

Chapter 6.

The Presidency on the Ground: Subnational Involvement and Federal (Dis)Loyalty

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Introduction

Traditionally, a Council presidency offers a Member State the possibility to show itself to the rest of the EU as well as to emphasise the European dimension of the government *vis-à-vis* its domestic audience (see Chapters 2 and 4). The Lisbon Treaty, however, no longer makes it possible for a Council presidency to play a visible role at the European stage. It is now the semi-permanent President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy (HR) who receive most of the media attention. This does not mean that the rotating presidency has completely vanished. The presidency still covers a wide range of policy areas in various Council configurations that involve a lot of different actors and meetings. In other words, during the six months of a presidency a lot happens from the sidelines.

The 2010 Belgian Presidency is no exception to that rule. On the contrary, given the prominent role of the Belgian Regions and Communities within the Presidency, one might expect a lot of activity, not to mention competition between the different government levels (see Chapter 5). The Presidency not only constitutes an opportunity for Regions and Communities to express their specific viewpoints and interests, it also offers a unique opportunity to seek recognition of their existence, autonomy and to increase their international credibility.

This chapter takes a close look at the involvement of federal and subnational actors by looking at the events organised in the framework of the Belgian Presidency. Clearly, hosting the Presidency does not only mean presiding the formal Council meetings but also hosting and organising formal and informal political meetings with international, EU, national, subnational and local actors, civil society organisations, lobby and pressure groups, academics, etc. In addition, the Member State holding the presidency also hosts side events in various policy fields, such as scientific conferences and cultural events (theatre, literature, etc.). Likewise, the institutional set-up of the Belgian federation opens opportunities for various levels to organise these kinds of events and meetings too.

Council Presidency and (Non-)Cooperative Federalism

Despite the strong involvement of Regions and Communities, the federal level in Belgium is responsible for the main competences related to EU issues (see Chapter 5). In the framework of a Council presidency, we expect the main events to take place in the federation's capital, i.e. Brussels. As the Belgian state structure has granted significant policy powers to its subnational entities, including external representation and certain EU policies, we also expect the Regions and Communities to be very active. More specifically, we expect the Regions and Communities to act according to their competences' scope or, in other words, respect the internal division of powers in organising external events during the Presidency, despite the difficult domestic political situation and the tense relationship between the different levels of government.

The question of which Council configuration is chaired by a representative of the federal government, one from the Regions or the Communities and how these different chairs work with each other, is answered by the way the Belgian federal system is structured. One of the main characteristics of Belgian federalism is its cooperative aspect. This cooperative federalism is often opposed to dual federalism (that is designed to create opposition between two competing layers of government) and opposed to a system in which policy preferences are imposed on subnational authorities. Instead, cooperative federalism relies on the equality between the different

government levels and the need for cooperation between them in order to run the state (Schutze 2009). The cooperative form of federalism implies that both national and subnational actors and institutions are simultaneously independent and interdependent with an important overlap of competences and shared financial resources. This system is often viewed as a pragmatic response to mutual interdependence and has to be exercised through the application of cooperation procedures. These procedures should provide solutions or bring an end to these inter-level conflicts. In Belgium, the need for cooperation is enshrined in the basic principle of ‘federal loyalty’. This principle is defined in article 143 of the Constitution and states that the federal authorities, the Communities and the Regions must be mindful of their mutual interests when exercising their competences.

Due to a process of asymmetrical decentralisation, each Region and Community in Belgium displays a unique set of competences. First of all, these differences have legal consequences (is the Region/Community allowed to act at the European stage?), but they might also have an impact on the degree of involvement in EU affairs. In addition, the Belgian federal system has unequal regions in terms of size, population, geography and wealth. For example, a Region like Flanders is much richer than the others and might be able to mobilise more resources and actors in the organisation and/or hosting of events than, for instance the German-speaking Community. Generally speaking, we expect stronger Regions and Regions with more competences – i.e. more Presidency responsibilities – to be more active than others.

