

## BELGIAN POLITICS IN 1989

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# Belgian Politics in 1989

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by Ivan COUTTENIER,

Licentiate in Political Science.

The center-left Martens VIII cabinet, which had taken office in May 1988 following the longest political crisis in Belgian history, continued in 1989 implementation of its constitutional reform program. The European elections had no domestic impact, but during the campaign the focus was once again on the burning immigration issue. Meanwhile, abortion liberalization caused tension inside the majority. In foreign affairs, the focus was on normalization of relations with Zaire.

## I. Constitutional reform.

### A. *Completion and implementation of the first two stages of constitutional reform.*

In 1989, the Martens VIII cabinet completed the first two stages of constitutional reform and it started a preliminary debate on the third phase. The first phase contained amendment of seven constitutional articles, the August 8, 1988, devolution act on the jurisdiction of communities and regions, and the August 9, 1988, language act.

During the winter of 1988-1989, Parliament enacted legislation on the Brussels regional institutions — the January 12, 1989 act, legislation on the election of the Brussels Regional Council (January 12, 1989), the January 6, 1989 act on the Arbitration Court, legislation on the financing of regions and communities (January 16, 1989), legislation on mediation and cooperation among regions, communities and national government (January 23, 1989), and legislation empowering regions and communities to levy taxes (January 23, 1989).

To this list have to be added the March 23 and March 31 acts which made technical adjustments to the act on the Brussels Council elections.

During the discussion of the May 9 act which dealt with the Brussels region, Flemish politicians expressed concern over inadequate Flemish representation in the newly created Brussels institutions. The government adopted a Flemish proposal to allow the substitute members of the Brussels executive to sit in the Council, granting them voting right only in committees, not in plenary sessions.

The June 16, 1989 act established ways in which the two ethnic communities of Brussels would participate in the government of the nineteen municipalities of the Brussels metropolitan area. In municipalities with no elected Flemish councilman, a Flemish member of the municipal assistance commission would be al-

lowed to verify the minutes of the municipal authorities. The act also contained special provisions for Brussels municipalities with no Dutch-language members in the municipal assistance commission. Moreover, those Brussels municipalities which opted for allowing a Flemish alderman in the executive, would qualify for an extra alderman position. Moreover, the jurisdiction of the Council of State was extended to include the Brussels institutions.

In analogy with the extension of the jurisdiction of the Arbitration Court which can rule whether laws, decrees and ordinances violate articles 6, 6b or 17 of the constitution, the administrative section of the Council of State became empowered to rule whether decisions of the executive branch violate these constitutional articles.

The Brussels executive was allowed to send two representatives (one Fleming, one Francophone) to deliberations between national and regional governments. They were allowed to participate in decisions on regional and personalized matters, not on cultural affairs and related matters. Article 59c of the constitution was amended to bring the German-speaking community on an equal footing with the Flemish and Francophone communities. The German-speaking community obtained treaty-making power and obtained its own financing system.

Moreover, several executive decrees were enacted to allow, for example, the transfer of civil servants from the national to regional bureaucracies, to allow the transfer of office buildings and to improve cooperation between central and regional governments.

### B. *The third phase of constitutional reform.*

During the formation of the Martens VIII cabinet, the majority leaders had agreed on the principle that during a third phase, Parliament would be reformed, that residual powers would be allocated to the regions and communities, and that regions and communities would obtain treaty-making power. However, declarations made on this subject by majority leaders soon revealed differences on how this would be implemented. In an interview with the independent Catholic daily "De Standaard", CVP President Herman Van Rompuy warned against giving regions and communities too much power. He said he feared that separate elections for the regional legislative bodies would intensify the separatist drive and that for this reason his party preferred "no third phase, rather than a bad third phase." Early 1989, the Flemish nationalist Volksunie pleaded for the immediate start of preparatory talks among the five majority parties. On January 5, CVP Chamber floorleader Luc Dhoore said that his party wanted a good third phase within a "reasonable timetable." Vice Premier and Communications Minister Dehaene (CVP) told the Chamber that this third phase was part of the government's program, and that without it, constitutional reform would not be complete. On another occasion, Dehaene warned that the third phase would be the most difficult one of the three phases. He said he doubted the wisdom of allocating residual powers to re-

gions and communities as envisaged by the governmental program, and he raised the question of how national legislation and regional decrees should relate – the “hierarchy of norms”. On yet another occasion, Dehaene said he was convinced that, one day, there would come a more flexible repartition of competences among the national and regional governments, and that some form of national controlling authority would have to be established if the residual powers were to be allocated to the regional bodies.

On February 8, the three Flemish majority parties issued a statement saying that preparations for the third phase would have to be done in consultation with Parliament. They expressed the hope that phase III would be approved by Parliament before the 1990 summer recess.

On June 29, Volksunie Vice Premier Hugo Schiltz warned those who were trying to water down the significance of this third phase. Dehaene stated that the issue was complex and delicate and needed further negotiations. He admitted that when the government’s program was written, the impact of the allocation of residual powers had not been fully assessed. This was denied by Volksunie president Jaak Gabriels. On August 28, Flemish Socialist Vice Premier Willy Claes told “De Morgen” that this third phase should be realized without precipitation. He said to share the reservations made by Dehaene on allocation of the residual powers and he expressed similar concern about granting treaty-making power to regions and communities.

