

Milestones in the Belgian Political history and the foundation of the Belgian state structure.

The RoSa-factsheets aim to familiarise you with the scope of equal opportunities in Flanders. Each factsheet probes the situation in a specific area. Broad themes as well as specific ones are put into the spotlight, depending on the relevance and/or availability of information and numerical data. We do not intend to offer exhaustive information, our primary aim is to sketch the position of women in Flanders in a surveyable and accessible way. Since its founding in 1978, RoSa is the place in Flanders to look for information and documentation about equal opportunities, emancipation policy and women's studies.

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Introduction

The independence of Belgium was declared in 1830, one year after the Dutch nobleman Leopold von Saxe-Coburg took the oath as first king of the new kingdom, Belgium.

In 1993 the fourth phase of the reform of the Belgian state was completed. With this fourth phase the evolution of Belgium from a state with centralised rule and a relatively simple structure to a federal state with autonomous powers for the three federal states has drawn to a (temporary) close.

Between these two milestones lies a long history, and to fully understand the nature and peculiarities of the current Belgian state structure, it is necessary to have a basic knowledge of the Belgian history. Two historical components have played a crucial role in the build-up to the state reform: the history of the Belgian language policy and the socio-economic history of Belgium.

The Kingdom Belgium: A short historical outline

Belgium was founded in 1830 through the separation with the Netherlands. The previous 15 years it had been part of the Kingdom of the Netherlands. The new-born state had four million inhabitants and was clearly separated in a Northern and Southern part. Belgium was (and still is) situated on the language frontier of the Germanic and Latin language families. Dutch, which is part of the Germanic language family, is spoken in the Northern part of Belgium, Flanders. In the Southern part, the Walloon provinces, people speak French. At the time of the foundation of Belgium, there were approximately 2.200.000 Flemish inhabitants and about 1.700.000 Walloon inhabitants. Despite the clear surplus of Flemish people, French was accepted as the only official language. Not because the Walloon inhabitants represented the new authority, but rather because the economical, political and financial elite, including the Flemish elite, spoke only French. For centuries French was considered as a prestige language, while Dutch was exclusively used as the language for the common (Flemish) people.

Economically Belgium went off to a very good start. Following England, Belgium was the first European region on the continent where the industrial capitalism flourished. By the mid 19th century, Belgium was one of the world leaders in several industries, such as the glass industry and the weapon and textile industry. This prosperity, however did not benefit all Belgians. Belgium was known for its low wages, long working hours and poor working conditions, each of them necessary requirements for the quick accumulation of capital. The distribution of wealth was unequal on other levels too: while Flanders remained primarily a poor and agrarian region, the Walloon steel and coal industry flourished. Just as anywhere else in Europe this inequality eventually led to severe pressure on the government, which resulted in the gradual reforming of the electoral system: in 1921 the universal suffrage for men was introduced.

These were times of social agitation. Those who fought against the subordinate position of Dutch and of the Flemish people in Belgium, the so-called 'Flemish movement', also managed to win a few important battles. They failed, though, to attain their primary goal: to enforce bilingualism (Dutch/French) on all Belgium. As a consequence the situation became more grim, and the Flemish began to fight for higher stakes. They demanded that the whole Flemish region be turned Dutch, a process that was eventually finalised in 1968, with the exception of the Belgian capital, Brussels.

Those who thought this would once and for all end the differences between the Flemish and the Walloon were very much mistaken. After world war two more and more people, on either side of the language frontier, became convinced that the differences between the Northern and Southern part of the country were irreconcilable and that it would be better for all parties to gain more independent powers and to diminish the powers of central rule. The differences between the Flemish and the Walloon were not merely a matter of language and culture, although those were the pillars of the Flemish demand for more autonomy. It soon became clear however that much more was at stake. While the Walloon region was economically dominant in the first 100 years of Belgium's independence, history took another turn and by the mid sixties of the previous century, the situation was very much reversed. Flanders was economically booming and the Walloon region stayed behind. Because of this the demand for autonomy became an issue for the Walloon region as well. They wanted to try out their own recipes to improve the failing economy. This was further strengthened by the Belgian demographic evolution which tipped to scale permanently to the advantage of Flanders. In addition, the differences between Flanders and the Walloon provinces on the political level became more and more apparent. The socialist party was traditionally the strongest party of the Walloon area, whereas in Flanders the catholic centre party, CVP, was the most influential.

