motion of no confidence in the College or in one or more of its members.

Such a motion shall be in order only if it presents a successor to the college or to one or more of its members, as the case may be. [...]

Such a motion shall be in order only if it presents a successor to the College or to one or more of its members, as the case may be. [...]

¹ Décret wallon du 8 décembre 2005 modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *Moniteur belge*, 2 January 2006.

² This mechanism exists at the federal level (art. 46, paragraph 1, 96, paragraph 2, and 101, paragraph 1 of the Constitution), the regional level (art. 71 of the special law on institutional reforms of 8 August 1980, art. 36 of the special law on the Brussels institutions of 12 January 1989), the Community level (art. 71 of the special law on institutional reforms of 8 August 1980, art. 51 of the special law of institutional reforms for the German-speaking Community of 31 December 1983), at the level of the French-speaking Community Commission (hereinafter COCOF, art. 72 of the special law relating to the Brussels institutions of 12 January 1989), when the latter exercises competences that have been transferred to it by the French Community, and at the provincial level. Furthermore, at federal level as well as in the Communities, in the Regions and in the COCOF, the assembly can refuse to vote confidence in the executive responsible to it. At local level, the possibility of a motion of no confidence exists only in the Flemish and in the Walloon

The introduction of the mechanism of the motion of constructive no confidence, which allows a local council to dismiss one or more members of a local executive, is a first in Belgium, since this mechanism had never been introduced at local level before. Until recently, the motions of constructive no confidence in the communal colleges were still a Walloon peculiarity. Indeed, only Walloon local representatives currently used to have the possibility to oust one or more members of a local executive, or to substitute one municipal majority for another during the term of office². However, during the 2021 summer, the Flemish government decided to adopt a similar decree introducing a similar mechanism at the local level for Flemish municipal councils³.

This Walloon legislative innovation and its application since its introduction in the CDLD have already been the subject of previous studies⁴. These studies mainly focused on a contextual analysis of the motions of constructive no confidence that have been introduced since the introduction of the system, as well as on the reasons that justified their introduction and adoption⁵.

The goal of this contribution is in line with the previous ones, since it proposes a first analysis of the political consequences of

Regions, including the German-speaking Region (where the German-speaking Community is now responsible for the composition, organisation, competence and operation of the communal institutions but where, to date, it has not been decided to amend or repeal this provision).

³ Decreet tot wijziging van diverse decreten, wat betreft versterking van de lokale democratie, *Moniteur belge*, 14 August 2021.

⁴ For the period from 2006 to 2011, see G. MATAGNE, E. RADOUX, P. VERJANS, « La composition du collège communal après la réforme du Code wallon de la démocratie locale », *Courrier hebdomadaire du CRISP*, 2011, n°2094, pp. 10-11 et 23-30. For the period from 2012 to 2018, see A. GUSTIN, « Les motions de méfiance constructive dans les communes wallonnes », *Courrier hebdomadaire du CRISP*, 2018, n°2378, pp. 5-36.

⁵ The reader can usefully consult the two studies mentioned above for certain contextual elements and analytical details.

the use of the mechanism. Indeed, what happens to aldermen, mayors or presidents of the Public Centre for Social Welfare (*Centre public d'action sociale*, hereafter CPAS) who are ousted? Are they permanently excluded from their political groups, or even put out of the game of local politics? At the same time, are the political groups that voted for a collective no-confidence motion punished by the electorate in the following elections, or are they rewarded for their strategy? These are the questions we will try to answer in this article, through the main question we ask: what are the political consequences of the use of motions of constructive no confidence at the local level?

In order to answer the main question, this article is structured in four steps. Firstly, it is necessary to detail the legal modalities of introducing and voting on a motion of no confidence - whether it concerns a part or the whole of a municipal college. Secondly, we turn to the consequences of introducing an individual no-confidence motion, comparing the electoral results of local political actors across elections and studying their political trajectories. Thirdly, we examine the impact of voting a collective no confidence motion by comparing the electoral outcomes of the political groups involved in the adoption of such a motion over time. Fourthly, we conclude our analysis by nuancing and placing our findings in the perspective of a qualitative, contextual analysis.

1. The mechanism of the constructive motion of no confidence

The motion of no confidence is a traditional instrument of control of the executive by the elected assembly to which it is politically accountable. It is a mechanism that allows an assembly to potentially overthrow an executive, or to replace one or more members of an executive against their will, without calling for early elections (the dissolution of the assembly in the event of a political crisis is not always possible).

A motion of no confidence is said to be either individual or collective, depending on whether it aims at removing only a limited number of members of the executive (one or a few) or whether it concerns all members of the executive. It is also said to be either constructive or simple, depending on whether it

provides for the succession of the person or persons it seeks to remove.

The modalities and effects of motions of no confidence vary according to the level of power concerned. In the Walloon Region, the modalities by which a communal or provincial council can remove one or more members of the communal or provincial college or the entire college were enshrined in the Code of Local Democracy and Decentralisation (CDLD) in 2005⁶, Articles L1123-14, § 1, (for communes) and L2212-44 (for provinces)⁷. They entered into force on 2 January 2006⁸.

These motions of no confidence can be individual or collective, but they must necessarily be constructive. To be validly

⁶ Décret wallon du 8 décembre 2005 modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *Moniteur belge*, 2 January 2006.

⁷ These two articles are very similar: the only difference between them is the limitation to a maximum of two collective motions of no confidence per mandate at the communal level (see below).

⁸ The principle of the motion of constructive mistrust had

been decreed at provincial level as early as 2004 (cf. le décret wallon du 12 février 2004 organisant les provinces wallonnes, *Moniteur belge*, 30 March 2004), but it had never been implemented (cf. S. MARNETTE, « Le Code de la démocratie locale et de la décentralisation : analyse et perspectives », in A.-L. DURVIAUX, G. MATAGNE, E. RADOUX, P. VERJANS (dir.), *Le Code de la démocratie locale et de la décentralisation : enjeux et bilans politiques*, Bruxelles, Larcier, 2011, p. 37).

adopted, they must be approved by a majority of the council members. "When it concerns the whole college, a motion is only admissible if it is tabled by at least half of the councillors of each political group forming an alternative majority (in this case, the presentation of a successor to the college constitutes a new majority pact⁹); when it concerns one or more members of the college, it is only admissible if it is tabled by at least half the councillors of each political group participating in the majority pact"¹⁰. The constructive dimension thus makes it possible to guarantee "an effective bulwark against circumstantial alliances driven solely by the desire to bring down a team and leave a scorched earth behind them"¹¹. It should be noted that, at the communal level, the automatic appointment of the mayor remains in force¹², it being understood that the mayor against whom a motion of no confidence has just been adopted is obviously no longer taken into consideration.

