The Belgian Federal Parliament – A Story of Centrifugal Federalism and Weakening Bicameralism

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Figure 1- Entrance of the Paleis der Natie/ Palais de la Nation. @Monument Heritage Brussels

Belgium has been a parliamentary-constitutional state since its foundation in 1830. Between the late 19th century and the mid-20th century, it experienced gradual democratisation with plural male voting rights being granted in 1893, singular male voting rights in 1919 and eventually women's suffrage in 1948. Between the 1970's and 2010's, consecutive state reforms would turn the once-unitary country into a federal system, and a bicameral parliamentary system into a *de facto* monocameral system. Caught between increasingly autonomous regional legislatures and increased EU competences, it is fair to say that Belgium's Chamber of Representatives is not the centre of political influence it once may have been. Nevertheless, discussions on the future of the Belgian political system have always remained relevant in the country's politics, especially with recent debates taking ideas of 'refederalisation' out of the taboo sphere they once belonged to. This overview aims to sketch out an outline of Belgium's political system and the function of its federal parliament anno 2025.

Belgian Federalism

Belgium is a rather unique case in terms of its constitutional makeup in that it has a total of six parliaments. As mentioned above, ethno-linguistic tensions between Dutch-speaking and French-speaking groups made way for six consecutive state reforms in 1970, 1980, 1988-89, 1993, 2001 and 2011-2012. These reforms have transformed

Belgium from a unitary state to a federal one, making it a rare case of centrifugal federalism.

The development of federal Belgium has been closely linked to the concept of consociationalism, with constitutional power-sharing mechanisms functioning to avoid conflict between the aforementioned ethno-linguistic groups. In other words, the state reforms worked to suppress tensions between the Dutch-speaking and French-speaking groups by respectively giving both communities increasing political autonomy. This process of increasing regional autonomy made way for a unique system where competences are divided across the federal level and across political bodies referred to as Communities (i.e. Dutch-, French- and German-speaking communities) on the one hand and Regions (i.e. Flanders, Wallonia and the Brussels-Capital Region) on the other hand. As a consequence, Belgium today has a bicameral federal parliament as well as parliaments organised at the regional and community levels, including:

- The Flemish Parliament that treats both the competences that the federal level has transferred to the level of Flanders and the Dutch-speaking community (in Flanders as well as the Brussels-Capital Region).
- The Walloon parliament that treats the competences that the federal level has transferred to the level of Wallonia.
- The parliament of the Brussels-Capital Region that treats the competences that the federal level has transferred to the Brussels-Capital Region.
- The parliament of the Federation of Wallonia-Brussels that treats the competences that the federal level has transferred to the level of the French-speaking community (in Wallonia and the Brussels-Capital Region).
- The parliament of the German-speaking community that treats the competences that the federal level has transferred to the level of the German-speaking community.

Throughout these six constitutional reforms, the Belgian federal state has thus transferred an increasing number of competences to the Regions (e.g., economy, employment, housing, transport, town planning…) and the Communities (e.g., education, culture, language legislation, integration, certain aspects of welfare, health care and child allowances…). Nevertheless, the federal state still decides on a number of influential policy areas such as defence, public finance, justice, social security, foreign affairs, and large portions of home affairs and public health.

Since the state reform of 1993, Article 35 of the Belgian constitution has stated that the federal level's competences are only those which the constitution has explicitly granted her, with all other competences not specifically granted to it (called residual competences) belonging to the Regions and Communities. However, even if this may legally be so, in practice a 'special majority law' (see infra) stating the would-be competences of the federal level still needs to be passed in order for Article 35 to become meaningful. As this has not happened in the 30 years since the initial reform was passed, the federal level retains the 'residual competences' in practice, while the Regions and Communities get only what is explicitly assigned to them by the Belgian constitution.

Constitutional Institutions and Structure of Parliament

Belgium is a constitutional monarchy and a parliamentary democracy under the rule of law. The three branches of the federal government are thus divided as follows:

- The legislative branch, jointly exercised by the King, the Chamber of Representatives and the Senate (Art.36 Gw.)
- The executive branch exercised by the King (Art. 37 Gw.)
- The judicial branch, exercised by the courts (Art. 40 Gw.).

