

Belgium

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Institutional changes

The year 2002 was less troublesome for the government in terms of institutional reform than the previous year. In 2001, the majority parties were short of votes to reach a two-thirds majority. This led them to negotiate with an opposition party (the PSC) in order to pass two bills that furthered the federalisation of the country (see *Political Data Yearbook* 2001: 916–917). One of the conditions imposed by the PSC for its cooperation in Parliament was the ratification of the Council of Europe (CoE)'s 1995 European Convention on the Protection of National Minorities (as a potential protection for the French-speaking inhabitants of the Brussels periphery communes, on Flemish territory).¹

Given the shared competence of the federal and federated parliaments for the ratification of international treaties, this text had to be ratified by both the federal parliament and the federated entities' parliaments. The definition of 'national minorities' therefore had to be acceptable to the Flemish parliament, which constantly refused to recognise the French-speaking population as a minority on Flemish territory.² As this proved to be an impossible challenge, French-speaking mayors of Brussels periphery communes appealed to the Court of Arbitration against the regionalisation of local and provincial laws in the beginning of 2002. On the international scene, this question of definition of minorities in Belgium was tackled by the CoE as early as 1997–1998, but the report made by the Swiss Dumeni Columberg to the CoE was opposed by Flemish Members of Parliament (MPs) and the text voted upon was emptied of references to the French-speaking population in Flemish communes of the Brussels periphery.

By the end of 2000, French-speaking mayors sent a petition to the CoE, complaining about Flemish government circulars limiting the right of the French-speaking population to receive official documents in their language. The CoE assigned yet another Swiss MP, Lili Nabholz-Haidegger, on a new

Table 1. Cabinet composition of Verhofstadt I

For the composition of Verhofstadt I on 1 January 2002, see *Political Data Yearbook 2000*: 254–255 and *Political Data Yearbook 2001*: 916.

Changes during 2002:

Minister of Agriculture and the Self-Employed/*Minister van Landbouw en Middenstand*: Annemie Neyts (1944 female, VLD) *reassigned* 1 January as Minister without Portfolio (as a result of institutional reforms passed in 2001, see *Political Data Yearbook 2001*: 916–917)

Minister of Telecommunications, Public Enterprises and Participations/*Minister van Telecommunicatie, Overheidsbedrijven en Participaties*: R. Daems (1959 male, VLD) assumed responsibility for the self-employed, 1 January 2002

Minister of Consumer Interests, Health and Environment/*Minister van Consumentenzaken, Volksgezondheid en Leefmilieu*: M. Aelvoet (1944 female, Agalev) *resigned* 26 August 2002 and *replaced* by Jef Tavernier (1951 male, Agalev)

enquiry mission on the issue of minorities in Belgium. After several visits and meetings, she issued her report in March 2002, stipulating that there were no national minorities in Belgium except for the German-speaking population (the French-speaking population is less numerous, but there are institutional devices, like the linguistic parity in the federal Council of Ministers that effectively protect it). However, she also concluded that, because of the existence of exclusive competencies and thus a form of autonomy for regional authorities, regional minorities (the French-speaking population in Flanders, but also the Flemish population in the French-speaking community, German-speakers in both of these territories and the other way round) had to be considered as national minorities. At the end of 2002, there was still no consensus on the definition of ‘minority’ in Belgium, and thus the CoE convention had not yet been ratified, as the heavyweights of the government preferred not to re-open this discussion in the last months of the legislative term.

In general, the climate between linguistic communities was less sunny than in the first months of the rainbow coalition, as Minister-Presidents of the two main regions made firm declarations about the future of Belgium. The demands for yet more transfers of competencies to the regions issued by Flemish Minister-President Dewael and his party chairman De Gucht (also party chairman of the federal Prime Minister’s party, the VLD), whose members voted on a text demanding a ‘confederal state’ in Belgium (see below), were echoed by a clear ‘out of the question’ by Walloon Minister-President Van Cauwenbergh and other French-speaking coalition heavyweights.

