

# Belgium's Federal System in the European Union: A Model for Cyprus?

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Recent debates in Cyprus, on both sides of the divide, have argued the appropriateness of the Belgian federal system, as a model for the proposed constitution of Cyprus. Indeed, the attractiveness of the Belgian model is not coincidental. Much of the dynamics of conflict that underpin the Belgian society are closest to the Cyprus reality than any other federation. The following commentary purports to highlight the strengths and weaknesses of this model as it functions within the framework of the European Union.

Belgium obtained its independence from The Netherlands in 1830. Newly independent Belgium was established as a unitary constitutional monarchy but it became a federation after four successive stages of decentralisation in 1970, 1980, 1988 and 1993. The driving force behind the process of federalisation was the political polarisation of the two main linguistic groups, the Dutch-speaking (58 per cent) and French-speaking (41 per cent) Belgians. The German-speaking minority constitutes less than one per cent of the total population of 10.2 million people. The bipolar character of Belgian politics was accentuated by the greater prosperity of the Flemish (Dutch-speaking) region (reversing the nineteenth century situation) and by the resentment of the Dutch-speaking majority at the political dominance that had traditionally been exercised by the French-speaking Belgians within the unitary Belgian state.

In order to accommodate these three distinct linguistic groups in a single society, Belgians have established a complex federal system with as many as six autonomous sub-national units: the Flemish, Francophone and German communities, the Flemish and Walloon regions, and the Brussels-Capital region. Each of these units has its own directly elected parliament, a government and ministerial departments. Regions and communities largely overlap. Whereas the first refers to territories, the second refers to inhabitants. The competencies of the regions refer to problems that are linked to a territory and concern issues such as regional economic development, employment, agriculture etc. The competencies of the com-

munities refer to problems that are linked to persons, i.e. culture, language policies, education, health care etc. The federal government has exclusive competencies on foreign policy and defence.

While regions and communities have important autonomous powers, Belgium has to act as a single Member State in the EU. This has necessitated the creation of an administrative system that would coordinate the various Belgian entities in their effort to produce a common position that will represent Belgium as a whole within the EU.

Research was recently conducted by the author in order to test the functioning of the Belgian coordination system. Three particular EU directives (EU legislation) were chosen as case studies for that purpose: The 'Municipal Voting' directive (94/80/EC of 19 December 1994), the 'Television without Borders' directive (97/36/EC of 30 June 1997), and the 'Tobacco Advertising' directive (98/43/EC of 6 July 1998). The choice of these particular directives was suggested by the fact that they have been among the most controversial and sensitive issues of Belgian EU policy in the post-reform era. Each of these directives challenged the interests of one or both major communities in Belgium. The choice of directives was also explained by the fact that unlike other issues, their examination revealed the workings of the Belgian coordination system on all stages of Belgian EU policy-making, i.e. beginning from the domestic level, then to the Council working groups, then to the Committee of Permanent Representatives, and finally to the Council of Ministers. The research relied heavily on primary sources of information such as official documents and interviews with Belgian politicians, administrators and academics.

The results of this research revealed critical aspects of the Belgian coordination system. First and foremost, the system is based on the notion of consensus-building. Simply put, the system works to the extent that there is political willingness for it to work. If there is no such willingness the structure of the system is not sufficient in itself to ensure an agreement between the various communities. The system is equipped with several consensus-building mechanisms (special committees, working groups) whose role is to facilitate the reach of such consensus, yet they can be efficient only to the extent that political willingness for an agreement exists. On the examined directives, when joint-interest and self-interest converged between the communities, then consensus was reached easier on the position that Belgium adopted in the EU. On the other hand, when the interests of the communities conflicted, then the search for consensus became a real challenge. In those cases, the role of the federal government became extremely important in playing the arbitrator between the communities, proposing package deals and promoting an environment conducive to consensus-building.

The role of the EU was also important in encouraging an agreement. It provided the communities with an incentive to coordinate, cooperate and find a consensus fast at the national level if their position was to be heard at the EU level. Also, the EU framework induced the communities to mediate their extremist positions towards one another and be more willing to compromise on issues that otherwise they would not have done so. Finally, the most important incentive to cooperate came from the realisation that reaching a consensus is critical for the survival of the Belgian system, a realisation that has become stronger after the recent decentralisation of the Belgian state. In the words of a Belgian Ambassador, 'with increasing autonomy and responsibility has come common sense and a realisation from the communities that unless they talk to each other the whole project will collapse'.

Perhaps the most negative aspect of the Belgian system is how complex, time-consuming and personnel-consuming it is. This was reflected in the endless discussions between numerous Belgian actors at different levels of the decision-making process. This had also its positive side effect however. The complexity of the Belgian system as well as the consensus-like and non-confrontational culture that underpins the system enables Belgian representatives to feel at ease at the EU level. Belgian ministers entered the EU negotiations more prepared than their counterparts given the fact that they have gone through all the 'preparatory process' discussing the various EU issues, having a sound grasp of the opposing arguments, speaking several languages, and most importantly being used to negotiating in a structure with several actors. This enabled Belgian ministers to be constructive negotiators at the EU level, that is, being defenders of legitimate Belgian interests, but also having a consensus-minded and respectful approach towards their EU partners.

Overall, the examination of the Belgian case has indicated that EU policy-making in federal states is a challenging task, especially when the state consists of various ethnic groups that have a history of conflicts between them. In these cases, there is a need for an efficient constitutional structure that will set the framework for the conduct of this policy, and that will promote equality, justice and mutual respect between the communities. This structure, however, is not sufficient in itself to ensure the peaceful coexistence between the communities. The latter can only be realised when the communities involved are *willing* to make that structure work for them under any circumstances. In some cases, a given policy will challenge the vital interests of one of the communities while in other cases it will challenge the interests of both communities. In the first case, the communities usually manage to cooperate successfully, defending their common interests with great fervour and uniting their regional resources to the advantage of the whole. In the second case, the situation changes with the regional governments striving to achieve the maximum outcome for their communities, often engaging in heated arguments and con-

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flicts, and often showing lack of solidarity towards one another. Yet at the same time, these are exactly the cases where the communities have the chance to reveal their true commitment to the state and their willingness to keep the federal structure alive. For Belgium this commitment and willingness certainly exists with the communities being very careful not to cross the line in trying to defend their interests.

Whether Cyprus will be able to follow that example is an issue of debate. Undoubtedly, the inter-ethnic conflicts that have underpinned the history of Cyprus are graver than those existing in Belgium. The system, therefore, established in Cyprus for the conduct of EU policy will be geared towards that reality. Yet the basic principles that will underpin that system should not differ from that of Belgium. Principles such as that of consensus-building, respect of the jurisdiction of each community, as well as a commitment to the federal state (which will be encouraged by the federal government) will need to exist if the common project is to be kept alive.