Certain temporal and numerical restrictions apply with regard to motions of no confidence concerning an entire local executive. Thus, Article L1123-14, §3, of the CDLD provides that such a motion may not be filed before the expiry of a period of one and a half years following the installation of the Municipal College, nor after 30 June of the year preceding the elections. In addition, no

motion of no confidence may be tabled before the expiry of a period of one year after the adoption of a first collective motion of no confidence, and no more than two collective motions of no confidence may be passed during the same municipal legislature¹³.

It is therefore a relatively restrictive legal mechanism that is available to local political actors. In this respect, Belgian administrative and constitutional judges have had the opportunity to clarify the rules governing its application on numerous occasions. Four examples illustrate this. Firstly, the high administrative court (*Conseil d'État*), ruling on the case of La Louvière's alderman Jean-Marie Brynaert (Socialist Party, hereafter PS)¹⁴, suspended the individual motion of no confidence targeting him on the grounds that the principle of *Audi alteram partem* had not been respected. In fact, the vote on the motion had been placed on the agenda of the municipal council on a Friday, the Monday immediately following it, which the Councillors of State considered too short. Secondly, the Council of State, dealing with the case of the mayor of Ans, Michel Daerden (PS)¹⁵, also had the opportunity to state that it is possible to direct a motion of constructive no confidence against both a Municipal College and the mayor who has been prevented from exercising his or her duties, even if the mayor has never

⁹ The majority pact is the document, adopted by a majority of local councillors, which indicates, among other things, the identity of the mayor and the aldermen.

¹⁰ Art. L1123-14 §1 of the CDLD. It should be noted that, legally, one or more members of a municipal college can only be ousted individually by a motion of no confidence. However, politically, the application of the rule is not so simple. One or more members of a municipal college can also be targeted by a collective no-confidence motion. This can happen if the tabling of an individual no-confidence motion leads to the loss of the communal majority because the political group of the member(s) concerned does not wish to remove him or her from office. In this case, the elected members of the community can use the collective no-confidence motion to form an alternative majority and thus replace the member(s) of the community college who are the subject of the motion.

¹¹ A. COENEN, « Les relations entre le conseil communal et son

exécutif », *Droit communal*, 2007, n° 2, p. 29.

¹² Article L1123-4, § 2 of the CDLD. As a reminder, in the French-speaking communes of Wallonia, the person of Belgian nationality who has received the most preferential votes on the electoral list of the largest group among those participating in the majority pact is automatically appointed mayor.

¹³ The paragraph providing for the prohibition of more than two collective motions of no confidence per municipal term was added to the article L1123-14, §3 of the CDLD by the Décret wallon du 26 avril 2012 modifiant certaines dispositions du Code de la démocratie locale et de la décentralisation, *Moniteur belge*, 14 May 2012.

¹⁴ CONSEIL D'ÉTAT, judgment no. 156.078, 8 March 2006, confirmed by judgment no. 171.146 of 14 May 2007, which definitively annulled the motion of no confidence in Jean-Marie Brynaert.

¹⁵ CONSEIL D'ÉTAT, judgment no. 214.529, 11 July 2011.

actually exercised his or her duties, as a mayor who has been prevented from exercising his or her duties can resume them at any time. Thirdly, it is worth pointing out that in the event of a collective motion of no confidence aimed at removing the mayor and ensuring that he or she can no longer be taken into consideration in the new majority¹⁶, two steps are necessary. Indeed, the Council of State, ruling on the case of André Vrancken (PS), former mayor of Awans, indicated that it was appropriate, 'firstly, to have the motion of constructive no confidence voted by the alternative majority and, secondly, to table, in a second stage, the motion of individual no confidence with regard to the mayor of the original majority, signed by the political groups of the new majority in place, leaving a period of seven clear days following this tabling before the vote on the said motion'¹⁷. Fourthly, the constitutional judges ruled on the mechanism of the motion of constructive mistrust in the Walloon municipal colleges. In the case concerning Serge Van Bergen, alderman of the city of Charleroi (PS), they recalled

the political nature of the motion, which justifies, among other things, the impossibility for an alderman to be assisted by a lawyer during the debate on a motion of no confidence¹⁸.

Having clarified the legal procedures for tabling and voting on a motion of constructive no confidence in the Walloon local entities, and having briefly mentioned a few examples of case law on this subject, it is now time to examine the political consequences that the use of this device may entail. To do so, we proceed in two steps. Firstly, we study the consequences of an individual motion of no confidence, i.e. one or more members of a municipal council, through the study of the personal trajectories of members of a local executive who have been the subject of such a motion. Secondly, we analyse the evolution of the political groups that have been linked to the vote of a collective no-confidence motion, by comparing the electoral results of the political groups involved over time.

2. The consequences of voting an individual motion of no confidence

The introduction of the possibility of using the mechanism of the individual no-confidence motion was intended to provide local political actors with a means of possibly ousting an alderman, mayor or CPAS president who disagrees

with the rest of the Municipal College. Previous studies have already shown that the mechanism is indeed used, and to date 18 motions of no confidence have been voted since the mechanism was introduced¹⁹: four motions were voted

¹⁶ As the mayor in question comes from a political group that is still part of the new majority and remains the group from the list that received the most votes in the last municipal elections, this should in theory allow him to be automatically appointed mayor of this new majority.

¹⁷ CONSEIL D'ÉTAT, judgment no. 228.128, 29 July 2014, p. 22.

¹⁸ "The motion of constructive no confidence regulated by the CDLD is an instrument that enables the municipal council to exercise its political control over the municipal college or over individual aldermen. The debate on the occasion of such a motion is, by its very nature, centred on the question of whether or not the democratically elected body intends to maintain its confidence in the executive body or in a member of that body, and presupposes that the person bearing political responsibility justifies himself in person before the democratically elected body, even when the question of confidence is dictated by his personal conduct"

(CONSTITUTIONAL COURT, judgment no. 156/2007, 19 December 2007, B.11).

¹⁹ G. MATAGNE, E. RADOUX, P. VERJANS, « La composition du collège communal après la réforme du Code wallon de la démocratie locale », *op. cit.*, p. 24 and A. GUSTIN, « Les motions de méfiance constructive dans les communes wallonnes », *op. cit.*, p. 14. See A. Gustin, which presented the situation as at 31 August 2018, and to which should therefore be added the individual motion of no-confidence aimed at Ans' alderman for Equal Opportunities Henri Huygen (PS) voted on 29 September 2018. It should also be noted that there is currently no database listing individual motions of no confidence filed or passed. Therefore, this article is based on a review of the national and local press, and does not claim to be exhaustive of the cases presented. For this research, we could not go to all 262 Walloon municipalities. It is therefore possible that a motion of no confidence did not raise any political issues and was

before the elections of 8 October 2006 (in Charleroi, La Louvière, Malmedy and Sambreville); five were voted during the 2006-2012 mandate (in Ohey, Rouvroy²⁰, Saint-Nicolas, Seneffe and Virton); Finally, nine were voted during the last communal legislature 2012-2018 (in Juprelle, Saint-Hubert, Manage, Dinant, Ramillies, Remicourt, Profondeville, Houffalize and Ans).