At the same time, the Belgian federal system is characterised by centrifugal tendencies. This is due to several elements: the devolution of the state (i.e. the de-federalisation of competences from the national government to subnational entities) that is viewed as a disintegration or dissociation federalism; its dualist composition, centred around two large communities that mainly oppose each other (Beaufays, 1988); and its link to the Belgian model of pacification and consociationalism (Lijphart, 1981).¹ Within this framework, the Presidency might be perceived as an opportunity for subnational actors to demonstrate their capacity and skills in chairing the Council and organising meetings within the European arena, as well as to express their voice and opinion on certain issues. These actors might

therefore be tempted to ‘break’ the federal loyalty in order to foster their core interests and hence organise more events, even beyond their formal powers. In other words, the behaviour of the subnational entities can also be explained by two competing hypotheses, i.e. regions respect the federal loyalty principle (cooperative hypothesis) or engage in a centrifugal frame (competitive hypothesis).

Presidency Events

During the 2010 Belgian Presidency no less than 752 events were organised. These events were unequally spread over the 6 months period and covered various types of meetings (from Council meetings to cultural events), various types of actors (from UN representatives to local citizens associations or even individuals) and various issues (from foreign affairs to purely technical items such as industrial processes). These events were all coded into an integrated database. The main variables for each event in this database are type of event, topic (based on the different Council configurations), date and duration, organising institution and geographical location.²

With respect to the type of event, three encompassing categories were constructed: political meetings, so-called ‘non-political’ events and cultural events. The first category consists of all political meetings organised by institutional actors (N = 384) and was coded in sub-categories, i.e. Council of Ministers meetings, European Council meetings, European Parliament meetings, Permanent Representatives meetings, officials and experts meetings, meetings with third countries and informal meetings at the ministerial level. The second category of events mainly covers the events organised by non-institutional actors (i.e. companies, lobbies, pressure groups, NGOs, universities, etc.) even in the presence of institutional or political actors, as well as scientific conferences, workshops, seminars, forums or congresses regarding specific aspects of the Presidency (N = 202). We labelled this encompassing category as ‘other events’. The last category consists of various cultural events (N = 166) such as exhibitions, museum collections, theatre, movies, concerts, dance performances, parties, etc. This category regroups different types of events that intend to promote

EU related issues and achievements to the Belgian population, as well to promote Belgium's image and artists to other EU countries. Distinguishing each type of event is important as one should be able to contrast the political and symbolic value of high-level political meeting in, for instance, the European Parliament in Strasbourg with a jazz concert organised in the city of Dinant.

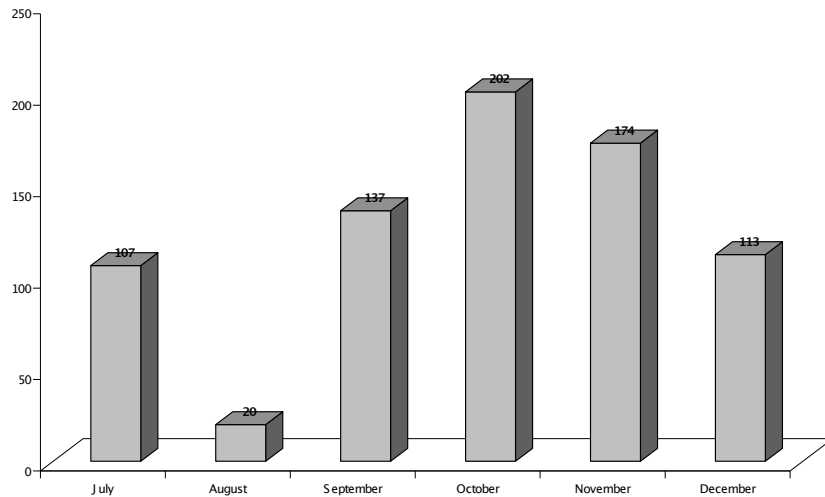
Each of these various events has also been coded according to one of the 10 Council configurations.³ The analysis shows that events are not equally distributed as three of them cover almost half of all coded events, that is Education, Youth, Culture and Sport (11.6%), Environment (13.3%) and, to a larger extent, Employment, Social Policy, Health and Consumer Affairs (25.3%).

Concerning time-related variables, the starting date of the event has been coded, as well as its duration based on its closing date. This duration variable allows us to weigh each event according to its number of days. For example, even if it constitutes one single event, the UN Climate Convention organised in Cancún in November 2010 that lasted for 12 days should not weigh the same as a one-day environmental conference on exactly the same issue. Therefore, parts of our analyses are based on the number of events weighted by the number of days of each event.

