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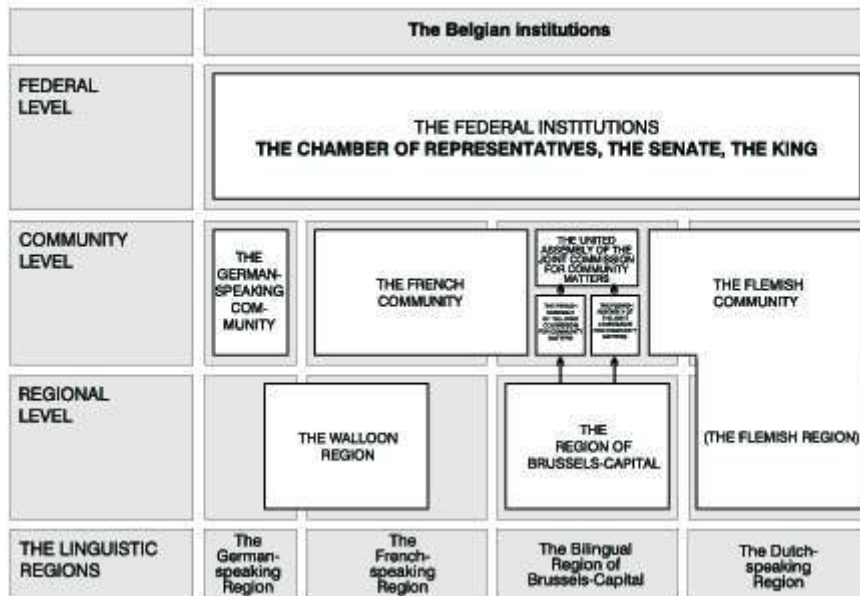
Belgium and the Belgian State

Dominique Istaz

- 1 Small country in the heart of the North-West of Europe, Belgium covers an area of 30,518 sq. km, with a population of about 10,200,000 inhabitants. Brussels, the capital, is an international city, the seat of the NATO and, above all, this one of the European Commission and of the main European institutions.

The Belgian Federal State

- 2 When it was created in 1831, Belgium was a unified constitutional monarchy, with a simple hierarchical structure on three levels: the national State, with 9 provinces and more than 2,700 municipalities under its authority. The present rather complex State structure is the result of a number of institutional reforms. These reforms began in 1962-1963 with the final definition of the language border. Following the institutional reforms of 1970, 1980, 1988-89 and 1993, Belgium is gradually being transformed into a fully Federal State. This is shown by Article 1 of the revised Constitution: 'Belgium is a Federal State which is made up of Communities and Regions'.
- 3 This means that several bodies (the Federal State, the Regions and the Communities) which are equal in law, now share the powers which were formerly controlled solely by the central State.
- 4 In fact there is no hierarchy between these three types of authorities. Each one has its own legislative and executive bodies and, within the limitations of their competencies and territorial scope, they can pass laws (at the federal level) or decrees (at the level of the Regions and Communities; ordinances in the Region of Brussels-Capital) which have the same legal force.



- 5 This absence of a hierarchy and sharing of powers between the Federal State, the Regions and the Communities constitutes the basis of Belgian federalism. The 10 provinces (the former Brabant was divided in two provinces along the linguistic border, Brussels as a specific Region not belonging to any province) and the municipalities, which represent local authorities, have been transferred to the responsibility of the Regions.

The Federal State

- 6 Although there are many powers which now fall to the Regions and Communities, the Federal State still retains power over foreign policy, national defence, the justice system, the army, monetary policy and the management of the national debt, social security, etc.
- 7 On a federal level, legislative power is exercised by the King (formally) and the Chamber of Representatives and the Senate (i.e. the Parliament). Elections take place every four years. Executive power is given to the King, although it is exercised de facto by the Federal Government.

Regions and Communities

- 8 Belgium has three Regions, whose territory is defined by its Constitution: the Walloon Region (the five Walloon provinces), the Flemish Region (the five Flemish provinces) and the Region of Brussels-Capital. Their powers are bound to their geographical area. These essentially relate to town and country planning, the environment, housing, regional economic policy, employment, public works, transport, agriculture, water, etc.
- 9 There are also three Communities, distinct from the Regions: the Flemish Community, the French Community and the German-speaking Community. Their powers are cultural and are bound to people (cultural issues, education, health and social assistance, etc.). In theory the Communities are not limited to a territory properly speaking, with the exception of the German-speaking Community (nine municipalities in the east of Belgium). However, it can be said that the Flemish Community covers the Flemish Region

and the Flemish institutions established in the Region of Brussels-Capital, and that the French Community covers the Walloon Region (except for the German-speaking Community) and the French-speaking institutions established in the Region of Brussels-Capital.

- 10 The Regions and Communities have a considerable degree of autonomy, and exercise the whole powers in the areas which are allocated to them by or pursuant to the Constitution.
- 11 This autonomy is illustrated by the fact that each Region and Community:
- has a parliament, known as a Council (of the Region or the Community) and an executive, the Government (of the Region or of the Community). The Regional and Community Councils are directly elected every five years;
 - passes decrees (ordinances in the case of the Region of Brussels-Capital) which have the force of statute;
 - control their own budget, whose considerable resources come from both fiscal and non-fiscal revenues.