Distinguishing the cases of individual motions of no confidence according to the communal term of office during which they were tabled allows us to analyse the way in which communal elected representatives have gradually appropriated the mechanism made available to them. Before the elections of 8 October 2006, three of the four individual motions of no confidence voted concerned members of municipal councils who had been involved in political scandals, i.e. cases that had directly contributed to the introduction of the mechanism in the CDLD²¹. Following their exclusion from the local executive, these three ousted aldermen all left politics, while in the fourth case, the alderman who was ousted because of disputes with his mayor stood again in the 2006 municipal elections²².

With regard to the individual no-confidence motions voted during the 2006-2012 term, while there is still evidence of policy abandonment in two of the four cases identified and

addressed ²³, In two cases, elected representatives who were the subject of a motion of no confidence chose to continue the adventure. In Seneffe (province of Hainaut), an alderman involved in a political scandal, but nevertheless acquitted by the courts, Gaëtan De Laever (PS), was the subject of an individual motion of no confidence. However, on the day of the local council meeting at which the motion was to be voted, most of the members of his party who had signed it were absent, and the motion was therefore rejected²⁴. Subsequently, Gaëtan De Laever created his own list on the occasion of the 2012 elections (Alternative Citoyenne, of pluralist tendency but which includes six former members of the Centre démocrate humaniste (hereinafter cdH), which will become AC+ in 2018), and once again became an alderman within a majority formed with the Mouvement réformateur (hereafter MR)²⁵.

However, a motion of individual no confidence can also be more complex. For example, following the conviction of the former mayor of the municipality of Saint-Nicolas (province of Liège), Patrick Avril (PS), Birol Cokgezen, second on the PS list in the 2006 elections, automatically became the mayor. However, the neo-mayor is not unanimous within his political group, which decides to replace him on 14 June 2011 by the then acting mayor Jacques Heleven (PS) through a motion

therefore not covered by the national or local press.

²⁰ In Rouvroy, disagreements between the members of the majority (Entente communale) led to the adoption of several motions. Due to the particularly unstable situation in which the Luxembourg municipality found itself, we decided to exclude it from the statistics presented. As the aim of this research was to determine the political consequences of a no-confidence motion, the multiple no-confidence motions filed and approved in Rouvroy made the partisan formations of the municipality unintelligible. It is therefore difficult to determine the effects of these motions.

²¹ They were Serge Van Bergen (PS, Charleroi), Vincent Maniscalco (PS, Sambreville) and Jean-Marie Brynaert (PS, La Louvière).

²² This was Hubert Crémers (Forces Vives, Malmedy). It should be noted that Hubert Crémers was re-elected in the 2006

municipal elections, and became president of the CPAS of Malmedy before resigning a few years later.

²³ They are the president of the CPAS of Virton, Béatrice Bertin (PS), and the alderwoman of Ohey, Bénédicte Servais (related to the PS, but appearing on the list of the humanist Christian mayor). As a reminder, the case of the commune of Rouvroy was not taken into account.

²⁴ The rejection of the motion can probably be explained by the sanction imposed on the socialist signatories (local councillors, aldermen and the president of the PCSW, respectively) by the local Socialist Unions, which temporarily suspended their membership of the Socialist Party.

²⁵ Following the 2018 elections, he will leave politics, his group being relegated to the opposition despite an electoral pre-agreement with the Mayor's List.

of constructive no confidence. Subsequently, Birol Cokgezen was twice removed from the lists for the municipal elections of 2012 and 2018 on the basis of a political decision of his party, and although he was elected provincial councillor in 2012, he did not appear on the provincial lists for the last elections.

As regards the 2012-2018 mandate, it would appear that most of the elected representatives who were expelled from a municipal college during this period remain active in politics following their expulsions. This is the case in eight of the nine cases studied, with the local executive member expelled from the municipal college running again in the 2018 municipal elections²⁶. Furthermore, it would appear that an elected official targeted by an individual no-confidence

motion can often improve his or her personal score in the elections following his or her ouster. In six of the eight cases in which an elected official excluded during the 2012-2018 mandate remained a candidate in the municipal elections of 14 October 2018, the latter increased his or her personal score²⁷. Moreover, in two of these six cases, the expelled member of the Municipal Council even returns to the position from which he was expelled²⁸, and in one case, the mandatary targeted by the motion of no confidence becomes Mayor of his municipality after having been excluded from his post of Alderman²⁹. These rising personal scores can partly be explained by the fact that, in several cases, the dismissed members of a communal college choose to launch their own lists in the next communal elections (see Table 1), which gives them some visibility³⁰.

Table 1 - Creation of a list for the communal elections following the motion of no confidence by members of a communal college who have been evicted

Municipal legislatures	Number of cases identified	Number of lists created for the following municipal elections
Avant 2006	4	0
2006-2012	4 ³¹	1
2012-2018	9	4

Finally, it is also worth noting that in two of the nine cases identified during the last municipal term³², members of a Communal College who were ousted because they wished to stand for election on a list other than the one on which they were elected in 2012 both

gave up their seats on the Communal Council while having been elected on their new list in the last communal elections.

Table 2 provides an account of the personal trajectory of local elected

²⁶ Only Maurice Hismans (PS), alderman for finance of the municipality of Manage, was not a candidate in the 2018 elections after he was expelled from the municipal executive.

²⁷ They are: ex-echevine Patricia Poulet (Juprelle), ex-echevine Thierry Bodlet (Dinant), ex-evine Jean-Jacques Mathy (Ramillies), ex-burgomaster Thierry Missaire (Remicourt), ex-evine Stéphan Tripnaux (Profondeville), and ex-evine Nathalie Borton (Houffalize).

²⁸ These are Thierry Bodlet, who becomes Alderman of the city of Dinant again after the 2018 municipal elections, and Thierry Missaire, who becomes Mayor of Remicourt again.

²⁹ It is the former Alderman of Sports, Jean-Jacques Mathy (Ramillies), who launched his own list "Ramillies en marche" on the occasion of the 2018 municipal elections, and reaped the best score of this list, his personal score rising from

14.86% of the votes cast (635 votes) in 2012 to 16.24% (733 votes) at the last elections in 2018.

³⁰ This is the case of Patricia Poulet (Juprelle), with his list UP Juprelle, Jean-Jacques Mathy (Ramillies), with his list Remicourt en marche, and Thierry Missaire (Remicourt), with his list R-Renouveau. It should be noted that only Henri Huygen (Ans), and his list Parti du vivre ensemble, has a lower personal score than in the 2012 elections, which can probably be explained by the seriousness of the facts of which he is accused (homophobic remarks against another alderman of the majority).

³¹ As a reminder, the commune of Rouvrois was not taken into account.