Figure 11 shows a large variation of the absolute number of events organised per month. As expected, the months of July and August have fewer events than the other months due to the holidays at both EU and Belgian level. The same logic explains the small number of events organised in December as the very last official meeting occurred on the 22 December 2010 (COREPER II meeting). The core moment of the Presidency is therefore during three months (from September to November) with a peak in October 2010. No less than 202 events were organised in October in the framework of the Belgian Presidency.⁴

Another variable concerns the organiser of the event. Some Presidency events were organised by institutions (international, European, national and subnational), while others were organised by private actors (companies, pressure groups, NGOs, universities, cultural associations, or solitary

Figure 11: Number of Presidency events per month



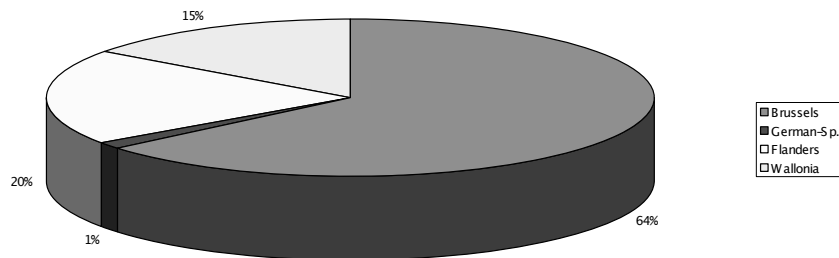
citizens). This coding allows us to point out specifically the events organised by federal and subnational actors. No less than 237 Presidency events were organised by political actors, either at the national or at the Regional/Community level. In addition, we are able to identify the coalitions of actors, i.e. horizontal coalitions (when two or more subnational actors organise an event) or vertical coalitions (when federal and subnational actors jointly organise an event).

Finally, the location of the event is included in the database referring to the local, subnational and federal levels. First of all, as we lack relevant information on the organiser for some events (the organisers have been identified in only 545 cases), the geographical location might be used as a proxy to identify the policy level of the organiser. Secondly, the location of the event allows us to examine the degree of activism of the subnational actors, compared to the federal actors. In other words, we grasp the capacity of a political entity to organise Presidency events by assessing the amount of events organised on its territory. We observe that the large majority of the events are taking place on Belgian territory: 701 events, i.e. 93.3% of all presidency events. Only 51 events took place in other countries.⁵ 11 out of 51 were organised by Belgian political and institutional actors. The

federal government was rather active (with events organised for example in the Netherlands and in France) as well as the Flemish government that organised a cultural event in Germany. A cultural event in Austria was jointly organised by the federal and Flemish governments. Surprisingly, not a single event has been organised in Spain or in Hungary, the two partner countries in the framework of the Trio Presidency.

Among the 564 non-institutional events organised in Belgium, 542 of them could be related to a specific Region.⁶ Distributing the events per Region unsurprisingly confirms that the Region of Brussels attracts the majority of the events (63.8%). As previously stated, its status of both the capital of Belgium and the seat of the EU explain to a large extent why these events are organised in such a small region. Figure 12 shows that the events organised outside Brussels take place mainly in Flanders (107 events), followed by Wallonia (81 events) and then the German-speaking Community (7 events).

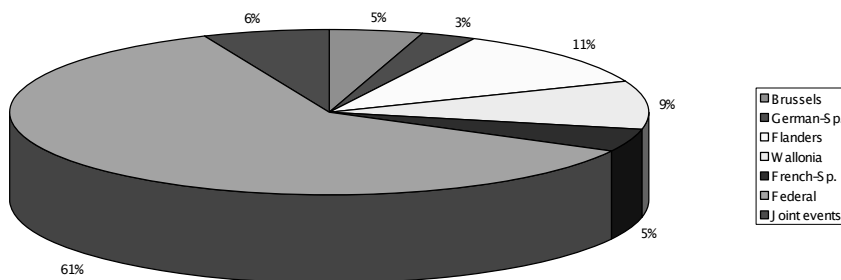
Figure 12: Number of non-institutional Presidency events per region (in percent)



If we weigh each event by its duration (number of days), we observe a small increase in the number of events organised in Brussels (66.9%) and a larger share of events taking place on the territory of the German-speaking Community. More importantly, there is an inversion of the hierarchy between the other regions, as we can now state that 16.9% of the Presidency events were organised in the Walloon region in comparison with 8.9% in Flanders. These contrasting figures are probably due to the fact that more cultural events were organised on the Walloon territory. On average, cultural events have a duration of 26.5 days, while all other types of events display an average duration of 2.5 days.