French-speaking and Flemish parties also clearly disagreed on the issue of granting the right to vote for local elections to non-European Union residents. Although a proposal was discussed in parliamentary committee and a majority could be found by adding all democratic French-speaking parties (thus including the opposition PSC) to the two Flemish parties in favour of the proposal (Socialists and Greens), the party of the Prime Minister (VLD, Liberals) threatened that there would be a major crisis if this bill were passed by such an alternative majority against a majority of the Flemish parties (moreover, this issue was not listed in the governmental declaration). In order to avoid a governmental crisis and a direct confrontation between the two Liberal parties, French-speaking Liberal Vice Prime Minister Louis Michel blocked the procedure in Parliament.

In autumn 2002, the federal electoral system was significantly amended. First, the distinction between effective and substitutes' lists was reintroduced, even though it was abandoned in a 2000 reform (see *Political Data Yearbook* 2000: 255–257). Moreover, for the first time, candidates will be allowed to compete in both the Chamber and the Senate elections (although they will have to choose between the two assemblies if they are elected to both). The previous system (in place for the 1995 and 1999 elections) triggered paradoxes, as heavyweights preferred to be candidates for the Senate, as the constituency was much larger (only two for the whole of Belgium) than for the Chamber (see below), but then had to sit in the Senate even though since 1995 it no longer exerts political control over the government. The main changes in the 2002 reform, however, concerned the size of constituencies for the election of the Chamber of Representatives and the placing of a 5 per cent threshold for representation at the level of the constituency. Instead of the 20 existing constituencies, there will be only 11: one per province plus Brussels-Halle-Vilvoorde. As some Flemish parties of the coalition would have had difficulties reaching the 5 per cent threshold in the last constituency, a complex system of coupling its results with the province of Flemish Brabant was set up.

In general, the reforms adopted favour bigger parties (in order to avoid further fragmentation of the party system³) and popular personalities. The electoral law had already been revised in May in order to impose gender parity in the crafting of party lists for federal and regional elections (the same was decided for local and European elections earlier in this term). For the next elections (2003 for the federal level, 2004 for the regional level), both effective and substitutes' lists will have to consist of the same number of male and female candidates. As the candidates placed on the top of their party list are still advantaged by the system despite reforms taken in 2000 (see *Political Data Yearbook* 2000: 255–257), there must be candidates of both genders in the three top positions of each list. The spirit of the reform will be further rein-

forced in later elections, as the rule of gender parity will be imposed for the two top positions. The first gender quotas in Belgium date from 1994 and stipulate that at least one-third of the candidate list had to be from each gender. It was applied for the first time at the federal level for the 1999 elections.

Issues in national politics

Parties

The Belgian party landscape, that changed considerably in the previous year(s) (see previous *Political Data Yearbooks*), underwent a consolidation phase as most parties strove to present a self-image of stability and unity in view of the rapidly approaching general elections of 18 May 2003 and the equally important regional elections of 2004.

On the francophone side, the creeping take-over by the Liberals of the Brussels francophone federalists (FDF) and the MCC (a centre-right split-off of the Christian-Democrats) continued and led to their fusion into the Mouvement Réformateur (MR) on 24 March. Foreign Affairs Minister and Vice Prime Minister Michel consolidated his leadership over the MR, often overruled his party president's views, and continued to drive his party to the centre of the political spectrum.

The Parti Social Chrétien (PSC) changed its name to Centre Démocrate humaniste (CDh) in an attempt to widen its appeal to non-believers. The dropping of the 'Christian' label provoked considerable internal dissent, and a number of well-known conservative notables instantly decided to leave the newly baptised party, and established the Chrétiens Démocratiques Francophones (CDF).

