



Belgium: portrait of a peculiar federal State

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Russia and Belgium

	Russia	Belgium
Area	17.098.246 km ²	30.688 km ² (ratio : 557)
Population	146.793.000 inhab.	11.300.000 inhab. (ratio : 13)
Density	8,4 inhab. / km ²	368,22 inhab./ km ² (ratio : 44)
	Federal state	Federal state

Main features of the Belgian State

- Written Constitution (since 1831)
- Hereditary Constitutional Monarchy (art. 85 Const.)
- Federal State (art. 1 Const.)
- Separation of powers (art. 37 to 40 Const.)
- Parliamentary regime (art. 101 Const.)
- Liberal State / Bill of Rights (art. 8 to 32 Const.)
- Rule of Law (art. 105, 142, 159 Const.)
- Representative democracy (art. 42 Const. ; art. 61 to 65)
- Decentralized State (art. 41 and 162 Const.)



The birth of the Kingdom of Belgium

- September 1830 : the Belgian Revolution
- 





The birth of the Kingdom of Belgium

- September 1830 : the Belgian Revolution
- The nine Catholic provinces of southern Belgium secede from the Netherlands
- 4th of October 1830 : the independence of the new State is officially declared
- 3rd of November 1830 : election of the National Congress : first legislation and preparation of the Constitution

The Constitution



- ▶ enacted on the 7th February 1831
- ▶ Revised many times, especially since 1970 (development of federal system)
- ▶ Contains the principles of the institutional system for both federal authorities and federated bodies

Hereditary Constitutional Monarchy

Article 85 :

The constitutional powers of the King are hereditary through the direct, natural and legitimate descent from H.M. Leopold, George, Christian, Frederick of Saxe-Coburg, by order of primogeniture.





Hereditary Constitutional Monarchy

Article 106 :

No act of the King can take effect without the countersignature of a minister, who, in doing so, assumes responsibility for it.

1. 1. 1. 1.



Federal system



Centrifugal federalism :

- 1830 – 1970 : Unitary State (decentralisation)
- 1970 : start of the federalisation process
- 1993 : the federal nature of the State is enshrined in the Constitution
- Today : very large autonomy for the Regions and Communities