Early October, the government invited Parliament to set up a joint Chamber-Senate committee to start preparatory talks and to make proposals for this third phase. The committee was formally established on December 22 and was composed of 26 members. It was jointly chaired by Senate President Frank Swaelen (CVP) and Chamber President Charles-Ferdinand Nothomb (PSC). It was agreed that the deadline for proposals on parliamentary reform would be Easter 1990, but for other issues no deadline was set.

## II. European and Brussels regional elections.

### A. *The European election campaign.*

The election for the 24 Belgian seats to the European Parliament took place on June 18. A lackluster campaign had preceded these elections. Only typical Belgian aspects (ethnic disputes) managed to draw public attention. As in 1984, the regional allocation of the seats – 13 to the Flemish electoral college and 11 to the francophone college – led to political debate. This regional breakdown had been agreed on in 1977 and was a first time applied during the 1979 elections, and again in 1984. Since the original act only covered these two elections, and no common European system had come into place, Parliament was called to enact new legislation. The Flemish political world insisted on seat reapportionment according to the latest census figures. They argued that Flanders qualified for a 14th

seat. Other Flemish politicians argued that if the number of voters were taken into consideration, Flanders would qualify for a 15th seat. Unsurprisingly, the Francophones insisted on maintaining the 13/11 apportionment. They pointed out that when the government was formed in 1988 the issue had not been raised, and since there was no political agreement among the majority parties for a change, the apportionment had to remain. On February 24, the government reached agreement on the text of a draft bill which allocated 13 seats to the Flemish college and 11 to the francophone college. However, in the memorandum attached to the bill, the government promised that the issue would be dealt with during the third phase of constitutional reform. During the parliamentary discussion, spokesmen for the Flemish parties regretted the government's failure to adjust the seat allocation, but only a few majority backbenchers voted against the bill. In the Flemish Council, the Flemish Liberals (PVV) attempted to start a conciliation procedure which would have resulted in new talks between national and regional governments, but the majority parties refused to go along with this procedure. After the new legislation had been promulgated (March 23), an appeal was introduced with the Arbitration Court. (Under the provisions of newly enacted legislation, the Arbitration court, upon request of any citizen who has a "genuine interest" could suspend or nullify legislation which violates articles 6, 6b and 17 of the constitution.)

The plaintiffs were Flemish Bloc Deputy Gerolf Annemans in his capacity as voter, Prof. Marcel Storme and 19 personalities in their capacity as voters and candidates, and Gunther Pauli in his capacity as candidate. On April 27, the Arbitration Court overruled the request arguing that the plaintiffs had not sustained irreparable damage. The court also ruled that if it were established at a later stage that there was ground to nullify the legislation and new elections would have to be held, this still could not be considered to be an irreparable damage. By rendering this verdict, the court gave a wide interpretation to its newly acquired jurisdiction. The government had argued that citizens were "not concerned", but the Arbitration Court ruled that every voter and candidate has an "interest" in seeking abolishment of those provisions which may negatively influence his vote and candidacy. In 1989, the Arbitration Court did not rule on the ground of the matter.

Another matter which led to controversy was a bill of Agalev Senator Ludo Dierickx aimed at organizing a referendum on giving the European Parliament constitutional powers. The draft bill was supported by all parties, except the Socialists. After a while, CVP and VU withdrew their support, while the PS decided to endorse the bill. On May 3, the bill was adopted by the Senate foreign affairs committee. The two Liberal parties, PS and PSC voted in favor, while the Flemish majority parties voted against. SP Party President Vandembroucke said a referendum was an instrument of a conservative political system. The Volksunie termed Dierickx's proposal as "green demagogy" and CVP President Van Rompuy said the referendum was unconstitutional. Interior Minister Tobback pointed at practical obstacles and argued that there would come constitutional problems as well since the King

would have to promulgate legislation which could not be implemented. The Council of State said in its opinion that a consultative referendum was unconstitutional since it was not the way the constitution had organized the executive branch in Belgium. However, the Senate did not follow the opinion of the Council of State, and on May 25 the bill was adopted in plenary session. However, at that moment the sponsors of the bill also realized that there was not enough time left to organize a plebiscite on June 18. They decided to drop the bill and take the matter up once the elections over. However, after the elections, the matter was forgotten entirely.

Meanwhile problems had arisen in the Flemish municipality of Fourons where a Francophone majority is in power. The August 9, 1988, act on language privileges stipulated that the inhabitants of Fourons were allowed to cast their votes in the adjacent francophone municipality of Aubel. Since this meant less voters in Fourons, the municipal council decided on June 5 to reduce the number of polling stations from 7 to 4, and to install them in the Francophone school of Fourons Saint Martin, rather than spreading the stations all over the municipality as was practice in elections. The Flemish inhabitants of Fourons regarded this as an incentive to vote in Aubel, especially since in Fourons voters could only cast a vote for a Flemish candidate. The next day, the Limburg Province Executive (permanent deputation) decided to spread the 5 polling stations over the municipality. On June 17, on the eve of the election, the municipal authorities decided to oppose the decision of the Limburg provincial authorities, and in order to avoid a summons, they decided to seal the municipal buildings.

However, on election day, Interior Minister Tobback surprised the local Francophone leaders by using Civil Protection busses as mobile polling stations. There were no disturbances on election day.

Flanders' larger political parties (CVP, SP, PVV and VU) reached agreement to limit their campaign expenditures. After the election, the four parties announced that they had spent BF 200 million (BF 65.4 million for the CVP, the PVV BF 50.8 million, BF 47.4 million for the SP and BF 28.7 million for the VU). Agalev and the Flemish Bloc spent respectively BF 2.7 million and BF 1.5 million.