³² These are the cases of former archbishops Stéphan Tripnaux (Profondeville) and Nathalie Borton (Houffalize).

officials who have been the subject of an individual no-confidence motion since the introduction of the mechanism in the CDLD, and highlights the increasing

tendency of elected officials to remain in public life after the filing of a motion - and, where applicable, its adoption - against them.

Table 2 – Evolution of the number of ousted politicians remaining in public life after a motion³³

Municipal legislatures	Number of cases identified	Number of dismissed remaining in politics
Avant 2006	4	1
2006-2012	4 ³⁴	2
2012-2018	9	8

So far, we can make two observations. On the one hand, since the introduction of the mechanism, elected representatives continue to be involved in municipal politics after a motion of no confidence has been voted against

them. On the other hand, elected representatives who stand for election to the municipal council following the voting of a motion to exclude them from the municipal council tend to have a higher personal electoral score, whether they have created their own list or not.

3. The consequences of filing a collective motion of no confidence

Having presented the trajectories of the members of the municipal college who were dismissed from their executive function in a personal capacity, we now turn to the political consequences of the voting of collective motions of no confidence since the municipal elections of 8 October 2006. The above-mentioned previous studies identified ten motions of no confidence targeting an entire municipal college during the 2006-2012 term (in Ans, Fléron, Florennes, Gerpinnes, Gesves, Huy, Limbourg, Malmedy, Rouvroy³⁵ and Sombrefe)³⁶, and thirteen collective motions of no confidence with regard to the last communal legislature (in Aubange, Awans, Estinnes, Jemeppe-sur-Sambre, Lens, Lierneux, Mettet, Mons, Montigny-le-Tilleul, Neupré, Thuin, and Verviers)³⁷.

Insofar as the mechanism of the collective no confidence motion is indeed used by elected municipal officials, a question emerges: is it possible to identify correlations between the voting of such motions and the reactions of voters? Let us be careful, however: a correlation is not a causal link.

To answer such a question, we compared the electoral results of the political groups involved in the voting of a no confidence motion, distinguishing three categories. First, we identified the 'remaining' political groups, i.e. those political groups that were already part of the communal majority before the vote on a motion and remained in the municipal college after its approval. Secondly, we refer to 'outgoing political groups' as those political groups that are

³³ We have chosen to present two tables to distinguish two phenomena. Table 1 presents the creation of new lists by excluded members of a municipal college. Table 2 presents the candidacies of excluded members of a municipal college on already existing lists.

³⁴ As a reminder, the commune of Rouvroy was not taken into account.

³⁵ As for the study of the consequences of filing a motion of

no confidence, the unstable situation in the municipality of Rouvroy during the 2006-2012 mandate led us not to take it into account in our analysis.

³⁶ G. MATAGNE, E. RADOUX, P. VERJANS, « La composition du collège communal après la réforme du Code wallon de la démocratie locale », *op. cit.*, p. 25.

³⁷ A. GUSTIN, « Les motions de méfiance constructive dans les communes wallonnes », *op. cit.*, p. 19.

ousted from a communal majority following the vote of a motion of collective no confidence. Finally, we call 'incoming political groups' those political groups that were in opposition until the vote of a collective no-confidence motion, and that then benefit from such a motion by joining a communal majority after its approval³⁸.

In addition to these three categories, we classify political groups into two groups: 'winners' and 'losers'. Winning political groups are those that receive a higher percentage of votes cast in the election following the vote of a collective no confidence motion. Losing political groups see their percentage of votes cast decrease in the municipal elections following such a vote.

It should be noted, however, that the data presented below should be interpreted with some caution. Indeed, it regularly happens that the composition of the local political landscape changes

significantly from one election to the next. It is not uncommon for a list to change its name, form a new alliance or even disappear. As our approach requires a certain continuity, we have sometimes had to compare the electoral results of lists that have changed their name between two elections, or even merged³⁹, provided that the political tendency of the list is identical to that of the previous elections. The political tendencies of the lists running in the communal elections were determined through an exhaustive press review⁴⁰.

With these methodological precautions in mind, we can move on to present our research on the impact of a collective no-confidence motion on the political groups involved⁴¹. We begin by presenting the results for the 2006-2012 and 2012-2018 terms in two separate tables, before commenting on the aggregate results for all collective no-confidence motions since the introduction of the scheme.

Table 3 – *The impact of a collective no-confidence motion on electoral outcomes 2006-2012*

The impact of a collective no-confidence motion	Number of losing political groups	Number of winning political groups	Total	Percentages of losing political groups	Percentages of winning political groups
Political groups remaining	6	4	10	60%	40%
Incoming political groups	7	2	9	77,78%	22,22%
Outgoing political groups	6	2	8	75%	25%
Total	19	8	27	70,37%	29,63%

³⁸ A fourth category that supports a motion of no confidence without entering a majority could be identified. However, this would require permission and a lengthy process of consulting the minutes of the communal councils. This is not the methodology chosen for this research.

³⁹ In the case where two lists have merged, the calculation of the evolution of the electoral score is carried out by calculating the difference between the electoral score

obtained by the list succeeding the merger and the sum of the electoral scores of the two lists that subsequently merged.

⁴⁰ We collected all the articles in the national and local press about the changes in the nomination of the lists and checked that the descriptions of the new lists corresponded to those of the old lists.

⁴¹ The data analysed are available in Annexes 2 and 3.

Let us first look at the period 2006-2012. Three observations can be made from Table 3. Firstly, the remaining and outgoing political groups - i.e. the political groups that made up the majority on the eve of the vote of collective no confidence - seem to have a tendency to lose slightly following the vote of such a motion, even if the differences are too small to be able to draw a definitive conclusion. Secondly, it

is at the level of the incoming political groups that the difference is most pronounced. In the elections of 14 October 2012, for example, the incoming political groups often had a lower electoral result than in the 2006 elections. Third, overall, as the last row of Table 3 indicates, there are more losing than winning political groups: a collective no confidence motion thus seems to negatively affect the electoral scores of the political groups involved in its vote.

Table 4 – The impact of a collective no confidence motion on election scores 2012-2018

The impact of a collective no-confidence motion	Number of losing political groups	Number of winning political groups	Total	Percentages of losing political groups	Percentages of winning political groups
Remaining political groups	12	2	14	85,71%	14,29%
Incoming political groups	7	5	12	58,33%	41,67%
Outgoing political groups	5	5	10	50%	50%
Total	24	12	36	66,67%	33,33%

Let us then turn to the period 2012-2018. Compared to the 2006-2012 municipal term, the most striking observation is that, during the elections of 14 October 2018, the remaining political groups were very

often sanctioned by the electorate (twelve times out of fourteen). As for the returning political groups and the overall results, the situation is more or less the same as in the previous municipal term.

Table 5 – The impact of a collective no-confidence motion on electoral scores 2006-2018

The impact of a collective no-confidence motion	Number of losing political groups	Number of winning political groups	Total	Percentages of losing political groups	Percentages of winning political groups
Political groups remaining	18	6	24	75%	25%
Incoming political groups	14	7	21	66,67%	33,33%
Outgoing political groups	11	7	18	61,11%	38,89%
Total	43	20	63	68,25%	31,75%

Finally, we propose an aggregate reading for the period 2006-2018. Three

observations can be made from the aggregated results presented in Table 5.