The main political actors and institutions on the federal level are therefore: the King as the third branch of the legislative branch and the head of the executive branch (1), the 150 members of the Chamber of Representatives to whom the King is responsible (2), the 60 members of the Senate (3), and the courts (4) among which the Constitutional Court and the legislative division of the State Council are the most prominent in political affairs.

'The King' stands to mean the monarch and his ministers. While formally holding a prominent role, the monarch is inviolable, not politically responsible and incapable of individual political action (Art. 88 Gw.). He therefore has no legal political power, and his ministers are thus responsible for his actions which hold political or criminal meaning (Art. 88 Gw.). After an election, the King appoints the 'formateur'. Typically the leader of the biggest party, the formateur is mandated to form a governing coalition and establish the federal government, usually becoming the prime minister upon formation. In recent years, long government negotiations have been subject to critique by citizens and commentators abroad, calling into question the effectiveness of Belgium's constitutional structure.

The ministers forming the federal government, are responsible to the federal parliament, which can 'kick out the rascals' through a vote of no confidence. The federal government consists of maximally 15 ministers which, sometimes disregarding the prime minister, is comprised of an equal amount of Dutch and French speakers. Similarly, the federal parliament (both Senate and Chamber) is divided into two linguistic groups, which shows its significance when it comes to the passing of 'special majority laws' (see infra) and constitutional reforms as in those cases, a majority must be obtained in both linguistic groups before a law can pass.

Weakening Bicameralism

The political power of the Senate relative to the Chamber of Representatives has strongly decreased in recent decades. In contrast to 1830, when its establishment was deemed politically necessary by the Belgian Founding Fathers, the recently formed so-called 'Arizona' government has even promised to bring about its total abolition during its legislature (2024-2029).

While initially holding equal power relative to the lower house, the state reform of 1993 introduced the concept of *functional federalism*. For the Senate, this meant that it would no longer represent the Belgian nation but rather act as a forum of debate between the Regions and Communities and serve as a 'chamber of reflection'. After the sixth state reform in 2011-2012, a constitutional reform (not to be confused with a state reform) on 6 January 2014 continued this trend of differentiating the role and tasks of the Senate vis-à-vis the Chamber of Representatives. Since 2014, the Senate's legislative role has been largely limited to constitutional revisions and special laws, with most laws now being passed through a monocameral procedure in the Chamber of Representatives.

Furthermore, the Senate is also no longer directly elected. Rather, it is comprised of 50 MP's elected in the regional parliaments and 10 'co-opted' members. It is also no longer a permanently gathering body, only assembling on necessary occasions.

The heavily reduced responsibilities of the Senate have resulted in many drawing the necessity of its continuing existence into question, explaining the 'Arizona' government's proposal to totally do away with it.

Electoral System

The 150 members of the Belgian Chamber of Representatives are directly elected via a proportional representation (PR) electoral system since 1899. A constituency's seats are thus not divided according to who has obtained a relative or absolute majority, but in proportion to the number of votes per party. The exact distribution of seats is calculated via the D'Hondt system at an electoral threshold of 5% to prevent party fragmentation. Combining this relatively high threshold with the fact that the D'Hondt system leads to a less proportional division than a so-called 'simple quota system' makes it relatively harder for smaller parties to get elected when compared to, say, the Netherlands (a simple quota system with an electoral threshold of 0,67%). Due to Belgium's PR system, coalitions are an essential part of the political and governmental culture, with the expression *compromis à la Belge* alluding to the supposed Belgian 'skill' in finding a political middle ground being a quasi-cliché saying in public life.

More like the Netherlands, however, is the fact that electoral lists are a mix between open and closed lists, with voters being able to either bring out a vote for a specific candidate (open list) or opt for a 'list vote' (lijststem) which distributes votes according to the order in which candidates are presented (closed list). The voting lists for the Chamber of Representatives are divided across 11 constituencies which align with the ten Belgian provinces plus the Brussels-Capital-Region. This makes a unique case where most parties are divided linguistically and thus only stand for election in half the country, with Brussels counting as a circumscription on its own where citizens can choose to vote on either Dutch-speaking or French-speaking electoral lists. The former has been criticised by scholars who often plead for the organisation of a national, federal circumscription. The argument being that this would increase democratic accountability and create a truly 'Belgian' circumscription.