The outcome of the election was rather surprising. In the Flemish electoral college the winners were Agalev (+ 5.1 percent), the Flemish Bloc (+ 4.5 percent), PVV (+ 2.9 percent) and CVP (+ 1.4 percent). Both SP (- 8.1 percent) and Volksunie (- 5.2 percent) lost heavily. These important changes in percentage points did not cause a major shift in seats. The CVP won an extra seat and the Flemish Bloc won its first seat to the European Parliament. Both the Flemish Socialists and Volksunie lost one seat. Compared to the 1987 parliamentary elections, the CVP won 2.6 percentage points in the Flemish electoral districts, Agalev won 4.9 percent and the Flemish Bloc was up 3.3 percent. Losses were sustained by SP (- 4 percent), PVV (- 1.7 percent) and the Volksunie (- 4.3 percent).

Compared to the 1984 European elections, the winners in the francophone electoral college were Ecolo (+ 6.7 percent), PS (+ 4.1 percent) and PSC (+ 1.8 per-

cent). The main loser was the PRL (- 5.2 percent). The latter lost a seat which went to Ecolo. Compared to 1987, the PS lost 2.3 percentage points in the Walloon districts, PRL 5.2 percent and PSC 0.1 percent. Ecolo won 9.5 percentage points.

In the Flemish electoral college, CVP leader and former Foreign Minister Leo Tindemans obtained 433,172 personal preference votes. Former Vice Premier and PVV leader Willy De Clercq came second with 230,193 votes, and Interior Minister Tobback, who was listed at the bottom of the SP ticket and was not seeking election, won 102,254 personal votes. In the francophone college, former Fourons mayor José Happart obtained 308,117 votes (compared to 234,996 five years earlier). He outdistanced Finance Minister Philippe Maystadt (PSC) who obtained 89,673 votes and PSC Party President Gerard Deprez who won 78,826 votes.

*B. The election for the Brussels Regional Council and the forming of the Brussels Regional Government.*

Together with the European elections, in the 19 municipalities of the Brussels metropolitan area the first direct elections were held for 75 members and substitutes of the Brussels Regional Council. The election took place on unilingual tickets, and total Flemish and total francophone votes were first pooled to determine the number of seats to be allocated to each linguistic community. The aggregate Francophone vote was 84.7 percent, and the Flemish tickets obtained 15.3 percent of the vote. The Francophones won 64 seats and the Flemings 11, narrowly missing a 12th.

TABLE 1

The results of the election for the Brussels Regional Council

	pct. of vote	seats
PS	22.0	18
PRL	18.9	15
FDf-ERE	14.7	12
PSC	11.9	9
Ecolo	10.2	8
National Front	3.3	2
CVP	4.2	4
PVV	2.8	2
SP	2.7	2
VU	2.1	1
Vlaams Blok	2.1	1
Agalev	1.1	1

After the election, negotiations started on the forming of a coalition government (named "executive"). The aim was to form a center-left coalition similar to the national government. However, on the Francophone side the Francophone Democratic Front (FDf), once the capital's largest political party, was included in the majority. On June 23, the six parties (PS, SP, CVP, PSC, FDF and VU) reached

agreement on a program and allocation of the ministerial portfolios. The PS obtained the slot of president of the executive for Deputy Charles Picqué, and CVP Senator Jos Chabert was named vice president. The other ministers were Jean-Louis Thys (PSC), Georges Désir (FDF) and Rufin Grijp (SP). They were formally elected during the first Council meeting held July 12. The Council also elected three secretaries of state: Christian D'Hoogh (PS), Vic Anciaux (VU) and Didier Gosuin (FDF). PSC Senator Edouard Pouillet was elected chairman of the Council.

On July 14, the two community commissions were formally established. Robert Garcia (SP) was named chairman of the Flemish Community Commission, which groups all Flemish members of the Council, and Serge Moureaux (PS) was named chairman of the Francophone Community Commission.

### *C. The government reshuffle.*

Because of the formation of the Brussels Regional government, a second reshuffle of the national government took place. A first one had taken place earlier in 1989 because of the transfer of responsibilities from the central to the regional and community governments. Public Works Minister Paula D'Hondt (CVP), Education Minister Yvan Ylieff (PS) and Education Secretary of State Pierre Chevalier (SP) left the national government benches. Moreover, Vice Premier and Economic Affairs Minister Willy Claes (SP) lost his education portfolio. On January 16, Pierre Chevalier was named State Secretary for Scientific Affairs in replacement of Marcel Colla (SP). The latter became PTT Minister in replacement of Freddy Willockx (SP) who had opted to become mayor of St.-Niklaas and SP Chamber floorleader. On January 17, Yvan Ylieff was transferred to the Francophone Community as community education minister. Henceforth, the francophone community executive was composed of four members. Under the provisions of the August 8, 1989, devolution act, a seventh ministerial position was created in the Walloon regional government. It went to PS Deputy André Baudson. On July 11, on the eve of the elections for the Brussels regional executive, Jean-Louis Thys and Volksunie Deputy Jef Valkeniers, the two secretaries of state who in the national government were in charge of Brussels regional affairs, resigned. Vice Premier and Institutional Reform Minister Philippe Moureaux (PS) lost his Brussels affairs responsibilities.

On March 2, Raymond Langendries (PSC) was named Public Service Minister in replacement of Michel Hansenne (PSC) who had opted for the position of Director General of the International Labor Organization (ILO). On June 19, Foreign Minister Tindemans resigned to take up his seat at the European Parliament. He was replaced by CVP Deputy Mark Eyskens, a former prime minister.