The Parti Socialiste continued its opening to non-socialist pillar of civil society. In addition, it launched on 1 May the idea of a '*pôle des gauches*' with the Greens (and to a lesser extent the Christian left), which provoked a crisis in Ecolo between 'progressist frontists' and 'autonomists' regarding the party's strategy for the near future. In June, the collective leadership of the party had to resign and was replaced by an new triumvirate. In the end, the initiative led to a rather loose '*convergence des gauches*', aiming at the common defence of socioeconomic and democratic positions by both parties (if both were to participate in the next government formation talks). Still, this agreement certainly falls short of the electoral alliance, or even the common programme, that was originally intended. In fact, the formula allows the PS to leave the door open to a coalition with the Liberals, and even the CDh. In the end, as in Flanders,

Socialists and Liberals seem to want to continue their 'purple' coalition, preferably without having to add a Green partner, unless the voters decide otherwise.

On the Flemish side, the split of the Volksunie (VU) in a post-nationalist left-liberal SPIRIT and a democratic right-wing independiste Nieuwe Vlaamse Alliantie (NVA) (see *Political Data Yearbook* 2001: 920–921) forced several leading VU figures to make career choices, as none of the post-VU parties is likely to pass the new 5 per cent provincial threshold (see above), let alone to hold a ministry in the next government. The drain to other parties was basically triggered when SPIRIT leader Anciaux announced in an interview in October, apparently without consulting his base, that the future of SPIRIT lay in an electoral alliance with the Flemish Socialists (SP.a) and the Christian trade union movement. The Anciaux faction within SPIRIT managed to secure a quite favourable cartel arrangement with the SP.a in terms of safe places on joint candidate lists for the 2003 general and 2004 regional elections, including a guarantee of some ministerial posts. Still, given the historical animosity between socialism and Flemish-nationalism, a considerable number of VU national and regional MPs (from all sides of the left-right spectrum) opted for the Flemish Liberals (VLD, as many had already done during the previous crisis in 1992). A handful opted for the Greens.

The VLD was also joined by dissatisfied Christian-Democrats (grouped under New Christian Democrats (NCD), including former CVP party leader Van Hecke), again from the left as well as from the right part of the political spectrum, as long as they were travellers carrying sufficient electoral luggage. This certainly led to a much more heterogeneous composition of the Liberal elite, triggering excessive statements of the newcomers in all directions (from right-wing populist to left-libertarian positions) that the party leader De Gucht had difficulty containing. In March, VLD backbencher Ward Beysen created the Liberaal Appel 'movement' within the party, aimed at regrouping the right of his party. This faction will present separate lists for the May 2003 general elections, and so will another rightist dissident, Goovaerts. The influx of former VU members also drove the party closer to the Flemish-nationalist position, even leading to the adoption of 'confederalism' as the preferred state model during the party's new ideological charter congress (December), and to a limitation of the monarch's powers to the strictly symbolic.

Agalev (Flemish Greens) underwent an important internal crisis after it appeared in August that its Vice Prime Minister, Magda Alvoet, had overlooked, in the inner cabinet, the endorsement of a sales contract of 5,500 'Minimi' machine guns (from the FN Company, based in Wallonia) to Nepal. She had to resign and was swiftly replaced by parliamentary group leader Jef Tavernier. The issue of the violation of the 1992 law prohibiting arms sales to

countries in a civil war or not respecting civil liberties continued to haunt the pacifist party until the end of the year, when the first shipments were made, as the Belgian Government softened its position and linked the delivery to a report that positively evaluated the democracy and human rights situation in Nepal.

Themes and issues

The year started with the introduction of the euro. The circulation of 183 million bank notes took place without any important problems. The Belgian population was quite enthusiastic and political decision-makers considered the whole operation a success and a decisive step towards a more unified Europe. The old Belgian frank disappeared on 1 March. The state budget planned for 2003 was in balance. However, in times of bleak economic prospect, this meant that several ministries had to cut their expenses by 1.5 billion euros altogether. Early in the year, a significant corporate tax reduction scheme was decided, as well as the implementation of the so-called 'eco-boni' (tax bonus scheme on some environmentally friendly packaging).