Turning to the analysis of the organisers of events, allows us to identify the level of each organiser, independent of the territory where the event takes place. We compare the number of events organised by the Belgian federal authorities to the number organised by Belgian subnational actors. First of all, 15 events were jointly organised by political institutions from a different regional or community level. Five of these concerned vertical coalitions, i.e. events jointly organised by the federal level and at least one regional or community actor, while 10 others concerned horizontal coalitions, i.e. events organised by actors from several Regions and/or Communities.⁷ Secondly, and as expected, the federal political actors (mainly the federal cabinet and ministers) organised the majority of these events (144 events, i.e. 60.7%), followed by the Flemish Region (27 events), the Walloon Region (22 events), the Brussels Region and the French-speaking Community (both with 11 events) and finally the German-speaking Community (7 events). These results confirm that the rotating Presidency still remains strongly in the hands of the federal government and that subnational activities account for only one third of all initiatives (see Figure 13).

Figure 13: Number of Presidency events per organiser (in percent)



When one confronts the results obtained based on the region with those obtained based on the organiser, the analysis shows that, as expected, the Presidency events organised by the Brussels institutions all took place on the territory of the Brussels region. However, more surprising is the fact that only two events organised by the French-speaking Community took place in Wallonia while all the others were located in Brussels, despite the fact that the majority of the population of this Community lives in Wallonia.

It is exactly the contrary regarding the events organised by the Flemish authority – regrouping both regional and community competences – as only three of them took place in Brussels and all others were located in various Flemish cities, such as Antwerp, Ghent, Bruges, Ostend and Kortrijk.⁸ Similarly, the Walloon institutions organised most of its Presidency events in Wallonia, with the exception of three events that took place in Brussels.⁹

Finally, we analysed the events organised by (sub)national government distributed by Council configuration. With this analysis, we may be able to assess whether the events organised by the Regions and Communities reflect the competences of the layers and, more specifically, their allocated Council configurations. The data in Table 6 demonstrate that, with the exception of the French-speaking Community, institutional actors tend to organise events outside their limited pool of competences.¹⁰ If the events related to the Councils of Foreign Affairs (FAC), General Affairs (GAC) and Justice and Home Affairs (JHA) remain exclusively organised by the federal actors, the latter also intervene in quasi purely regional and community issues, such as in the Council configuration of Education, Youth, Culture and Sport. Depending on the issue, this Council is chaired by the Flemish or the French-speaking communities, as the Belgian delegation is represented by these two governments, as well as the German-speaking Community (see Chapter 5).

The Walloon Region, which officially only presided the Cohesion Policy and Industry Councils, organised events in the framework of seven Council configurations, including Agriculture and Fisheries and even Economic and Financial Affairs (ECOFIN). Flanders, the Brussels-Capital Region and the German-speaking Community displayed a similar pattern (but to a lesser extent), i.e. they also organised events that fall out of their restricted pool of competences and Council chairs. Note that the organisation of events related to some competences is almost evenly distributed among policy layers, as in the case of the Environment Council, even if it is exclusively chaired by Flanders (with the federal government representing the Belgian delegation). Overall, the different events organised in the framework of the Presidency do not entirely respect the principles of the 1994/2003 Cooperation Agreement as the federal, regional and community governments feel free to use other governments' policy areas. Our findings

may be partly explained by the fact that the 1994 Cooperation Agreement is outdated and that Presidency events are probably closer to the everyday political reality than these agreements are.

Table 6: Number of events organised by Council configuration

	Brussels	Wallonia	Flanders	French-Sp.	German-Sp.	Federal
Agriculture and Fisheries	0	3	4	0	0	6
Competitiveness	3	9	2	0	1	7
Economic and Financial Affairs	0	2	1	0	0	9
Education, Youth, Culture and Sport	1	2	13	10	3	5
Employment, Social Policy, Health and Consumer Affairs	2	4	2	0	1	41
Environment	3	6	7	1	1	13
Foreign Affairs	0	0	0	0	0	9
General Affairs	0	0	0	0	0	5
Justice and Home Affairs	0	0	0	0	0	19
Transport, Telecommunications, Energy	1	2	1	0	0	7

Conclusion: A Cooperative Failure?