### **III. The Budget and socio-economic issues.**

Although the ministers discussed socio-economic issues the year round, at the end of 1989 few bills had been submitted to Parliament. Mid-December, the ministers reached agreement on a new charter for Belgian Rail, the postal services,



telephone and telegraph (RTT), and the Aviation Board. It was aimed at giving greater autonomy to these public utilities. On December 1, Finance Minister Maystadt obtained cabinet endorsement for a draft bill reforming the financial market (stock exchange, enlargement of the jurisdiction of the Banking Commission, measures against insider trading, the introduction of money market funds, and tightening of control over stock brokers.) The government also decided to merge six public credit banks into two companies (ASLK/CGER and Municipal Credit). According to the plans, the public sector would keep 50 percent of the capital and control 75 percent of the vote. Meanwhile, Economic Affairs Minister Claes was in the process of preparing draft legislation on competition and consumer credit.

On March 2, 1989, legislation was ready against raiders. It compelled those who had acquired or ceded 5 percent of the shares of a Belgian company with a capital of at least BF 250 million, to notify the company concerned and the Banking Commission.

#### A. *The 1989 budget.*

On January 3, the Flemish Liberal shadow cabinet alleged that the 1988 budget deficit was BF 433.9 billion; i.e., 7.7 percent of GNP, and that this encouraging figure, which was better than the government's forecast, was due to measure taken by the previous center-right cabinet. Budget Minister Schiltz confirmed the PVV figure but pointed out that several payments had been transferred to 1989. During the budget control which started mid-February, the ministers attempted to cut the deficit further to 7 percent of GNP. On March 11, several newspapers published a document from Schiltz in which the Budget Minister pleaded for even more cuts to reduce the deficit to 6.6 percent. He argued that this target was feasible because of the "temporary advantages" provided by constitutional reform. On March 20, the ministers agreed on setting the target at 6.9 percent of GNP which implied a BF 14.4 billion savings package. BF 7.3 billion had to be realized in the social security field, mainly by using the surplus. Among the other measures was a moratorium on Belgium's financial contributions to international organizations. Early 1990, despite a raise in interest rates during the second half of 1989, Budget Minister Schiltz was able to announce that the 1989 deficit had been limited to BF 397.2 billion, i.e., 6.6 percent of GNP.

#### B. *The 1990 budget and a new budget procedure.*

The majority parties had agreed in 1988 to prevent non-interest expenditures from growing faster than inflation and to prevent the central government deficit from rising in nominal terms. The 1990 budget talks started on July 6. In a first round of bilateral talks between Budget Minister Schiltz and his colleagues, BF 64 billion expenditures were cut. At the end of the first round, Schiltz claimed that an additional BF 70 billion cut in expenditures would be required. Finance Minister Maystadt proposed another rescheduling of the debt. This met stiff op-

position from SP President Vandembroucke who said that the wealthy had to bear the burden. Upon request of the SP, the government looked at ways to raise corporate tax, but the matter was not pursued. During the budget negotiations reports leaked of disappointing tax receipts. This was attributed to the lack of up-to-date computer equipment and the shortage of skilled personnel at the Internal Revenue Service. Although the authorities would not admit it, these disappointing tax receipts had also to do with industrial action of the internal revenue personnel which was only doing routine controls to mark dissatisfaction over pay.

On July 27, the cabinet ministers reached agreement on the 1990 budget. Total expenditures for the central authorities were set at BF 1457.2 billion, and the deficit at BF 348.4 billion. Taking into account the budgets of the regional authorities, a deficit of BF 405.4 billion was envisaged: i.e., 6.5 percent of GNP. The government announced a BF 80 billion package of cuts and new receipts. The measures included rescheduling of the debt (BF 20 billion) and government bonds (BF 10 billion), sale of domain, and cuts in social welfare benefits, unemployment compensation in particular. The government decided to slow down implementation of the defense investment program. Moreover, it decided to limit corporate tax deductions, but from fiscal year 1991 on, tariffs would be diminished from 43 to 41 percent, and to 39 percent the following year. With regard to income tax, the government decided on measures to improve the return of advance payments. Moreover, extra excise duties were levied on fuel, tobacco and alcoholic beverages.

The government earmarked BF 5.3 billion for a 2 percent raise of the minimum social security benefits.

Early August, there was a "linguistic" quarrel when the government decided to take charge of BF 5.1 billion outstanding debts of Francophone education, while efforts in favor of Flemish education would be limited to BF 200 million. Under mounting Flemish criticism, Vice Premier and Budget Minister Schiltz (VU) promised the Flemish parties a new investigation into the level of indebtedness of francophone education.

Implementing the new budget code, Parliament adopted in the fall for the first time a global expenditures budget, in replacement of the separate budgets which, hitherto, had been submitted to Parliament. Under the new legislation, before October 1 of each year, the government has to submit to Parliament a global expenditures budget, a revenue budget and the budget message. Once the global budget adopted, each individual minister has to submit his "administrative" budget. The new budget procedure was also aimed at discouraging the rapidly expanding practice of making expenditures outside the budget framework. Moreover, the Audit Court was now empowered to decide on the need for "emergency" expenditures. It also became impossible to finance special funds by means of taxes, and overdrafts became the subject of closer scrutiny.