Firstly, it seems that outgoing political groups are the least affected by the vote of no confidence, since there are almost as many outgoing political groups that win (seven cases) as lose (eleven cases). Secondly, the difference is most pronounced at the level of the remaining political groups and the returning political groups - i.e. the political groups forming the new majority following the collective no-confidence motion - since in each of these cases there is a strong tendency for these groups to lose votes in the following elections. Third, at the aggregate level, parties involved in a collective no confidence motion often tend to lose votes in subsequent elections, a phenomenon that is likely to be strongly influenced by the performance of the remaining and incoming political groups.

While the political groups forming the new majority after the vote of collective

no confidence thus seem to have a tendency to lose votes in the elections following the use of the mechanism, this loss of votes may be negligible. Indeed, for the realisation of Figures 3, 4 and 5, we have accounted for all electoral fluctuations, thus taking into account all losses in percentage of votes received, even when they are insignificant. Therefore, in order to refine our results, it is now appropriate to calculate the distribution of electoral gains and losses as a percentage of votes received in the elections following a vote of no confidence. The results of our calculations are presented in Figure 1, which represents the distribution of electoral losses and gains across all categories of political groups (i.e. the remaining, incoming and outgoing political groups) and in Figure 2, which represents the same distribution according to these three categories of groups.

Figure 1 – Distribution of electoral gains and losses as a percentage of votes received in elections after a collective no-confidence vote

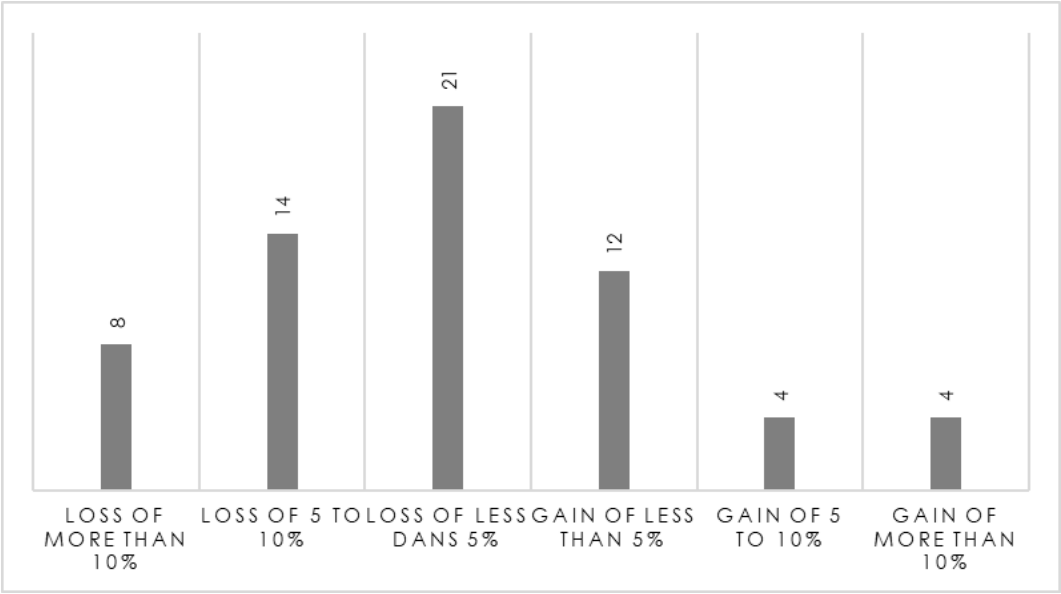


Figure 1 allows us to make three major observations. Firstly, in line with what was concluded in our previous analyses, it is clear from this representation that the political groups involved in a collective

no-confidence motion lose votes more often than they gain them. Secondly, in terms of electoral losses, a good number of political groups (21, or 33,33% of the cases) lose less than 5%. However, if we

add up the numbers of groups losing between 5% and 10% and more than 10%, 22 groups are also affected. Thirdly,

20 groups also gain votes, of which a majority only gain less than 5%.

Figure 2 – Distribution of electoral losses and gains as a percentage of votes received after a collective no-confidence vote by categories of political groups (2006-2018)

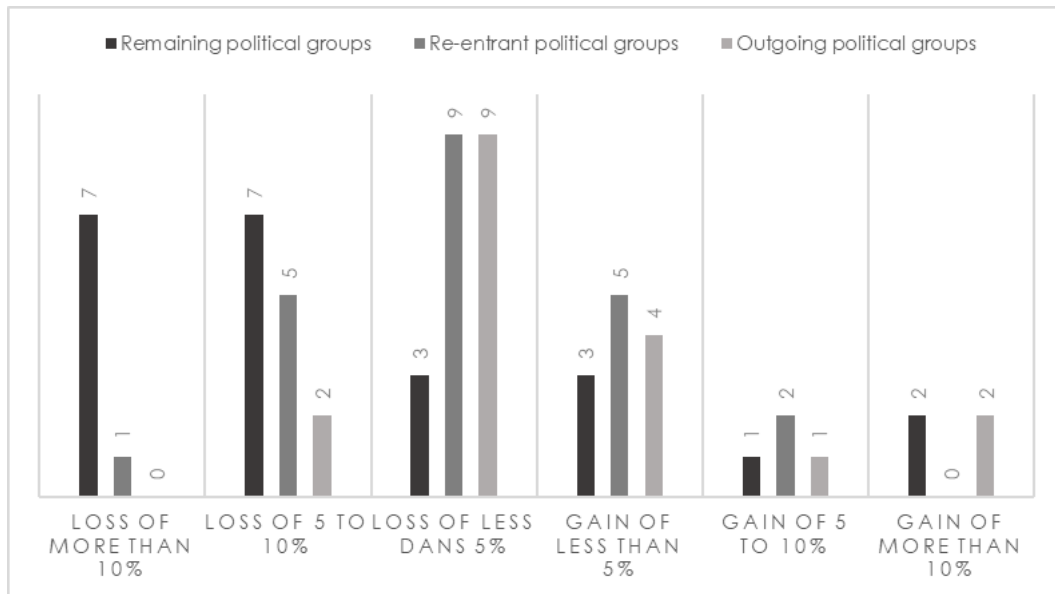


Figure 2 shows the distribution of electoral losses and gains by categories of political groups. It can be observed that the remaining political groups, i.e. those that were part of both the old and the new majority installed after the vote of a collective no confidence motion, are the most heavily sanctioned by the voters, since fourteen out of twenty-three cases (i.e. 60,87% of the cases) lose either between 5% and 10% of the votes, or more than 10% of the votes in the ballot following the vote of no confidence motion. On the other hand, the new partners (re-entrant political groups) of the majority, installed after the vote of no-confidence, suffer less electoral loss than the remaining political groups, since 9 out of 22 groups lose less than 5% of the

votes. Finally, as far as the outgoing political groups are concerned, 9 of them lose less than 5% of the votes in the ballot following the vote of no confidence, while 7 groups gain votes in the following ballot.