Law-and-order issues stood high on the agenda throughout the year. The Everberg saga raised the issue of juvenile delinquents. The old military domain of Everberg was transformed into a federal house of detention for juvenile delinquents. The creation of this centre was surprisingly swift as it was approved in both Chambers, sanctioned by the King and published in the official bulletin in only two days. In September, a youth judge decided to release three delinquents because of the lack of room in the French-speaking section of Everberg. This decision spurred a dispute between the Youth Minister of the French-speaking community, Nicole Maréchal (Ecolo), and federal Justice Minister Marc Verwilghen (VLD). Three days later, Verwilghen used his right of positive injunction to re-arrest a young criminal previously released from Everberg due to lack of room. Aside from the debate about the separation of judicial and executive powers, the VLD president threatened Ecolo with a government crisis if this party did not change its policy on juvenile delinquents. Therefore, by the end of September, the French-speaking government decided to increase the capacity of the French-speaking section of Everberg.

The large-scale police and judicial reforms (see previous *Political Data Yearbook* entries) were continued with some successes, such as the creation of a joint French-Belgian border police team and the modernisation of penal procedures. There were also failures. In March, the Court of Arbitration cancelled the '*snelrecht*', an accelerated court procedure promoted by the Justice Minister. The creation of a new local police force, bringing together the

police and the former *gendarmérie/rijkswacht*, required much more financial resources than expected. Prison guards, magistrates and members of civil protection units went on strike to renegotiate their working conditions and wages. Moreover, the general administrator of the State Security (secret services) resigned in June as a result of social conflicts.

The resurgence of immigration and asylum problems also created political tensions – for example, between the Minister of Social Integration (SP.a) and the local political authorities concerning the number of asylum-seekers per municipality. The case of Tabita, a 5 year-old Congolese girl deported alone to Kinshasa while having no family in Congo, had a great impact in the media and public opinion. In August, Abou Jahjah, president of the European Arab League, demanded that Arabic be recognised as the fourth official language and expressed his intention to participate in the elections. In November, this movement launched civilian patrols in Antwerp, armed with video cameras to ‘protect young Arabs against police violence’. A few days later, night riots erupted in Antwerp after the murder of a young Arab. Abou Jahjah was accused of spurring the riots and was therefore arrested, but then released under certain conditions after only five days.

The relationship between the media and public order was also questioned. The jailed Tunisian Islamist and suspected al-Qaeda activist Nisar Trabelsi declared on radio, through a phone interview from inside his prison, that he had been preparing a suicide attack against the military base of Kleine Brogel (where United States nuclear missiles are stationed). Senator Jean-Marie Dedecker (VLD) abused his parliamentary status and illegally introduced a television journalist into the jail of multi-criminal Marc Dutroux (see previous *Political Data Yearbook* entries). He refused to resign, but was suspended for a period of three months by his own party.

In March, the government agreed on a progressive phasing out of nuclear power plants between 2015 and 2025. It also introduced fiscal incentives for rational energy use and the development of alternative energy sources. However, the planned construction of large-scale windmill ‘parks’ off the Belgian coast revealed tensions between ministers and raised the dissatisfaction of local authorities. A new bill forbade any advertising for tobacco in Belgium from 2003 onwards. As a result, the International Automobile Federation decided to cancel the Francorchamps Formula 1 Grand Prix in 2003. Parliament tried to ‘save’ the Belgian Grand Prix by granting a delay for the ban on advertising of tobacco but, in December, the proposal foreseeing an exception to the ban was rejected; both Green parties, as well as all Flemish parties (except the VLD), voted against it. This conflict revived ethnolinguistic tensions and even threatened the survival of the ‘rainbow’ coalition.