### C. *Social security.*

In 1989, Social Welfare Minister Busquin was in the process to making important changes to health insurance. This reform had been prepared in 1988 at a round table conference. In 1989, this conference was continued at national and provincial levels. All participants agreed that a complete overhaul was not warranted: i.e., that the 1963 Leburton act on which social security is based had to be maintained, but that in the future, measures would be required to limit deficits. However, mutual aid societies, physicians, employers and unions all had different ideas on how this had to be realized. Minister Busquin prepared three draft bills: one on the mutual aid societies, one on the physicians' professional organization and one on the 1963 health insurance act. The first two were approved by the cabinet and forwarded to the Council of State for advice. Busquin also submitted to Parliament a bill on a social security data bank.

Pension Minister Van der Biest and Pension State Secretary Leona Detiège proposed to make retirement age flexible between 60 and 65, and award a full pension after a 40 year professional career. This idea was opposed by the Christian Democratic ministers who argued that such a system would become too costly beyond the year 2000. Other issues which were discussed by labor and management and had remained on the table since the nationwide collective bargaining of 1988, were trade union representation at smaller businesses and protection of trade union delegates. No agreement was reached on these two subjects. With regard to trade union representation, Labor Minister Van den Brande made a new proposal which was still under review by the end of 1989.

### D. *Public sector collective bargaining and industrial action by social welfare workers.*

The 1990-1991 pay talks for the public sector were first scheduled to start in the spring, but they had to be postponed until after the summer recess since the regional governments were late with their budget estimates. It was November 9 when the talks started for real. The national government proposed a 2 percent pay raise starting December 1990. This would be supplemented by a raise of the bonus paid to trade union members, a cost-of-living adjustment of the vacation bonus and one additional vacation day. The national government told the unions that it could not offer more since the Francophone Community could not afford to spend more. The public service unions were disappointed and decided on industrial action. On November 20, the government made concessions. The pay raise would start one month earlier, a second additional vacation day was awarded while the government also left room for supplementary bargaining with individual ministers and with the regional authorities. Despite this new offer the Catholic Public Service Union staged a 24-hour strike on November 24. The strike was particularly successful in Flemish schools and among urban and rural transportation workers. However, there was division inside the public service unions. On the Flemish side,

a majority was opposed to the government proposals, while on the francophone side a majority was in favor. In order to preserve unity, the leaders of the Socialist Public Service Union (ACOD/CGSP) decided to accept the offer. However, the Catholic and Liberal unions refused to follow the Socialist example. However, the signature of the Socialist union sufficed to validate the accord.

Early 1989, there also was labor unrest in the social welfare sector. Private hospital and welfare center employees demanded higher wages, more personnel and better working conditions. On January 27, some 30,000 nurses walked through the streets of Brussels, and they staged strikes in February and March. After more industrial action, employers and unions reached an agreement. The nursing staff received a 2 percent wage increase as of September 1989 (as had been granted to the public service), a BF 6,000 bonus and more pay for night and weekend shifts. The employers promised 1,400 new jobs. In the welfare sector, educators obtained a 14 percent pay increase spread over three years, and the promise that 1,600 new jobs would be created.

#### **IV. The abortion liberalization bill.**

On February 1, the joint Senate Justice and Public Health Committees started discussion of an abortion liberalization bill sponsored by the francophone Socialist (PS) Senators Roger Lallemand and Françoise Truffaut and their Flemish Liberal (PVV) colleague Senator Lucienne Herman-Michielsens.

In 1987, a similar bill had caused tension in the then center-right cabinet. The bill had again been introduced after the December 13, 1987, general elections. When the Martens VIII cabinet was formed in May 1988, the majority leaders had agreed to leave the matter with Parliament and to refrain from any initiative until the end of 1988. Consequently, as of January 1, 1989, the majority parties were free to take new initiatives, and Christian Democrats could no longer oppose parliamentary discussion. As discussion in Parliament started, CVP leader Herman Van Rompuy said that his party would not even attempt to amend the bill. He said his party would await the outcome of the discussion in the Senate before making a new assessment of the political situation. Abortion liberalization bills were also submitted by the PSC and Volksunie. These proposals aimed at a better definition of the "state of distress" concept. Under the provisions of the Lallemand-Michielsens draft bill, abortion remained a criminal act, but would be allowed during the first twelve weeks of the pregnancy when the mother is in a state of distress. It would have to be performed by a physician in a hospital. After twelve weeks, abortion would be possible only when the life of the mother is in danger, or when the physicians have determined that the child will suffer from an incurable illness.

On June 20, the Senate committee adopted the bill by 26 votes, to 15 and 2 abstentions. At a press conference held three days later, the Belgian bishops said the bill was unacceptable to them. On September 21, Senate floorleader Bob Gijs announced that the CVP senators were not going to submit a counter-proposal

since there was no majority for it in Parliament. He stated that his party would continue to oppose the abortion liberalization bill by "all means available in a parliamentary democracy." On September 25, Senator Herman-Michielsens was named "woman of the year" by the Francophone National Women's Council.

When on October 24 the plenary Senate discussion started, Senate President Frank Swaelen announced that he would first seek the opinion of the Council of State. During those days, two francophone dailies — "La Meuse — La Lanterne" and "La Nouvelle Gazette" — alleged that the King, because of personal objections, had the intention not to promulgate an abortion liberalization bill approved by Parliament. Politicians and political observers discarded the idea as "absurd."

