

## **BASIC CONSTRUCTION ERRORS IN THE BELGIAN FEDERATION**

*Belgium is a federation whose institutions are stalled. However, federalism is not a very complex organisation model. Each federation needs a specific and consistent application of that model.*

The framework of this analysis is to identify institutional assaults on the federalism concept. The core of federalism is that the federation (the union) and the federated units (e.g. states, regions or provinces) operate apart from one another. Equally fundamental is that the functioning of the federal institutions reflects the integration of its units.

In most federations, the federal parliament consists of two chambers. Each chamber is elected according to different rules, respectively based on the equality in sovereignty of the federated units, having all the same autonomous powers, and on their differences, e.g. the population number. Any federal chamber functions as a whole, for its members are representing the federation, the union. There is no distinction between them and their role, based on the diversity of the federated units.

In Belgium however, **the federal parliament** is composed of two chambers which make a distinction between their members: both are divided in language groups. The chambers adopt certain regulations explicitly with a two-thirds majority in plenary session and with a simple majority in each linguistic group. Moreover, procedures are available to the language groups, by which even a simple majority in the chamber can be suspended or blocked: a language group can use conflict procedures and can ultimately trigger a parliamentary deadlock, the so called 'alarm bell'. These double majorities and blocking minorities are a denial of the federal level of ruling: the federal parliament represents, by definition, the federal whole. The union relies on shared values and interests and not on the diversity in it. This assault on federalism leads to federal malfunction and even to a stalemate of the federal authorities in Belgium.

**The federal government** of Belgium is equally composed of Dutch speaking and French speaking ministers, the prime minister excepted. No other federation prescribes diversity of any kind in its government, let alone a parity based on linguistic or other diversity. The ministerial parity shows clearly the bi-communal nature of this federal government. In the nature of things, it should instead represent the Belgian whole, regardless of the linguistic, cultural or other diversity in the federation. Each composition and method that takes a diversity in the federation as a criterion, affects the nature of the federal government. In other words, the linguistic parity of federal ministers disregards the federal level of government. The result of this lack of federalism are contradictory actions and deadlocks.

Since the founding of the autonomous parliaments and governments of the federated units (communities and regions) in the 1980s, Belgium became a twofolded federation: the country shows distinctions in its federal institutions, based on the cultural diversity of the federated units, but it shows also the distinction between the federal institutions and those of the federated communities and regions. In political science, the former institutional division is often called an intrastate organisation of the federation, the latter an interstate one. This double organisation is a trap: since the second division, the Belgian institutions work in a difficult way, if not, they are stalled. One can speak of an overdose of federalism.

**The constitutionally bilingual Region of Brussels** (19 municipalities) became a cosmopolitan urban area through European integration and globalisation. However, the institutional organisation is based on the two indigenous cultural communities, the Flemish (Dutch speaking) Community and the French speaking one. This gap between society and institutions creates social problems, for example in the monolingual schools. The result is emigration, mainly to the Flemish towns around the Brussels Region. Moreover, it is a political multi level center: Brussels has to fulfil the role of capital for the Flemish Community, Belgium and the European Union. Without being internally organised and equipped for these roles. The external assistance is only occasionally. With the result that for the capital functions a stable policy is not possible.

The double nature of the Brussels Region, its specific diversity and its triple role as a capital, is not reflected in its regional status. Yet, it is a federated unit, i.e. an integral entity of the federation. For the reasons mentioned above, the Brussels Region can never be an equal partner, participating on the state level as another region or community. Therefore, capitals of federations and seats of international organisations have a special status.

Another default regarding the federalism concept, is the lack of **financial autonomy** of the federated entities. The lion's share, 70-80 %, of their funds are federal grants and rebates. The communities and regions are hardly financially independent and responsible. This is in flagrant opposition to the status of all municipalities, which are for 50% financially autonomous. Belgium is a federation of spending, a case of 'consumption federalism'.

The autonomy of the federated units can only work at its best, if it applies not only for their expenditure, but also for their income. Their practical autonomy is essential within a federal system, in addition to the cooperation among them and with the federal level. Moreover, without financial autonomy, intra-federal competition will disappear, one of the advantages of federalism. The federal repartition system in Belgium is even negative for each unit: the system does not reward an efficient region or community and a wasteful unit will not be penalised.

These structural defects hamper the working of the Belgian federation – besides factors which are not typical of federations, such as the complex repartition of the powers and, in a non institutional way, the lack of federal political parties. The construction errors on federalism should be lifted, if one would give the appropriate system for Belgium a fair chance. Whether this will succeed, will depend mainly on political courage and confidence, both within and between the two major communities.