All these factors together have led to the mutual agreement, between both sides of the language frontier, to reform Belgium from a unitarian to a federal state. The first state reform took place in 1970, the fourth, and for the time being last one, in 1993. For the time being, because all parties involved agree that the process of the Belgian state reform has not yet reached its conclusive end.

Belgium, from a unitarian to a federal state (1970-1993)

1970

The first state reform took place in 1970. But even before that time several language laws were voted which divided the country in language areas and settled the governmental language. Belgium was divided into four language areas, a Dutch area (Flanders), a French area (the Walloon provinces), a German area (9 localities in the eastern part of the Walloon

area) and a bilingual (Dutch/French) area, Brussels-Capital. The division in the several language areas was a delicate operation which caused a lot of tension, especially for the localities around the language frontier. Legendary in that respect are the troubles around the little village Voeren, which was ascribed to the Flemish province Limburg, despite fierce protest from the French of the Walloon province Liege and the French inhabitants of the village Voeren itself. To evade further conflict, special language facilities were organised for the villages around the language frontier which allowed the inhabitants of one language area to settle their administrative business in the other state language. This technique was frequently used for several suburbs of the capital, Brussels, amongst others.

At the start of the negotiations for the actual reform of 1970, the Walloon as well as the Flemish were fully prepared and had their list of demands at hand. The Flemish were especially concerned about the cultural autonomy, whereas the Walloon demanded more economical autonomy and wanted the guarantee that their demographic minority would not lead to a marginal political position.

Taking the wishes of all parties involved into account, the negotiations lead to a redistribution of the decision-making power. To begin with, Belgium was divided into three cultural Communities, a concept which refers to the persons which make them up and to the bound which unites them, in this case language and culture. Thus Belgium got three Communities based on language: the Flemish Community, the French Community and the German-speaking Community. These correspond to population groups. The Communities got their own parliament and were in charge of everything related to language and culture. Education, however, was only partly transferred to the Communities.

The redistribution of 1970 followed another line as well. Economical concerns gave rise to the founding of three Regions: the Flemish region, the Brussels Capital Region and the Walloon Region. To some extent Belgian regions are similar to the American States. At that time there were still some disagreements about the precise demarcation and the powers of the regions, but it was clear that the founding of the Belgian Regions was the starting point of the economical decentralisation, an issue very important for the French-speaking inhabitants of Belgium.

Finally, some constitutional guarantees were constructed to secure the position of the French-speaking minority in Belgium. To this end, the parliament was divided into language groups and from then on a special majority was needed to vote laws which touched the constitutional rights of the Belgians, that is a majority in both of the language groups. Furthermore, the constitution stated that as many Walloon as Flemish ministers should be part of the Belgian government, the prime minister excluded.

1980

For the second reform of state in 1980, the powers of the Communities and Regions were substantially extended. The cultural Communities of 1970 simply became 'Communities', which means that their powers could be extended from simply culture to the so-called personal affairs, such as health care and welfare. The regions, on the other hand, got a more concrete description of their powers, they became responsible for matters tied to their particular area, such as environment, town and country planning, regional economical development and employment.

Communities and Regions got their own parliaments and own governments which, for the time being, were compound on the basis of the language groups of the Belgian institutions, but who could exercise their powers with the same binding force as the national government. In Flanders, it was decided to fuse Community and Region, so that one parliament and government could exercise the powers of both community and region.

To summarise, in 1980, Belgium had one national (federal) government and parliament, one Flemish council and one Flemish government, a French Community council, a German

Community council, a French Region council, a Walloon Community government, a German Community government and a Walloon Region government.

In order to allow all these levels to blend into one another and to evade conflicts of power between the national state Belgium and her federal states, the court of Arbitration was founded. Such an institution was necessary because no hierarchy existed between the laws voted on a national level and the laws voted on a regional level (decrees).

Although the state reform of 1980 was quite thorough, one could not, at that moment, speak of a federal state. A few necessary conditions were not yet achieved, such as the direct election of the federal state parliaments and a fully fledged financing of the regions. Besides these objections there were some tricky problems to be solved, such as the position of the bilingual area, Brussels-Capital, which at the time of the second reform was neither provided with its own institutions nor powers.