Elections are held every 5 years in line with the European elections, with the minimum voting age being 18. Voting is also compulsory, making Belgium one of four countries in the EU with compulsory voting. For that reason, Belgium has typically had a voter turnout around 90%. However, this does not mean that Belgian voters are somehow much more politically engaged than their neighbours with lower turnout rates. When compulsory voting was annulled in the most recent Flemish local elections, turnout was only around the 50% mark.

Main Legislative Process for Federal Laws

Depending on the required majority, as well as the number of chambers required for laws to pass, we can distinguish between 'normal laws', 'special majority laws', as well as 'monocameral', 'bicameral', or 'optionally bicameral laws'.

Special majority laws require a passing vote in both the Chamber of Representatives and the Senate. This means that over 2/3rds of total MPs, as well as a majority of MPs

across both linguistic groups must be present to vote for a special majority law to pass, also making them bicameral laws by nature. After the legislative procedure for constitutional revisions, which require a 2/3rds majority in both Senate and Chamber after snap elections, special majority laws are the most demanding in terms of passing requirements. In contrast stand the 'normal laws', which require only a simple majority in the Chamber of Representatives in order to be accepted, making them monocameral. As these are the most common kind of laws being treated in parliament, the process of how a 'normal law' comes into being is discussed below.

The creation of a 'normal law' happens in six essential 'steps': the initiative (1), the advice of the legislative department of the State Council (2), the discussion and vote (3), the second reading (4), the ratification and promulgation (5) and the publication and entry into force (6).

All laws depart from a draft bill that is initiated by either the King or a member of the Chamber of Representatives (the former is the most common and will therefore be the main focus for the remainder of this section). Before any draft bill can be processed, it must pass through a vote of consideration. This is to ensure that the draft is not harmful to the public order, unconstitutional or 'unserious'.

In the second stage, draft bills proposed by the King are required to be submitted to the legislative department of the State Council for non-binding technical legal advice. This submission for advice is mandatory unless the government calls for high urgency. In this case the Sate Council only puts forward advice on whether or not the bill falls within the competencies of the federal government (Art. 3 RvS-wet). Draft bills proposed by a member of the Chamber are not required by law to be submitted for advice, even though this may still happen under specific circumstances (Art. 4 RvS-wet).

After a draft bill proposed by the King has received advice from the State Council, it will be assigned to the relevant commission within the Chamber of Representatives, where it is discussed and voted. In the commission, amendments can be made to either scrap, adjust or add to a draft proposal. After a vote in the commission, the (amended) bill is transferred for discussion in the plenary meeting and, in the case of monocameral laws, the final vote. Given that most laws are 'normal laws' and thus monocameral, it is possible, yet not mandatory, to hold a second reading of a draft bill, be it in the commission or in the plenary (Art. 76, derde lid Gw.).

After this second reading, or immediately after the first vote in the plenary, the parliamentary work surrounding the draft bill is over and the bill is transferred to the King for ratification and promulgation. The ratification implies that the King (the monarch), as head of the third branch of the legislature and under the responsibility of his ministers, expresses his agreement with the draft bill after its treatment in the Chamber of Representatives. The promulgation is the act whereby the King, as head of the executive branch confirms the existence of the law and commands that it be published in the Belgian Official Gazette. Both the ratification and the promulgation take place by means of the same signature but are seen as two different legal acts. Aside from the King, two ministers also sign the law, namely the minister of Justice and the minister whose department is responsible for the execution of the law in question.

Finally, the law is published in the Belgian Official Gazette when the executive branch deems it opportune to do so, without exceeding a reasonable term. The law is published

in Dutch and in French, with the assumption *juris et de jure* that all citizens know the law. In principle, all laws enter into force ten days after they are published. However, the exact moment of entry into force can be altered concerning the entire law, or even specific articles within the law. A law is only binding after its publication and entry into force (Art. 190 Gw.).

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