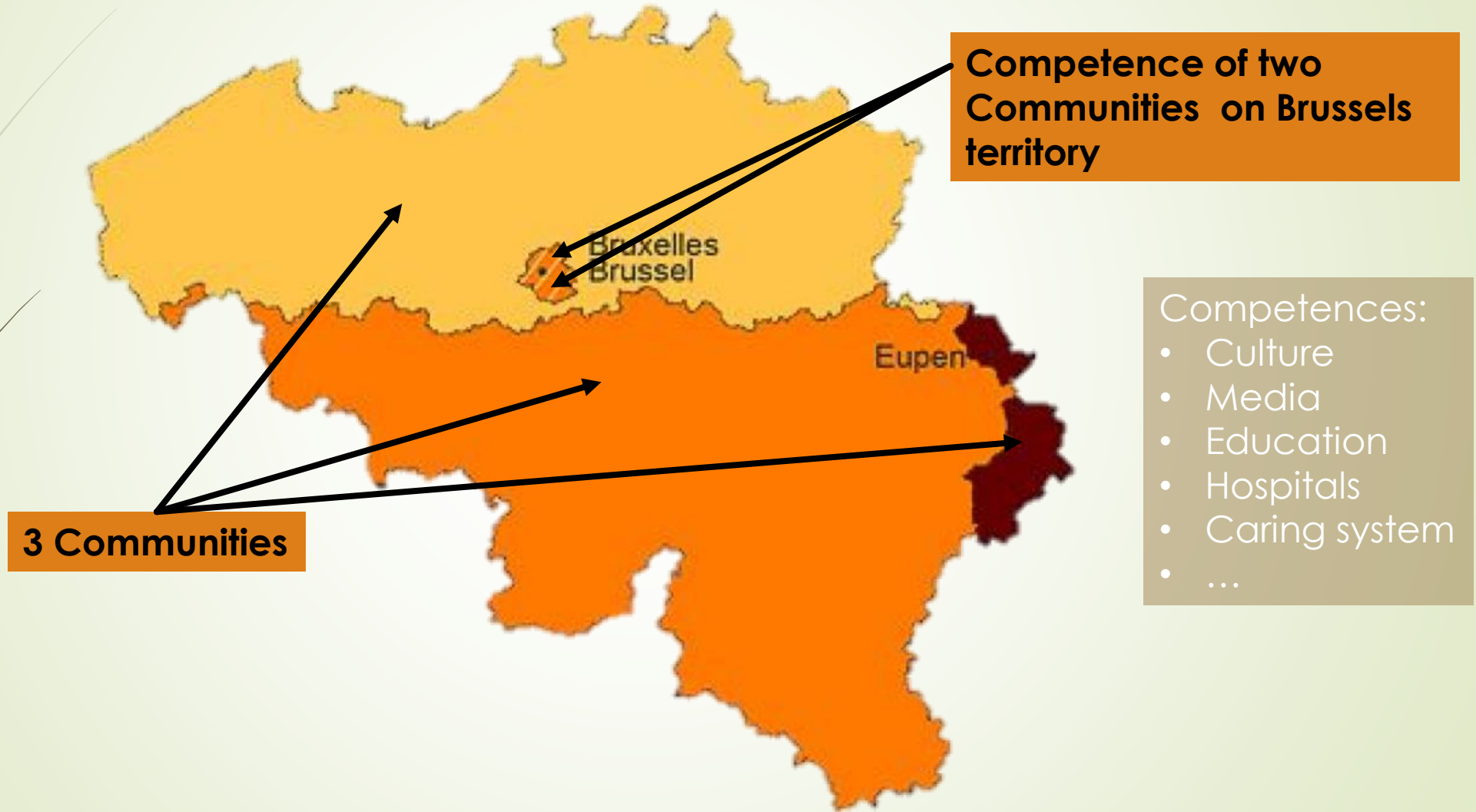


Federal system

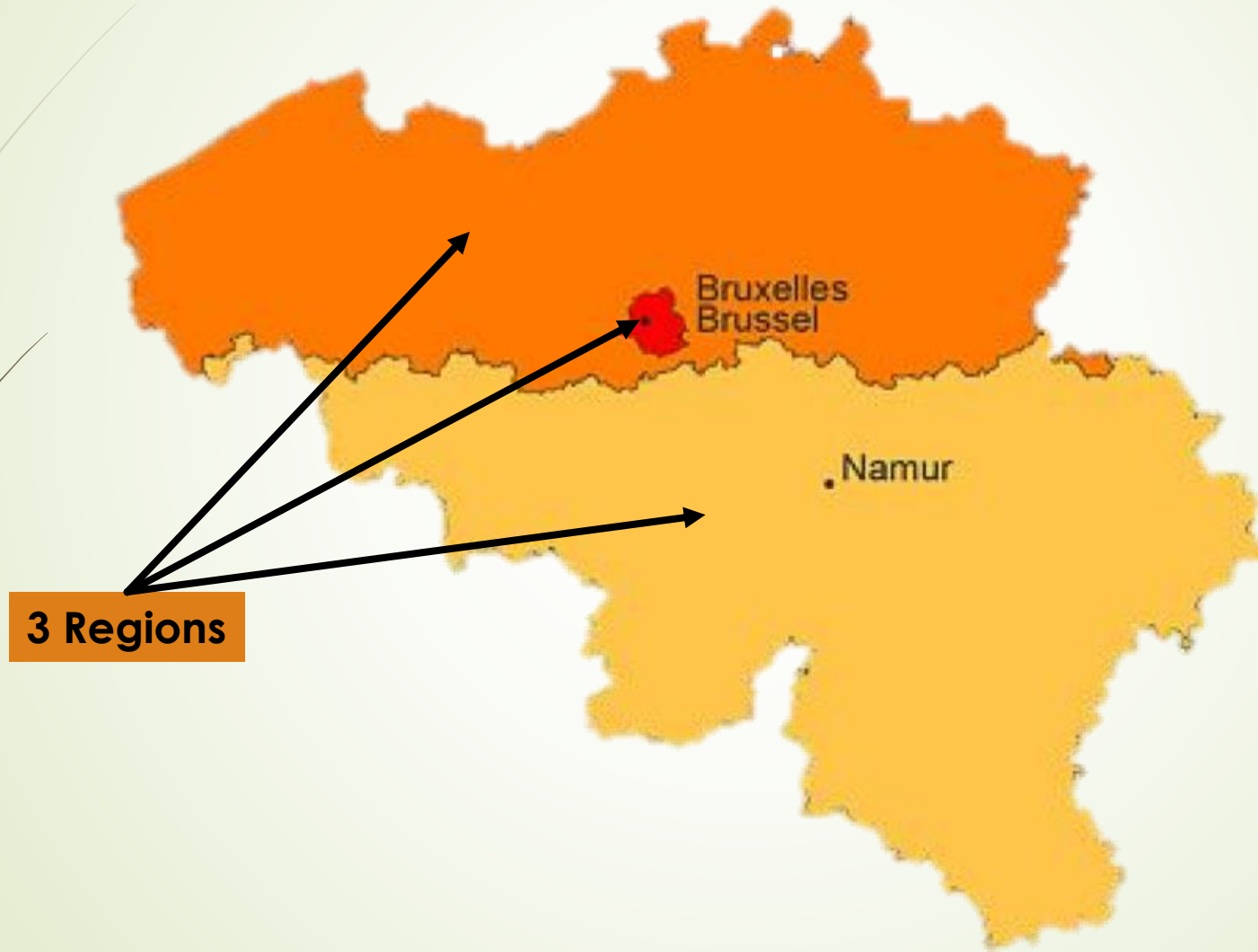
Three peculiarities of the Belgian federal system :