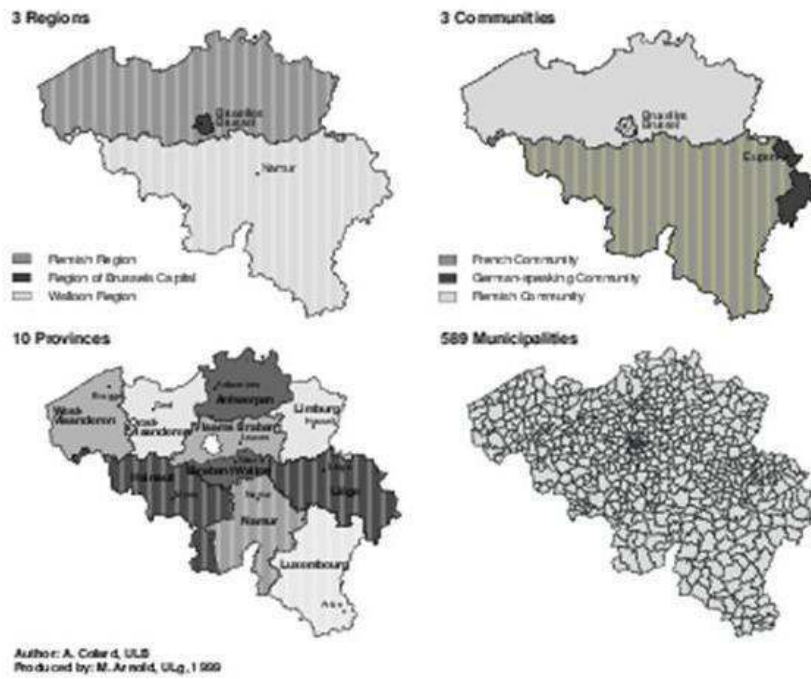
Institutional asymmetry

- 12 The structure of institutions is not perfectly identical in the north and south of the country:
- on the Flemish side there has been a ‘merger’ of the Regional and Community institutions: a single Council and a single Government exercise the powers of both the Flemish Region and the Flemish Community. This ‘merger’ illustrates the Flemish preference for a Belgium based on two large communities, with Brussels, historically a Flemish-speaking city but now with a very strong French-speaking majority, having been chosen as the common capital.
 - on the southern side, however, there is a Walloon Regional Council and Government and a Council and Government of the French Community. The rejection of a ‘merger’ between the French Community and the Walloon Region illustrates the preference on the Walloon side for a Belgium based on three Regions, which may be explained, among other things, by sociological differences between Wallonia and Brussels, due to the industrial history of Belgium from the XIXth century, in spite of the majority French-speaking character of the capital city. The Walloon Region has set up its capital in Namur, half-way between Charleroi and Liège (the two large Walloon conurbations), while Brussels is the seat of the French Community (and Eupen is the seat of the German-speaking one).
 - like the two other regions, Brussels has a Council and a Government. Due to the presence of bilingualism within its territory and its role as the capital of the country, the Region of Brussels-Capital does, however, have a special status:
 - it is home to both the French Community and the Flemish Community. Furthermore, a number of Brussels institutions, each of which has its own assembly and college, also exercise the powers of the Community: the Commissions of the French, Flemish and joint communities.
 - it passes ‘ordinances’, not decrees. These are subject to limited legal controls by the Federal authorities (in the areas of town and country planning, public works and transport).
 - it discharges certain responsibilities elsewhere assigned to the municipalities (fire-fighting and emergency medical assistance, removal and processing of waste, passenger transport for payment, coordination of municipal activities) and provincial powers.

- 13 The Region of Brussels Capital is narrowly limited to 19 municipalities and covers an area of 161 km², with about 950,000 inhabitants, i.e. only the central part of the Brussels metropolitan area.

Provinces and municipalities

- 14 The provinces and municipalities represent the local authorities and they are under the authority of the Regions. Their powers are exercised while respecting standards issued by hierarchically superior powers (the State, the Regions and the Communities) and in accordance with the public interest.
- 15 Each province has an assembly, the Provincial Council, and an executive body, the Permanent Deputation. Each municipality has a Municipal Council and a College of Mayor and Aldermen. Elections to provincial and municipal councils take place every six years.
- 16 The provinces are responsible for 'provincial interests'. These are not otherwise clearly defined: they include everything which the provinces judge to be in the interests of their inhabitants, if the issue is not dealt with by the State, the Regions and the Municipalities. They essentially consist of education, culture, leisure, housing, health, roads and watercourses, etc.
- 17 Since the amalgamations in 1976 (and 1983 for Antwerp), Belgium has only 589 municipalities: 262 in the Walloon Region, 308 in the Flemish Region and 19 in the Region of Brussels-Capital. Since the Middle Ages these have had significant powers, also reinforced by the Belgian Constitution of 1831. The municipalities are responsible for municipal issues, which are also not clearly defined. Essentially they involve:
- civil administration (producing civil status documents and maintaining the population registry),
 - maintaining order in the municipality,
 - anything which the municipality considers to be in the interests of its inhabitants and which is not completely taken over by a higher authority (schools, cultural and sports centres, economic and social development or development of communal areas etc.)
- 18 Apart from the 19 bilingual municipalities of the Brussels Region, there are municipalities with special language regimes intended to protect linguistic minorities. These municipalities, which are contiguous to another language region, are said to have 'facilities', since the law allows the other language to be used there in dealings between individuals and the local administration. There are six such municipalities situated on the periphery of Brussels in the Flemish Region, ten municipalities situated on both sides of the language border between Flanders and Wallonia, the nine municipalities of the German-speaking Community and two associated with it.



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