Council presidencies of the EU are unique opportunities for a country to demonstrate its capacity and skills in the European arena. Besides this formal task of chairing different Council configurations, presidencies also allow various actors (political, socio-economic, academic, from the civil society, etc.) to express their voice and opinion on many EU related issues. This chapter analysed the so-called presidency events, events organised on

the occasion of the Council presidency, by taking different variables into account. The data allowed us to evaluate the presence and dynamism of each individual actor and policy level in the framework of the 2010 Belgian Presidency.

The findings confirm that the Presidency still remains strongly in the hands of the federal government and that the regional and community activities account for only one third of all initiatives. This is rather surprising since the Belgian Regions and Communities enjoy direct access to the EU decision-making level. Our results also demonstrate that the degree of involvement varies according to the different subnational entities. Some regions are much more active than others. Unsurprisingly, the German-speaking Community is less active than any other Community. The same applies for the Brussels-Capital Region, especially regarding the organisation of events. Overall, Flanders seems to be more active than Wallonia and the French-speaking Community when taking different criteria into account (such as the hosting and the organisation of events).

These federal and regional/community events were observed through the lens of cooperative federalism. Given the distribution of competences in Belgium between federal and subnational entities and that many of these competences are actually not exclusive but shared, our hypothesis was that these entities interact in a cooperative manner and respect the division of labour in the organisation of Presidency events. The federal, Regional and Community institutions and actors were expected to coordinate their efforts and remain 'loyal' to the actual share of competences and of Council configurations' chairs. But our findings demonstrate that the events organised in the framework of the Presidency do not entirely respect these principles as the federal, regional and community governments organise several events in areas that were not covered by their legal competences.

In addition, very few events were jointly organised by institutions or political actors from different levels and/or governments and we barely found any coalition of Regions and/or Communities sharing their expertise and limited resources. Out of the 237 Presidency events organised by either federal or Regional/Community governments, only 15 of them were the result of a joint organisation. And among this limited number, only five of

them involved a vertical coalition, i.e. an event organised by the federal and at least one of the regional/community authorities. This means that, as far as the organisation of events is concerned, cooperative federalism – that has been observed for example in the Spanish case regarding EU affairs (Börzel 2000) – was not put into practice during the 2010 Presidency.

Notes

- 1 This model relies on the assumption that, in divided societies, a consociational system is developed in order to avoid clashes and limit tensions. This system consists of mechanisms of compromise and accommodation. Among these mechanisms, the implementation of federalism takes a central place, with a complex system of proportional representation, vetoes for the minority, etc. often displaying a rather centrifugal tendency.
- 2 For methodological reasons we treated each Regional and Community institution equally, despite the fact that the Flemish Region and Community has merged, Brussels does not fully enjoy the status of Region and the German-speaking Community has taken over some of the Walloon Region's competences. With regard to the geographical location, we need to take into account that Brussels will be over-represented. It is not only the capital of the federal state and the seat of the Council of Ministers (together with Luxembourg), it is also the capital of Flanders (Region + Community) and the French-speaking Community.
- 3 Agriculture and Fisheries; Competitiveness; Economic and Financial Affairs; Education, Youth, Culture and Sport; Employment, Social Policy, Health and Consumer Affairs; Environment; Foreign Affairs; General Affairs; Justice and Home Affairs; Transport, Telecommunications and Energy.
- 4 When only taking the events organised on the Belgian territory into account, the figure takes exactly the same shape, i.e. fewer activities during the summer and December and an acceleration of the events between September and November.
- 5 One event took place simultaneously in the 27 EU Member States. We removed this case for later models using the location variable.
- 6 Missing data is due to non-specification of the exact location of the event or to the fact that events were sometimes simultaneously organised in more than one Region.
- 7 The vertical coalitions concern the federal level with the three Regions (one event), with Flanders (two events), with both Flanders and Wallonia (one event) and with Brussels (one event). The horizontal coalitions concern events organised by the three Regions (one event), the three Communities (two events), the three Regions and Communities (one event), Flanders and Wallonia (three events), Flanders and the French-speaking Community (one event) and Wallonia and the German-speaking Community (one event).
- 8 Only one event organised by the German-speaking Community took place outside the community's border (in Liège) while all the others have been located in Sankt Vith and Eupen.
- 9 Joint activities (based on both vertical and horizontal coalitions) were generally organised in Brussels, with only three exceptions (in Bruges, Antwerp and Liège).
- 10 The French-speaking Community organised 10 events related to the Education, Youth, Culture and Sport Council and only one related to the Environment Council.