1988

In 1988 the powers of the Communities and Regions were, once again, substantially extended. The most important change was no doubt the transfer of education, but also areas as environment, economy, scientific research and public works were further federalised.

Furthermore, an agreement on Brussels was achieved. Brussels became a fully fledged region with its own parliament and government, with the guaranteed representation of the Dutch-speaking minority.

Finally, the financing of the regions and communities was settled. Before they depended on donations of the national government, whereas now they could count on a fixed part of the national taxes which was compound through several distributive codes.

1993

The reform of 1993 is responsible for the current outlook of the Belgian state. Again there was a further transfer of powers. In addition, the so-called homogenous power-packets were constructed. In short, the edges and incongruities of the previous reforms were smoothed down as much as possible.

Furthermore, the direct election of the several federal states was made possible and the province of Brabant was divided into a Flemish and Walloon province, Flemish- and French-Brabant. Of considerable importance was the assignation of a constitutive autonomy to the federal states, which made it possible to settle independently the organisation and structure of their institutions within the boundaries of the constitution.

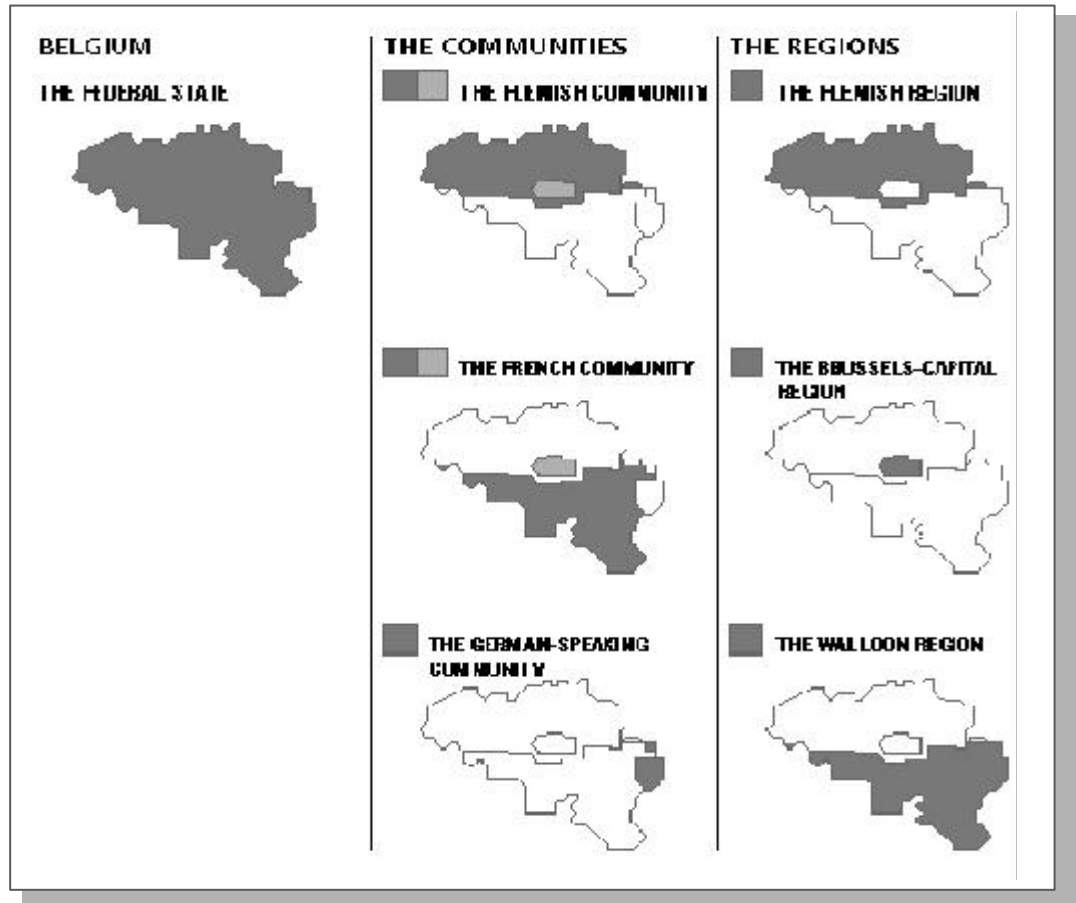
Belgium after four state reforms

Today, Belgium is a federal state where the decision-making power is no longer exclusively in the hands of the federal state. The management of the country falls to several partners, which exercise their competences independently in different fields. There is no hierarchy between the federal state and the communities and regions.