With regard to ethical issues, euthanasia was partly de-penalised by a law that came into effect in September. The cloning of human embryos was also allowed for medical reasons or for scientific research. Also, the use of cannabis by adults was tolerated in private places. However, the health sector still remained high on the agenda. First because of the dismissal of the administrator of the Federal Agency for Food Safety due to his responsibility in a case of PBC contamination in an animal food factory and, second, because of the strikes by physiotherapists (February), pharmacists (November) and physicians (December), asking for a revaluation of their profession and complaining about the savings made by the Social Affairs Minister Frank Vandebroucke (SP.a).

This was a bad year in the transportation sector. Due to the liberalisation of the railways, the first privately owned train circulated in Belgium. Moreover, ABX, specialised in the delivery of goods by road, was separated from the SNCB-NMBS (Belgian National Railway Company) and was reconstituted in a holding company open to private capital. In the process of reorganising the SNCB-NMBS, Christian Heinzmann was appointed general administrator of the company, while outgoing Etienne Schouppe stayed at the head of ABX. (He was eventually dismissed in November.) Seven days later, Heinzmann resigned, denouncing the politicisation and pressure to which he had been subjected. This saga threatened Transportation Minister Isabelle Durant (Ecolo). Karel Vinck took office as administrator in June. The company still remained in trouble, with heavy losses and a huge debt.

After the bankruptcy of the national airline company Sabena (see *Political Data Yearbook* 2001: 923–924), a parliamentary commission was launched to determine the origins and eventual responsibility for the bankruptcy. The commission originally had 5 months to draw conclusions, but these were only expected in 2003.

As is often the case, (directly or indirectly) ethnolinguistic issues stood high on the agenda. Apart from institutional and linguistic struggles (see above), some issues were ‘communiticised’, such as that of illegal transfers of Flemish animal waste towards Wallonia, as well as other agriculture-related topics or the crisis concerning weapons sales to Nepal (see above).

The American nuclear warheads stocked at the military base of Kleine Brogel also created political unrest. Members of the parliamentary majority were opposed to the cabinet and the Prime Minister, and demonstrations were organised near the military base.

On the international scene, Louis Michel (MR), Minister of Foreign Affairs, presented official excuses of Belgium to the Congolese government for the assassination of Patrice Lumumba in 1961. The International Court of The Hague asked Belgium to remove its arrest warrant against former Congolese

Foreign Affairs Minister, Abdulaye Yerodia, accused of declarations inciting racial hatred. In April, Belgium stopped its judicial pursuits and Louis Michel (MR) expressed his intention to revise the so-called ‘universal competence’ law of 1993. Moreover, a Brussels court declared invalid the complaints against the Israeli Prime Minister, Ariel Sharon, for his responsibility in the Sabra and Chatila massacres in Lebanon in 1982.

Finally, the monarchy stood at the centre of a lot of political agitation. Crown Prince Philippe received the ‘doctor honoris causa’ title from the Katholieke Universiteit Leuven (KUL), but the festivities were disturbed by academic and political opposition in Flanders. The Royal family announced the forthcoming birth of the fifth child of Princess Astrid and the wedding of Prince Laurent. On 25 October, Princess Elisabeth, due to follow Philippe on the throne (if Belgium still exists by then) celebrated her first birthday. However, all Belgians had their mind in the stars in 2002, accompanying the second Belgian ever to go into space. Joining a Russian space mission aboard the Soyouz rocket, Frank De Winne stayed nine days in the International Space Station.

Notes

1. Belgium is one of the 44 states that have not ratified this convention.
2. Mostly because a mechanism of linguistic advantages (*‘facilités linguistiques’*) enshrined in the Constitution already eases relations between the population and authorities in some communes near the so-called ‘linguistic border’ (some communes situated in the Flemish Region with a proportion of French-speaking population, as well as some communes situated on Walloon territory with a proportion of Flemish-speaking population).
3. After the 1999 elections, the effective number of parties (Laakso and Taagepera index) was as high as 9.1 in the Chamber.

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On the Internet:

- Belgian Federal Portal: www.belgium.be/eportal/index.jsp [global official portal for Belgium]
- Detailed electoral results: <http://elections.fgov.be/index.htm> [official results from 1894 to 2000]