- 1) Two kinds of federated entities that overlap
- 2) Asymmetry of the federated entities
- 3) Treaty making power shared between federal authority and federated entities

Two kinds of federated entities that overlap



Two kinds of federated entities that overlap



Competences:

- Roads
- Public transport
- Energy
- Economy
- Agriculture
- Employment
- ...

Two kinds of federated entities that overlap

Jurisdiction of the federal authority : anything that is not the responsibility of the communities or regions.

- Justice
- National defence
- Police
- Social security
- Nuclear energy
- ...



Two kinds of federated entities that overlap

Important features :

- **Exclusivity** of competences
- **Equipollence** of federal laws and federate laws

« Bundesrecht bricht Landesrecht » (art. 31 German BL)

« Federal law shall take precedence over Land law »

Two kinds of federated entities that overlap

Important features :

- **Exclusivity** of competences
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~~« Bundesrecht bricht Landesrecht » (art. 31 German BL)~~

~~« Federal law shall take precedence over Land law »~~



Asymmetry

Possibility for a federated entity to transfer the exercise of (some of) its competences to another federated entity which has jurisdiction on the same territory.

In practice :

Article 137 : Flemish Region → Flemish Community

Article 138 : French Community → Walloon Region
& French speaking authority in Brussels Region

Article 139 : Walloon Region → German-speaking Community



Shared treaty making power







Shared treaty making power

Article 167 of the Constitution

§ 1. The King shall direct international relations, without prejudice to the competence of the communities and regions to regulate international cooperation, including the conclusion of treaties, in matters within their competence by or under the Constitution.



Shared treaty making power

Article 167 of the Constitution

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Shared treaty making power

Article 167 of the Constitution

§ 1. The King shall direct international relations, without prejudice to the competence of the communities and regions **to regulate international cooperation, including the conclusion of treaties**, in matters within their competence by or under the Constitution.



Shared treaty making power

Article 167 of the Constitution

§ 1. The King shall direct international relations, without prejudice to the competence of the communities and regions to regulate international cooperation, including the conclusion of treaties, **in matters within their competence by or under the Constitution.**



Focus on international relations

Article 167 of the Constitution

§ 1. The King shall direct international relations, without prejudice to the competence of the community.

In foro interno, in foro externo

cooperation, including the conclusion of treaties, in matters within their competence by or under the Constitution.



What does it mean in practice ?



SIGNING

RATIFICATION

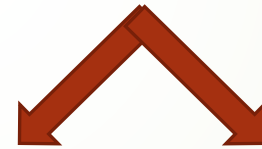
ASSENT

What does it mean in practice ?

RULE N°1 : Exclusivity of the exercise of competences



RULE N°2 : *In foro interno, in foro externo*



Exclusive treaties

Mixed treaties



Signing,

Assent by the relevant legislative body,
Ratification by the relevant executive body



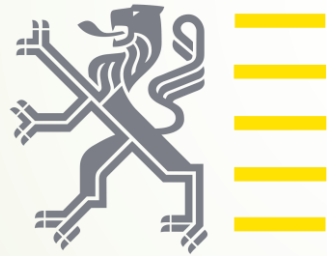
Signing,

Assent by each relevant legislative body,
Ratification by the King

Mixed treaties



FÉDÉRATION
WALLONIE-BRUXELLES



Wallonie

Federal legislative power



Senate

Bi-cameral system



Chamber of Representatives



Parliamentary control of the Government

- 1) The right to require the presence of members of the Government
- 2) The right to ask questions and to get answers
- 3) The right of inquiry
- 4) The right to vote a motion of defiance



Thank you for your attention

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