On October 30, the Council of State suggested to remove the "state of distress" concept from the text since, the Council argued, it was impossible to define this concept accurately. Furthermore, it did not correspond to a subjective or objective legal concept of the penal code. The Senate, however, did not follow the Council's opinion and on November 6, the Senate adopted the bill by 102 to 73 votes and 7 abstentions. The PS, SP, green, FDF senators, together with most of Liberal senators and Volksunie Senator André De Beul voted for the bill. It was opposed by the CVP, the other VU senators, the PSC senators minus one, the only Flemish Bloc and seven Francophone Liberal senators. The abstentions came from 4 Flemish Liberals, 2 Francophone Liberals and one PSC senator.

Following the vote, Van Rompuy said that this party would make a new assessment of the situation and that the future of the government was at risk. Later, the CVP introduced a very restrictive bill which only allowed abortion when the life of the mother was in danger, and in cases of incest, rape and when the unborn child was not capable of living. During his annual Christmas address, the King stressed that a child deserved protection, before and after birth.

## V. Foreign affairs and defense.

### A. *Foreign policy.*

*Zaire.* The diplomatic crisis between Zaire and Belgium, which had started during the autumn of 1988, escalated during the first weeks of 1989. On January 4, returning from a visit to Zaire, Development Aid Minister André Geens (VU) said that the situation was making a turn for the better. Geens had submitted to the Zairian authorities a Belgian proposal for a round table conference, to be held in April. The Belgians also proposed a provisional truce. The same day, however, Air Zaire announced that it was going to cut Sabena's weekly flights to Kinshasa from 4 to 2, and that it was transferring its European office from Brussels to Paris. There was also controversy about an American TV documentary on Mobutu's wealth which was finally not broadcast by decision of Robert Stéphane, Managing Director of the Francophone public TV network RTBF. Irritated, Kinshasa reacted by not allowing the Belgian navy support vessel Godetia to dock to unload what

the Zairians claimed to be "worn Belgian army winter coats." On January 11, the Belgian government decided to lodge a formal complaint about the measures affecting Sabena. On January 13, the Central Committee of the MPR decided to rescind the 1960 friendship treaty and the 1976 cooperation agreement, and to suspend debt payments to Belgium. The Belgian government expressed concern about these unilateral decisions. It decided not to start new cooperation projects and it reiterated its proposal for a round-table conference.

On January 21-22, Kimbulu Moyanso Wa Lokwa, who was later to become the new Zairian ambassador in Brussels, came to Belgium with a message from his government. On January 24, Foreign Minister Tindemans went to Kinshasa and met with Mobutu who agreed on the principle of a ministerial conference which would be prepared by 4 working groups. Upon his return, Tindemans stated that normalization of relations had started. However, after a meeting of the ministerial committee for external relations, the government surprisingly stated that it was disappointed about the results of Tindemans' mission. Nevertheless, Tindemans repeated on February 11 that his visit had taken place in a friendly atmosphere, adding that he had been near an agreement on the Sabena flights to Kinshasa and that the negative reaction from the Belgian government had made it impossible to start new negotiations. Meanwhile, the Zairian authorities had ordered Zairian public enterprises to withdraw their assets from Belgian banks. Tension rose when on February 1, the MPR leaders decided that, within one week, President Mobutu would have to decide on suspending or severing diplomatic relations with Belgium.

On February 3, the Zairian press agency AZAP announced that President Mobutu had accepted mediation by Moroccan King Hassan II, and also Foreign Minister Tindemans welcomed the Moroccan initiative. Prime Minister Martens met with Mobutu in Cannes on February 6. A few days later Mobutu announced in Paris that relations between the two countries would not be suspended. On February 13, the francophone daily "La Libre Belgique" mentioned that King Hassan had proposed a three month truce. On March 4, the Royal Palace denied press reports that King Baudouin had met with Mobutu in Tokyo on the occasion of Emperor Hirohito's funeral.

The negotiations between Belgium and Zaire started in the Moroccan capital Rabat on May 11. The Belgian delegation was headed by Foreign Minister Leo Tindemans and the Zairian by Kamanda Wa Kamanda, first deputy secretary of the MPR. This first meeting led to no tangible results since, according to Tindemans, Zaire insisted on discussing the contentieux: i.e. the pending issues covering the period immediately before and after Zaire's independence and on which the two countries had reached agreement in 1965. The Belgian government proposed to reschedule the commercial debt over a 25 year period, with no payments required during the first 14 years. After a new meeting with Mobutu in Senegal, Martens announced that the two countries were on the way of settling their differences.

At the end of June, Development Aid Minister André Geens sent termination notices to 177 aid workers employed in Zaire. The minister explained that this was a provisional measure since the cooperation agreement expired on July 13. On July 15, Mark Eyskens, Belgium's new Foreign Minister, met with his Zairian opposite number Nguza Karl I Bond in Paris, where that same day Mobutu and Martens also met. At this meeting between Martens and Mobutu a deal was struck. The agreement provided for forgiveness of the state-to-state debt (BF 4.9 billion), which would be realized within the framework of a debt forgiveness plan for 12 African countries which had an aggregate debt of BF 7 billion toward Belgium. Moreover, one-third of the BF 17.3 billion commercial debt was forgiven. With regard to the remaining BF 11.5 billion, the interest would be paid in Zairian currency into an investment fund which would be jointly managed by the two countries. The aim of this fund was to finance development projects. The government evaluated the cost of the agreement for the treasury at BF 10.6 billion, and academic sources at BF 19.6 billion.

Zaire accepted normalization of what was now termed as "special" in lieu of "privileged" relations. This implied the respect of the terms of the aviation agreement, that headquarters of Zairian businesses would remain in Brussels, non-discrimination of Belgians living in Zaire and return of the Belgian aid workers to Zaire in September.

