

Speech by **Matthias GYSIN, Switzerland (L, GILD-ILDG), Belgium, Part I**

*Check against delivery - Seul le prononcé fait foi*

## **Debate on Monitoring of the European Charter of Local Self-Government: Belgium**

Dear colleagues,

I am delighted to present a report and a draft recommendation on monitoring of the implementation of the Charter in Belgium which were adopted at the Monitoring Committee meeting in September. They were prepared by co-rapporteur Magnus BERNTSSON from Sweden and myself after visiting Belgium twice, in March and May 2022.

We had to carry out our mission in two parts because of the complex institutional system in Belgium and the need to meet many authorities of various levels of government to assess the implementation of the Charter.

The situation was not always easy to understand even for me, coming from Switzerland, which shares some common points with Belgium. We are thus grateful to all of our interlocutors for a fruitful dialogue during the meetings and also to the National delegation of Belgium to the Congress and their secretaries for their assistance in organising both parts of the visit.

I think it is important for a better understanding of the issues raised in the report if I first briefly outline the specific features of territorial, institutional, and linguistic set-up in Belgium. My co-rapporteur will then continue with our findings and the relevant recommendations addressed to the Belgian authorities.

Firstly, the Kingdom of Belgium is a fully federal country, one of the most decentralised in Europe. It is composed of Communities and Regions known as “federated entities” which have exclusive competence to deal with local self-government affairs. The local level consists of municipalities, provinces and other local entities which may be created via regional legislation.

The regional level in Belgium is probably one of the most complex in Europe. It consists of three regions and three communities: the Flemish Region, the Walloon Region and the Brussels-Capital Region, the Flemish Community, the French Community, and the German-speaking Community.

The regions have territory-related responsibilities, while communities implement powers and competences linked to the delivery of services to citizens.

All of the interlocutors we met unanimously agreed that the regions in Belgium have reinforced the local authorities and local autonomy. Everyone appeared satisfied with social and political relevance of municipalities and with the scope of their responsibilities.

We share and welcome this positive assessment. We would only suggest introducing a principle of local self-government in a more explicit and clear manner either in the Belgian constitution or the existing regional legislation on local government.

The situation, however, is more complicated in the case of the provinces. Their responsibilities have been reduced (especially in Flanders) and some politicians have discussed abolishing these units. In sum, the future of provinces remains uncertain. Clearly, some strategic vision on this matter is needed and we invite regions to incorporate this into the relevant regional policies, at least for the purpose of legal certainty.

I would now like to move to another well-known specific feature of Belgium, its linguistic diversity as a result of the co-habitation of different cultural and linguistic groups. Maintaining delicate balance of this cohabitation is critical for social peace and cohesion in the country. To this end, special arrangements have been made in Belgium on the use of languages. This is accompanied by a subtle and complex system of checks and balances. For example, some municipalities have been endowed with special linguistic arrangements or “facilities”.

All interlocutors during the visit expressed their general satisfaction with the current situation of “intercommunity peace” and this is to be welcomed.

However, this area is not completely free of tensions. This is evidenced by the fact that the Congress fact-finding visits in Belgium repeatedly raised concerns about the use of languages in local public affairs and the appointment of mayors in the communities “with facilities” in the Flemish Region.

Given the time constraints, I cannot elaborate on this recurring issue in Flanders, but I invite you to go back to the relevant Congress Recommendations 258 (2008) and 409 (2017) which examine this matter in detail.

Based on the findings of our visit, we have concluded that, regrettably, little progress has been achieved in implementing these previous Congress recommendations. For example, the system of the appointment of burgomaster in Flanders remains in breach of Article 8.3 of the Charter and needs to be revised.

My co-rapporteur will continue with our findings and recommendations.

Thank you for your attention.