



Godelieve Van Den Bergh of Belgium Belgium's communities and regions take on foreign affairs

Belgium's constitutional reform of 1993 confirmed the status of the country's three regions – Flanders, Wallonia and Brussels – and of its three linguistic communities serving Flemish-, French- and German-speaking citizens. Each of the regions has its own parliament and executive, as does each of the communities. The institutions of the Flemish community government and of the regional government of Flanders have been merged. The communities, the regions and the federal government are linked together through a complex division of responsibilities.

Godelieve Van Den Bergh is an ambassador with Belgium's unit for Relations with the Regions and Communities, which is a part of the federal Department of Foreign Affairs, External Trade and Cooperation in Development. The unit acts as an intermediary between the Department and Belgium's constituent entities.

Ms. Van Den Bergh recently met with David Mac Donald of the Forum of Federations to discuss the roles played by Belgium's federal government and constituent units in bringing about a new approach to that country's foreign relations.

Federations: Belgium was originally a unitary state. How did it become a federal country?

Van Den Bergh: In 1993, Belgium amended its constitution and the first article now stipulates that "Belgium is a federal state consisting of communities and regions." There are accordingly the federal government, three regions and three communities. The communities have exclusive jurisdiction over everything pertaining to the individual. These are the so-called "personalized" areas such as culture, education, young people and health. The regions, for their part, have exclusive jurisdiction over everything pertaining to the soil: the environment, water, electricity, and so on.

The former unitary state no longer exists, apart from the federal government. I myself, for instance, am a diplomat with Foreign Affairs and am still in the federal government. However, more and more international jurisdictions have been transferred to the constituent entities. For example, foreign policy is a federal responsibility in Belgium but the

constituent entities have the power to sign international treaties within their areas of jurisdiction.

Take, for instance, the cultural field: the federal government no longer has any powers in this field because it pertains to the individual and is therefore now a community responsibility.

Federations: Do you send cultural representatives of the communities to other countries?

Van Den Bergh: Yes, from some communities but not from all. For example, I was still a cultural attaché in Mexico from 1983 to 1986. I think that I was one of the last from the Belgian federal government. Now, if there are any, they represent the communities, and so it is no longer completely federal. In order to work better together, we have concluded a cooperation agreement with the officers from the constituent entities who work in federal premises abroad, particularly in embassies and consulates general. There are rules to follow, but it works out very well.

If in a treaty there are aspects pertaining to culture or to another area within the jurisdiction of the constituent entities, the federal government cannot conclude the treaty unilaterally. These are called "mixed treaties" regarding subjects of concern to both the federal government and the constituent entities. This keeps us busy.

Federations: There is a tremendous amount of consultation....

Van Den Bergh: Yes, there is a tremendous amount of consultation in advance. This is what happened, for example, when Belgium held the presidency of the European Union [from July 1 to December 31, 2001]. The Council of the European Union is the main decision-making body in the Union, and all the member states rotate into the presidency for a period of six months. Throughout the time when it occupied the presidency, the federal government was constantly consulting with the constituent entities.

Federations: In view of the fact that the unit for Relations with the Regions and Communities comes under the Minister of Foreign Affairs and External Trade, it probably plays an active role in the negotiation and signing of international treaties.

Van Den Bergh: The Minister of Foreign Affairs is also the Minister of External Trade. Since the last agreements signed in 2002, external trade has been completely regionalized. Only Belgium's representation in international organizations such as the World Trade Organization (WTO) is still a federal responsibility. However, even though Belgium is represented by a federal minister, what is done in these portfolios has to be agreed upon in advance by the constituent entities and the federal government.

In addition, the Minister of Foreign Affairs and External Trade is also the Minister of Cooperation. And international cooperation is going to be regionalized in 2004. This is why we still haven't instituted any cooperation agreements.

Federations: The regions will therefore be represented at La Francophonie, for example. Even though the regionalization of international cooperation is within federal jurisdiction, there must be quite a consultation process....

Van Den Bergh: The Minister of Foreign Affairs is appointed by the King. All of us diplomats who represent the country of Belgium abroad are therefore appointed by the royal authority, but there is still consultation. I am thinking for example of the economic and commercial attachés, as they are called in the embassies, who are completely regionalized. They promote trade with Belgium abroad. In other words, they do microeconomic promotion, while macroeconomic analysis is a federal responsibility. It's actually quite complicated. Most of the cooperation agreements go back to 1994, and I think that they need to be refined, adapted. So there is still work to be done.

Federations: Belgium is a veritable laboratory of federalism....

Van Den Bergh: Yes, that's right. I chair the "mixed treaties" working group. Even though a treaty is mixed and the federal government and constituent entities are therefore joint participants, it is still the responsibility of the Department of Foreign Affairs, the federal government therefore, to decide whether or not to enter into a negotiation process. In some cases, we don't have diplomatic relations or we have some difficulties. In any case, in order for a treaty to be ratified, everybody has to agree. This often explains why the ratification process takes so long in Belgium.

Federations: Is there any desire to streamline things?

Van Den Bergh: The constituent entities have to agree to the treaty, and this takes so long, I think, that an attempt should possibly be made to simplify things, or to see what could be done to speed up the process. Agreements often have to be ratified quite quickly in order for treaties to take effect, but everybody has to wait for Belgium. Many people have commented to the Prime Minister about this. I think that it will take a long time before everything works ideally.

Federations: Do you suffer from "meetingitis", as we say, or in other words are you constantly attending meetings?

Van Den Bergh: I think that it is helpful to speak with one another, to meet face to face, and discuss problems. You have to try to find solutions. The problems are there to be solved. We want to work and come up with something....

Federations: Do you think that the transfer of responsibilities to the regions will continue or will it stop now?

Van Den Bergh: The country of Belgium will always be the sovereign state, but the constituent entities – the regions and communities – have exclusive jurisdictions that they will be entitled to internationalize, to develop. And these jurisdictions will only increase in scope.

Federations: This is what in Québec is called the "Gérin-Lajoie philosophy." Mr. Gérin-Lajoie was a provincial minister who maintained that it was important for Canadian provinces to be able to internationalize their exclusive jurisdictions, especially in the area of education.

Van Den Bergh: Internationalize their jurisdictions, that's what has been happening in Belgium since 1993. But I don't think that it has been done in Canada, at least not yet....

Federations: I know that some Canadian provinces have been studying the Belgian model in regard to environmental and natural resource issues. Since there are many negotiations that are continent-wide now in the Americas, the provinces would like to participate in them.

Van Den Bergh: This is already being done in Belgium. Everything pertaining to agriculture, for example, has been regionalized since the 2002 agreements. I think that in the case of the Agriculture Council of the European Union, the constituent entities were able to chair it. That was the first time when Belgium was the chair, so lots of new things are happening. And then there are many, many preparatory meetings. In this way, everybody's views can be taken into account. In advance. ☺