The signing of the agreement, scheduled for July 25, had to be postponed until the next day because Zaire insisted on removing from the agreement any reference to debt forgiveness which would take place according to rules imposed by the International Monetary Fund and the Paris Club (Zaire's creditors.) Following an ultimate intervention of King Hassan II, Zaire dropped this demand, and the agreement was signed in Rabat.

Negotiations on the cooperation agreement took a belated start in December.

*The Pastoors affair.* On May 10, South Africa released the Dutch-Belgian ANC activist Hélène Pastoors. She was serving a sentence in South Africa on conspiracy charges. Her release had been the subject of intensive negotiations between South Africa and Belgium. She was released after having signed a statement in which she promised to refrain from hostile activities against South Africa, and promised not to attempt to enter South Africa or its neighboring states. Upon her return in Belgium, she was granted a passport for all countries, since there were judicial obstacles to denying her travel to all southern African countries.

*Jan Cools released.* On June 15, Jan Cools was released after having been held hostage in southern Lebanon by the "Soldiers of Truth" since May 21, 1988. Cools had been employed in Lebanon as a physician. The release came after a visit of Foreign Trade Minister Robert Urbain (PS) to Libya where he met with Colonel Qadhafi. Upon Cools' release, the Belgian government insisted that no concessions had been made to Libya. However, Urbain's initiative led to problems with Foreign

Minister Tindemans. The latter claimed that Urbain had not received instructions from the cabinet and that he had failed to consult with him. Tindemans said that Urbain's mission should only have consisted of signing a five year old commercial treaty between Belgium and Libya. Following Cools' release, Camille Javeau, director of Uniop-Inusop public opinion surveys, alleged that he had acted as a middleman. Javeau was known as a Francophone Socialist militant. After revelations about suspect contracts with Libya, he was sacked as Uniop-Inusop director and later arrested on charges on abuse of confidence and forgery. In prison, Javeau alleged that he had acted upon instructions from Robert Willermain, Urbain's chief of staff. Javeau alleged to have passed a contract with Libya for computer software, and that the return of this contract had been used to obtain Cools' release. He also made allegations about the laundering of Uniop-Inusop money to political party coffers.

On September 14, Willermain was arrested on charges of forgery, embezzlement and violation of accountancy regulations. It was alleged in the media that through a private company he owned, Willermain had laundered public funds to political parties.

### B. *Defense.*

There were differences in the majority early 1989 over short-range nuclear forces. There were those, mainly Christian Democrats, who favored an important role for nuclear forces in NATO strategy, while the Socialists opposed the deployment of new nuclear forces. In preparation for the April 18-19 NATO ministerial meeting, the Belgian government decided on April 11 to ask NATO to delay the decision on modernization of short-range nuclear forces until 1991-92, and to ask NATO to start, parallel with the talks on conventional forces reductions (CFE), negotiations on these short-range forces. The Belgian government said that it was willing to keep short-range missiles, however, without significantly extending their range. This Belgian position was close to that of the German Federal Republic, but it contrasted sharply with the views of the United States and United Kingdom.

After the meeting of the NATO defense ministers, a meeting at which no decision was taken, Prime Minister Martens announced that he would make demarches in order to win support for the Belgian position. It was Martens who took this initiative, not Foreign Minister Tindemans, who, reportedly, was not in favor of the Belgian position. During the May NATO summit, a compromise was reached. The modernization decision was postponed until 1992.

On April 16, VAKA organized a demonstration against SNF modernization.

On February 23, Defense Minister Coeme presented a report drafted by Lt. Gen. Charlier, Chief of the General Staff, on structural measures aimed at cutting defense spending.



Charlier stated in his report that the armed forces would need an annual BF 9.5 billion in additional allocations in order to be able to carry out all NATO tasks assigned to Belgium. Among the "structural cuts" he proposed were :

- abolishment of the army high schools of Laeken and Lier ;
- disbandment of two army bands ;
- reform of the military hospitals ;
- reorganization of the armed forces' social clubs ;
- closure of the Kallo navy base ;
- termination of the contract for training facilities at the Solenzara (Corsica) base.

The report also listed savings which only could be realized after further consultation with NATO ; e.g., withdrawal of Belgian troops from Germany, reduction of the fighter aircraft operational within NATO framework from 144 to 120, reorganization of logistic units, and reduction of the crew on board minesweepers.

The government said it could not agree with Charlier's proposal to enlist conscripts for a longer period.

On March 24, the government approved the 1989-92 mid-term investment program. Total contracting authorizations amounted to BF 104.78 billion and included electronic counter measures (ECM) for the F-16 fighter aircraft, and update of the Leopard tanks and Mirage fighters.

On February 3, the government approved the transfer of the NATO fighter pilot school (TLP) from Jever in Germany to the Belgian Florennes air base. On this occasion, Defense Minister Coeme stated that severe restrictions on noise levels would have to be observed by the school.

New legislation on conscientious objectors came into force. Under the terms of the new act, the service conscientious objectors have to do was reduced from 18 to 16 months in "hardship" sectors (e.g. hospitals), and from 24 to 20 months for jobs in the socio-cultural sector. Military service for conscripts remained 12 months for troops in Belgium and 10 months for troops stationed in Germany, but pay and conditions were improved.

On June 27, the military court sentenced air force Colonel Guy Binet to 20 years forced labor, demotion and life-long deprivation of his civil rights after finding him guilty of selling secret NATO documents to the East Bloc.