There are, however, even more levels of decision-making in Belgium. One is a supranational level, namely the European Union, and there are two subordinate levels, namely the provincial and municipal level. This means that a Belgian civilian has to answer to the laws, obligations and rights of in total six different levels of decision-making. The way the powers of each of these levels is exercised is not altogether different from the way it is done in other European parliamentary democracies: on each level there is an executive and a controlling, legislative organ. (See *table*)

LEVEL OF DECISIONMAKING	TERRITORY	COMPETENCES	LEGISLATIVE ORGAN	EXECUTIVE ORGAN
Europe	15 member states	Common market	Board of ministers European Parliament	Commission + Board of ministers
Federal	Belgium	Institutional, economical,	Federal Parliament	Federal government
Communities	Flemish, French	Culture Language	Flemish Parliament French Community council	Flemish government French Community government
	German	Personal matters	German Community council	German Community government
Regions	Flemish region Walloon region	Regional matters	Flemish Parliament Walloon Parliament	Flemish Government Walloon regional government
	Brussels-Capital region		Council of Brussels Capital	Government of region Brussels-Capital
Provincial	10 provinces	Provincial concerns	Provincial council	Abiding deputation
Municipal	589 communes	Municipal concerns	Municipal council	Board of mayor and aldermen

For clarity's sake we will give a rough sketch of the several competences on each level.



A. Supranational

In Belgium's case, the competences on the supranational level are exercised by the European Union. The powers which the memberstates (including Belgium) have put into the hands of the European Union, are all connected with the realisation of the European economical and monetarian union. These powers were ascribed to the European Union at first through the Treaty of Rome and further developed through the treaties of Maastricht and Amsterdam. Amongst the European competences are: agriculture and fishery, supervision of the straightforward and free competition between businesses, free transport of goods and persons,...

B. National and Regional

As mentioned before, there is no hierarchy between the national level (the federal state) and the regional levels (communities and regions). Both of the levels have equal status and they exercise their powers independently in different fields.

The competences of the federal state are amongst others: the constitution (the federal states do not (yet) have their own constitution), defence, social security, labour, pensions, justice, foreign affairs concerning federal matters, development cooperation, finance,...and the so-called residue powers, the powers which were not explicitly ascribed to the communities and regions.

The competences on the regional level are divided between the communities and the regions. The communities' competences are amongst others education, culture and welfare; the regions are responsible for (amongst others) transport, town and country planning, environment en employment.

C. Provincial and Municipal level

Flanders as well as the Walloon provinces are further divided into provinces. Both consist of five provinces. The provinces of Flanders are: West-Flanders, East-Flanders, Antwerp, Limburg and Flemish-Brabant. The Walloon provinces include Hainault, Walloon-Brabant, Namur, Liège and Luxemburg. The nine communes of the German-speaking community are located in the province of Liège. The five Flemish provinces together form the Flemish region, the five Walloon provinces the Walloon region. Brussels has a special status, it forms a region in itself and does not belong to a province at all. The competences of the provinces are limited. Amongst them are their local education and road system and the development and pursuit of contingency plans.

Finally, the smallest policy-unit in Belgium is the commune. Belgium counts 589 communes. The most populated cities are, besides Brussels, Antwerp and Ghent in Flanders and Liège and Charlerloi in the Walloon provinces. A few of the municipal competences: culture, sports, municipal police, road system...

D. Conclusion

The distribution of the competences as it is now, will not last. As mentioned before the process of reform has not yet reached its end. It is very likely that the federal state Belgium will further transfer her competences in two directions. On the one hand it is reasonable to suppose that the progressive European integration will lead to further transfer of some of the federal competences. At the same time, other federal competences will be further decentralised and thus transferred to Flanders and the Walloon provinces.

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