In order to understand whether these electoral losses translate into a loss of seats in the elections following the vote on a motion concerning the whole of a municipal college, we calculated the distribution of electoral losses and gains in terms of seats. Indeed, the system of converting votes into seats could strengthen or weaken the consequences of a falling electoral score. The results of our research are shown in Figures 3 and 4.

Figure 3 – Distribution of electoral losses and gains in terms of seats after a vote of no confidence in politics (2006-2018)

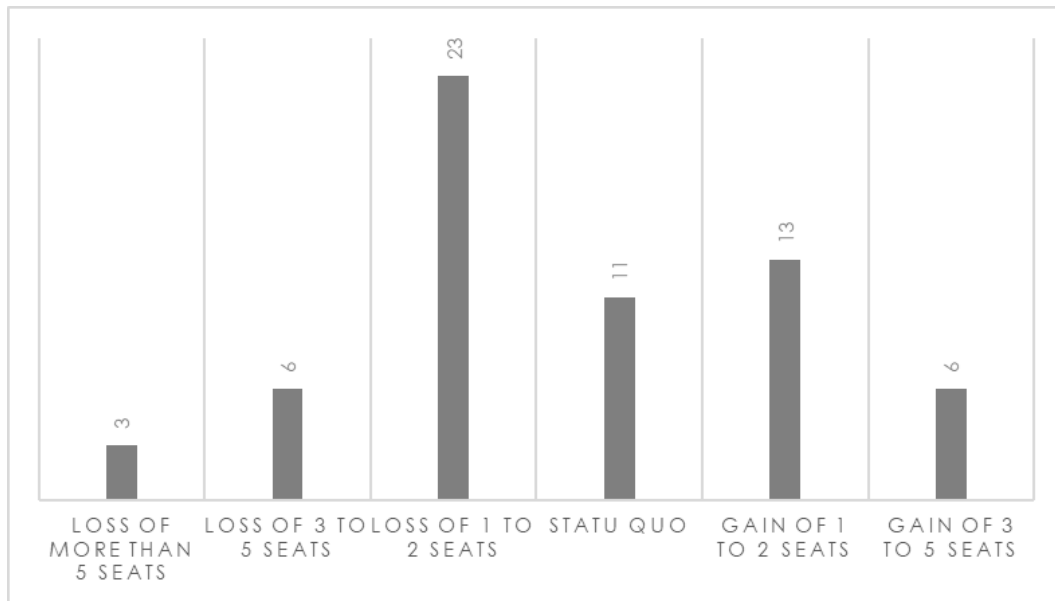
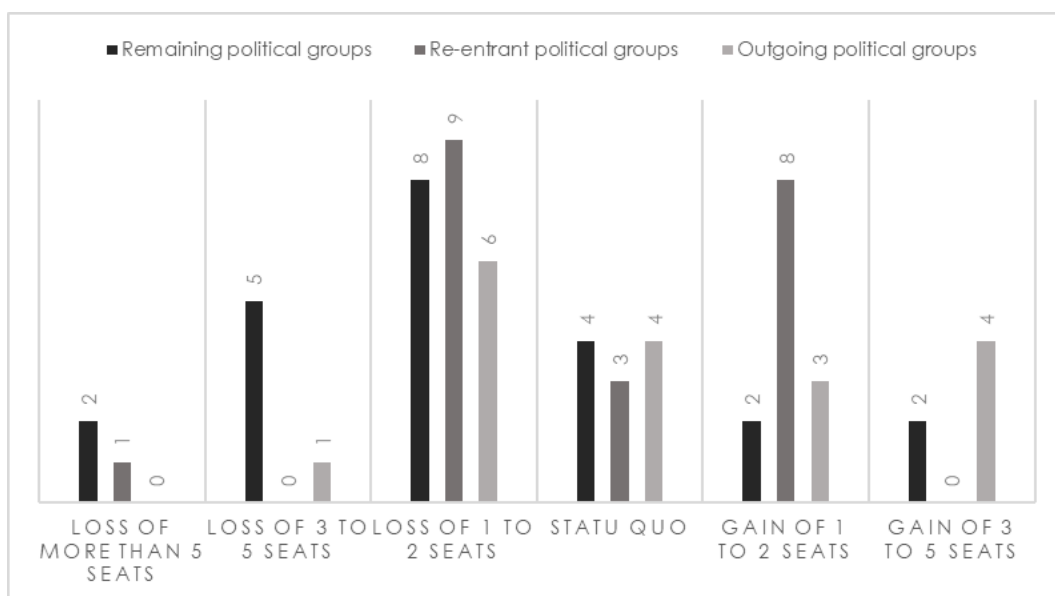


Figure 3 allows us to qualify the above findings. Indeed, we can see that the evolution of political groups in terms of seats corresponds to a loss of one or two seats (this is the case in twenty-three of the sixty-three cases counted, i.e. 36.51%). Furthermore, if we add to this number the number of cases where the number of seats of a political group

remains unchanged after the elections following the vote of a collective no confidence motion (status quo, on the graph) the proportion reaches 53,97% (i.e. thirty-four cases out of sixty-three). Therefore, it would seem that the electoral losses incurred by political groups have little impact in terms of seats.

Figure 4 – Distribution of electoral losses and gains in terms of seats after the vote of a collective no-confidence motion by categories of political groups (2006-2018)



Again, Figure 4 shows us that regardless of the type of political group considered, most of the time, the political groups involved in the vote of no confidence are slightly down by one or two seats in the following elections. Apart from this observation, the relatively large number of cases in which the returning political groups gain one or two seats is quite surprising, and can be explained by the electoral system in use. Indeed, the Imperiali system ensures a "more

advantageous representation to the list that has achieved the best result"⁴², political groups that lose votes can still win an extra seat⁴³.

These multiple analyses have a major limitation. At most, we can establish certain correlations that are not at this stage causal links. A survey of opinions or a qualitative study could make it possible to establish this causal link.

4. Conclusion : findings to be discussed

Analysis of the electoral consequences of the tabling or voting of an individual or collective motion of no confidence in the Walloon Communal Colleges⁴⁴, presented in this article, has allowed us to draw some conclusions about the possible consequences of the use of the mechanism since its introduction in the CDLD.