On July 14, a Soviet cargo-plane departed from Brussels with the wreckage of the MIG-23 fighter which crashed July 4 near Kortrijk. The 45-man Soviet delegation confirmed that damages would be paid, but no specific amount was mentioned. The Belgian political and judicial authorities said they were satisfied with the guarantees obtained from the Soviet delegation.

## VI. Other events.

### *Immigration.*

On September 26, the Flemish liberals (PVV) presented their platform on immigration. According to the PVV, integration of immigrants had to start in the schools by teaching them the official languages of Belgium. The liberal party advocated quotas on the number of immigrants in each municipality, and a BF 400,000 premium for those wishing to return to their home countries. Longtime unemployed immigrants would be denied compensation.

On November 23, Paula D'Hondt, Royal Commissioner for Immigration, presented a 900 page report to the government and parliament. In the report, D'Hondt opposed repatriation as a means to deal with the large number of immigrants living in Belgium. She proposed the creation of a high council for Moslems which would take over the role of interlocutor between the government and Moslem community from the controversial Islamic Center of Brussels. She also proposed amendment of nationality legislation to allow third generation immigrants to automatically obtain Belgian nationality.

### *Fourons.*

After former fourons mayor Jose Happart's announcement in mid-September that he might seek to become mayor again, Interior Minister Tobback stated that he had no intention of naming him were the Fourons municipal council to propose his name. The presidents of the Flemish political parties said they were outraged by Happart's statement. Happart had said that mere fact of him having chaired the Fourons municipal council for a few minutes with the Flemish councilmen of Fourons having failed to file a complaint, provided sufficient legal ground to base his proposal.

## VII. Developments in the political parties and trade unions.

On January 14, Deputy Frank Vandenbroucke was elected President of the Flemish Socialist Party (SP). He was unopposed and replaced Karel Van Miert.

Senator Guy Spitaels was elected for his fifth two-year term as President of the Francophone Socialist Party (PS). Unopposed, he obtained 94 percent of the vote. The allies of maverick former Fourons Mayor José Happart, i.e., Senator Dehousse, Charleroi Mayor Jean-Claude Van Cauwenberghe and Euro-MP Ernest Glinne, suffered resounding defeats in the election for executive board positions.

President Guy Spitaels again demonstrated his strong control of the Francophone Socialist Party (PS) during a congress October 8. His adroit maneuvering prevented confrontations among various PS factions over devolution issues. Spitaels in his address to the congress warned the Flemish majority parties that the PS would not tolerate obstruction of consideration of Belgium's participation in the high speed train network, and he reiterated his position that agriculture should become the responsibility of the regions.

On June 25, deputy and former Vice-Prime Minister Guy Verhofstadt was elected president of the Flemish Liberal Party (PVV). He replaced Anne-Mie Neyts who had been president since 1985, and who had chosen not to oppose Verhofstadt in his quest for party leadership. Right after the European election of June 18, Neyts and Verhofstadt had once again publicly clashed, this time over immigration. On election night Verhofstadt had announced that the PVV had a set of measures to cope with immigration, including the repatriation of immigrants under certain conditions. Neyts said that this had neither been discussed nor approved by the party, and that she would oppose policies which included "deportation" of foreigners.

On September 23, the General Council of the Flemish nationalist Volksunie party re-elected Deputy Jaak Gabriels as party president. Gabriels beat his little-known opponent Patrick Vankrunkelsven with an unconvincing 59 percent of the vote. The two new vice-presidents of the party were Annemie Vandecasteele and Chris Vandembroucke. Senator Willy Kuijpers was elected secretary-general. In his acceptance speech Gabriels said that his party was going to remain a loyal partner in the ruling coalition, but political observers noted that the party's new executive board was composed of men more critical about the party's role in the government.

Deputy Herman Candries, a former air force colonel, was elected floorleader of the Flemish Nationalist Volksunie in the Chamber of Representatives. He replaced Hugo Coveliers who withdrew because of differences with party president Gabriels.

On December 9, deputy Georges Clerfayt was re-elected president of the Francophone Democratic Front (FDF). The Brussels-based party celebrated its 25th anniversary.

In a ballot of all party members, senator Antoine Duquesne and Deputy Daniel Ducarme were elected respectively president and vice-president of the Francophone Liberal Party (PRL).

All the leading political parties of Belgium, with the exception of the Flemish Liberals (PVV) and the two Green Parties, reached agreement on political party financing. Public subsidization of political parties would be increased pro rata their respective strength in Parliament, while the parties agreed to limit their election campaign expenditures. The parties' bookkeeping would be subjected to tighter control.

At a September 29-30 convention, François Janssens was elected president of the Socialist Trade Union Confederation (ABVV/FGTB), replacing André Vanden Broucke who retired. The confederation's new executive board was composed of secretary general Mia De Vits, and the national secretaries Robert Voorhamme, Xavier Verboven, Jean-Claude Vandermeeren and Jacques Fostier. At the convention, the Brussels regional branch walked out in protest after having failed to obtain a national secretary slot for its representative.

**Summary: Belgian politics in 1989.**

*The center-left Martens VIII cabinet, which had taken office in May 1988 following the longest political crisis in Belgian history, continued in 1989 implementation of its constitutional reform program. The European elections had no domestic impact, but during the campaign the focus was once again on the burning immigration issue. Meanwhile, abortion liberalization caused tension inside the majority. In foreign affairs, the focus was on normalization of relations with Zaire.*