Firstly, by studying the post-motion of no confidence of individual members of a municipal council who have been the subject of a motion of no-confidence, we have been able to observe that, over time and over the course of the municipal mandates, local elected representatives have increasingly continued to get involved in municipal politics following a motion of no-confidence aimed at putting them on the sidelines. In the last term of office in particular, ousted members of a municipal executive sometimes presented their own lists for the municipal elections on 14 October 2018. Moreover, prolonging one's involvement in communal politics is often beneficial for those who have been ousted, since, as

we have seen, they tend to score higher personally in the following elections. The mechanism of the individual no-confidence motion, which was introduced to put an end to tensions - and sometimes rivalries - within a communal majority, does not therefore seem to sound the death knell for the communal political career of excluded elected representatives. A qualitative study should be conducted to further explore the motivations of elected representatives on this point.

In a second step, we also had the opportunity to observe the electoral implications of voting a motion of no confidence targeting the whole community college. Thus, although the conclusions that can be drawn from such research do not allow us to establish a definite correlation, the political groups most affected by the vote of a collective no confidence motion are those that prepared it, whether they were members of the previous communal majority - i.e. the political groups that we have qualified as 'remainers' - or not - i.e. the 'incoming' political groups. We have also observed that although the losses of

⁴² N. LAGASSE, « Les règles particulières aux élections communales et les spécificités locales », in Centre de droit public, *Les élections dans tous leurs états. Bilan, enjeux et perspectives du droit électoral*, Bruxelles, Bruylant, 2001, p. 299.

⁴³ This was the case, for example, of Entente communale (of MR tendency) in 2012 in Malmedy, which, despite a loss of

1.70%, won an additional seat compared to the 2006 elections, or of the Mouvement démocratique communal list (of MR-CDH-independent tendency) in Lens in 2018, which, despite a loss of 1.22% in the last elections, will likewise win an additional seat compared to 2012.

⁴⁴ It should be remembered that tabling does not necessarily mean approval of a motion of no confidence.

votes received actually correspond to relatively small losses of seats, the political groups that have the most problems in the elections following a collective no confidence motion are the remaining political groups, since they tend to experience decreases of more than 5% in the following elections.

While these conclusions partly confirm the presumption that the mechanism of the no confidence motion would not be abused by local elected officials because of the fear of a retrospective judgment by voters to their disadvantage, the explanatory power of these quantitative analyses should not be overestimated. Indeed, to argue that the mere tabling or voting of a motion of constructive mistrust at the local level could explain the outcome of the elections in the municipalities involved would be an undeniable mistake. For example, considering the drop in the electoral score of the PS in Mons (categorised in our analysis as a 'remaining' group) as having been induced by the vote of a collective motion of no confidence against the MR, while ignoring the global dynamics taking shape in the whole of Wallonia, would be nonsense. It would indeed be necessary to integrate the new political dynamics in Mons (such as the role of the liberal Georges-Louis Bouchez, for example).

Nor should the local context be ignored. For example, let us consider the Malmedy case. Following the 2012 elections, the political group 'Forces Vives', which was behind the vote of the motion of constructive no confidence in 2008, has completely disappeared from the political scene. The disappearance of a rival list or an emblematic figure in municipal politics in a municipality, or on the contrary, the appearance of new rivals in the elections or the reconfiguration of the local political landscape are all determining

parameters to be taken into account if one wants to analyse or even explain an electoral evolution. It is therefore important not to over-interpret the data found in this study, and to take this analysis for what it is: a study that makes it possible to distinguish some general trends while identifying the issues linked to the use of the no-confidence motions mechanism, without wishing to draw any definitive conclusions.

Moreover, such an analysis would probably be strengthened by a study of the negotiation of communal political majorities. Indeed, it would not be surprising if the vote of a collective (or to some extent individual) no confidence motion had a considerable influence on subsequent communal political negotiations. In this sense, it would be useful to contribute to a better understanding of this relatively new mechanism at the local level by conducting a qualitative analysis of the communal negotiations that were preceded by the vote of no confidence, and by interviewing the political actors involved. Similarly, it would be interesting to conduct analyses of the extent to which the tabling or voting of a no confidence motion is a factor in explaining electoral behaviour, or studies of the media treatment of such motions.

5. Appendices

Appendice 1 - The evolution of personal electoral scores of ousted municipal college members (2012-2018)

Communes	Dismissed	Scores 2012 (in percent)	(in votes cast)	Scores 2012	Scores 2018 (in percent)	(in votes cast)	Scores 2018	Differences between 2018 and 2012 scores (in percent)	Differences in scores (votes cast)
Juprelle	Patricia Poulet	11,84	719	13,9	886	2,06	167		
Saint-Hubert	Francis Dupont	18,92	761	7,64	302	-11,28	-459		
Manage	Maurice Hismans	4,43	610	/	/	/	/		
Dinant	Thierry Bodlet	12,82	1158	14,25	1304	1,43	146		
Ramillies	Jean-Jacques Mathy	14,86	635	16,24	733	1,38	98		
Remicourt	Thierry Missaire	16,23	660	29,95	1050	13,72	390		
Profondeville	Stéphan Tripnaux	7,17	574	10,8	918	3,63	344		
Houffalize	Nathalie Borton	10,85	386	17,17	634	6,32	248		
Ans	Henri Huygen	4,45	788	0,92	163	-3,53	-625		

Appendice 2 – The evolution of the electoral results of the political groups involved in voting a collective no-confidence motion (2006-2012)

Communes	Group types	Names of GPs in 2006	Trends in 2006	Scores in 2006	Seats in 2006	Names of GPs in 2012	Trends in 2012	Scores in 2012	Seats in 2012	Differences in scores	Seat differences
Malmedy	Remaining GP	Forces vives	/	19,54%	4			4,36%	0	-15,18%	-4
	GP reentrant	Entente communale	MR	43,32%	10			41,62%	11	-1,70%	1
	GP sortants	Alternatives	CDH/Ecolo	26,24%	6			44,28%	11	18,04%	5
		PS	/	9,21%	1	PS+	/	7,75%	1	-1,46%	0
Sombreffe	Remaining GP	IC-Ldb	CDH	41,41%	9	IC-Ldb	CDH	40,15%	8	-1,26%	-1
	GP reentrant	PS	/	27,55%	6	PS	/	21,17%	4	-6,38%	-2
	GP sortant	Ecolo	/	11,70%	2	Ecolo	/	13,14%	2	1,44%	0
Huy	Remaining GP	PS	/	46,63%	13	PS	/	32,32%	10	-14,31%	-3
	GP reentrant	Ensemble	Ecolo-CDH-indépendants	38,16%	11	DISPARITION		/	/	/	/
	GP sortant	MR	/	15,21%	3	MR	/	13,03%	3	-2,18%	0
Gesves	Remaining GP	GEM	MR	32,81%	7	GEM	MR	45,32%	9	12,51%	2
	GP reentrant	LDB	PS	25,27%	5	RPG	PS	22,88%	4	-2,39%	-1
	GP sortant	ICG	CDH	23,33%	4	ICG	CDH	15,80%	2	-7,53%	-2
Florennes	Remaining GP	Ecolo	/	10,88%	1	Ecolo	/	9,06%	1	-1,82%	0
	GP reentrants	U11C	MR	34,82%	8	U11C	MR	33,85%	8	-0,97%	0
		ED	PS	17,51%	3	PS	/	13,83%	3	-3,68%	0

	GP sortant	Contact 21	CDH	36,78%	9	Contact 21	CDH	33,53%	8	-3,25%	-1
Limbourg	Remaining GP	PS	/	46,94%	9	PS	/	40,86%	7	-6,08%	-2
	GP reentrant	MR-IC	MR	12,56%	1	MR-Limbourg	MR	15,02%	2	2,46%	1
	GP sortant	/	/	/	/	/	/	/	/	/	/
Gerpinnes	Remaining GP	CDH	/	39,20%	10	CDH	/	44,95%	12	5,75%	2
	GP reentrant	Plus	PS	34,21%	8	PS	/	26,95%	6	-7,26%	-2
	GP sortant	MR	/	19,69%	4	MR	/	17,16%	4	-2,53%	0
Fléron	Remaining GP	Ecolo	/	10,14%	2	Ecolo	/	12,05%	2	1,91%	0
	GP reentrant	IC	MR-CDH-Indépendant	40,40%	11	IC	MR-CDH-indépendant	43,62%	12	3,22%	1
	GP sortant	PS	/	43,68%	12	PS	/	40,17%	11	-3,51%	-1
Ans	Remaining GPs	PS	/	52,76%	19	PS	/	43,04%	14	-9,72%	-5
		MR	/	18,46%	4	MR	/	22,82%	7	4,36%	3
	GP reentrants	CDH	CDH	8,94%	2	CDH-RCA	CDH-indépendant	13,79%	3	-4,20%	-1
		RCA	Indépendant	9,05%	2						
	GP sortant	/	/	/	/	/	/	/	/	/	/

Appendice 3 – The evolution of the electoral results of the political groups involved in the vote of a collective no-confidence motion (2012-2018)

Communes	Group types	Names of GPs in 2006	Trends in 2012	Scores in 2012	Seats in 2012	Names of GPs in 2018	Trends in 2018	Scores in 2018	Seats in 2018	Differences in scores	Seat differences
Awans	Remaining GP	PS	/	42,65%	9	PS	/	37,07%	9	-5,58%	0
	Incoming GP	MR	/	31,96%	7	Liste du bourgmestre	MR	34,75%	9	2,79%	2
	GP sortant	Entente communale	CDH	14,69%	2	Vers Demain	CDH-ECOLO	16,33%	3	1,64%	1
Lierneux	Remaining GP	Ensemble	PS	27,32%	3	Ensemble	PS	8,78%	0	-18,54%	-3
	Incoming GP	Avec vous	Indépendant	29,45%	4	Liste du Mayor @vec vous	Indépendant	37,77%	6	8,32%	2
	Outgoing GP	Ré-agissons	CDH-indépendant	43,24%	6	Lierneux en mieux	CDH-indépendant	45,67%	7	2,43%	1
Estinnes	Remaining GP	EMC	CDH	50,63%	10	EMC	CDH	46,38%	10	-4,25%	0
	Incoming GP	MR	/	22,66%	4	MR	/	16,70%	2	-5,96%	-2
	Outgoing GP	/	/	/	/	/	/	/	/	/	/
Lessines	Remaining GPs	PS	/	33,00%	9	PS MC	PS	26,23%	8	-6,77%	-1
		Ensemble	MR	22,18%	6	MR	/	18,96%	5	-3,22%	-1

	Incoming GP	Oser-CDH	CDH	22,06%	6	Oser-CDH	CDH	15,46%	4	-6,60%	-2
	Outgoing GP	/	/	/	/	/	/	/	/	/	/
Lens	Remaining GP	Lens et vous	Indépendant	29,74%	5	Lens et vous	Indépendant	20,54%	3	-9,20%	-2
	Incoming GP	PS	/	20,62%	3	PS	/	16,55%	2	-4,07%	-1
	Outgoing GP	MDC	MR-CDH-indépendant	42,62%	7	MDC	MR-CDH-indépendant	41,40%	8	-1,22%	1
Montigny-le-Tilleul	Remaining GP	MR	/	52,50%	13	MR	/	47,35%	12	-5,15%	-1
	Incoming GP	PS	/	17,26%	3	PS	/	14,94%	3	-2,32%	0
	Outgoing GP	/	/	/	/	/	/	/	/	/	/
Verviers	Remaining GP	CDH	/	27,37%	11	CDH	/	13,71%	5	-13,66%	-6
	Incoming GP	PS	/	28,84%	12	PS	/	29,38%	13	0,54%	1
	Outgoing GP	MR	/	23,77%	10	MR	/	14,95%	6	-8,82%	-4
Aubange	Remaining GP	Avec vous	PS	43,31%	12	Intérêt général	PS	29,67%	7	-13,64%	-5
	Incoming GP	CDH	/	34,18%	9	CDH.com	CDH	37,49%	10	3,31%	1
	Outgoing GP	MR	/	13,60%	3	Tous pour Aubange	indépendant-MR	32,84%	8	19,24%	5
Jemeppe-sur-Sambre	Remaining GP	SEL	Indépendant			DISPARITION					
	Incoming GP	Liste du mayeur	PS	41,01%	12	Liste du mayeur	PS	15,20%	3	-25,81%	-9
	Outgoing GPs	MR	/	24,15%	6	Jemeppe ensemble maintenant	MR-CDH-Ecolo	54,50%	16	7,69%	5
		CDH	/	12,58%	3						
		Ecolo	/	10,08%	2						
Mons	Remaining GP	PS	/	55,16%	29	PS	/	44,25%	23	-10,91%	-6
	Incoming GP	CDH	/	8,72%	3	Agora-CDH	CDH	6,31%	2	-2,41%	-1
	Outgoing GP	MR	/	17,90%	8	Mons en mieux !	MR	21,49%	11	3,59%	3
Mettet	Remaining GP	ICAP	CDH	29,70%	8	ICAP	CDH	42,08%	11	12,38%	3
	Incoming GP	ROPS	PS	28,42%	7	ROPS	PS	20,94%	5	-7,48%	-2
	Outgoing GP	RC-MR	MR	22,36%	5	MR	/	18,18%	4	-4,18%	-1
Thuin	Remaining GPs	PS	/	47,43%	13	PS	/	41,88%	12	-5,55%	-1
		IC	CDH	14,85%	3	IC	CDH	19,08%	4	4,23%	1

	Incoming GP	/	/	/	/	/	/	/	/	/	/
	Outgoing GP	MR	/	24,59%	6	MR	/	21,27%	5	-3,32%	-1
Neupré	Remaining GP	PS	/	29,82%	6	PS	/	19,79%	4	-10,03%	-2
	Incoming GP	MR	/	34,35%	8	MR		43,44%	10	9,09%	2
	Outgoing GP	IC-CDH	CDH	22,52%	5	Newpré	CDH	18,52%	4	-4,00%	-1