

# Belgian Politics in 1997

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## I. Political consequences of the Dutroux-case

### A. *Report of the parliamentary Dutroux-Committee*

On October 17th, 1996, a special parliamentary Committee, charged with 'the inquiry into the manner in which the investigation was done by the police-forces and the judicial authorities in the case of Marc Dutroux, Michel Nihoul and others', was installed. Early 1997, the committee continued its activities. Although the atmosphere in which the Committee had started its activities had been extraordinary serene, it became more troubled, due to several leaks to the press and other incidents, which involved members of the Committee. Among them Patrick Moriau (PS), the deputy chairman of the special Committee, who resigned on February 14th, because of his involvement in the Dassault-case (cf. *infra*). Moriau declared that his resignation was intended to prevent that the activities of the Committee would be hindered by the investigations into his involvement in the Dassault-case. Other incidents involved the Committee members Serge Moureaux (PS) and Geerolf Annemans (Vl. Blok).

On March 5th, the Committee held what ought to be its last hearing, examining the ministers of Internal Affairs (Johan Vande Lanotte) and of Justice (Stefaan De Clerck). The Committee requested and eventually obtained a prolongation of its mandate for 1 month to investigate claims that Dutroux and Nihoul had received high-level protection from the authorities.

From March 10 until March 12th the Committee gathered in the monastery of Corsendonk (Turnhout) to draw its conclusions. The members of the Committee found evidence of negligence and unacceptable conduct by police and magistrates, and they agreed upon the way in which personal responsibilities would be considered. Yet, there was no consent as to the policy-conclusions that stemmed from their inquiry. Several witnesses put that the 'conclave' got bogged down in party-politics and community differences, most notably on the issue of the reorganisation of the judiciary and the police forces. Marc Verwilghen, chairman of the Committee was disappointed about the poor results and threatened to resign.

One month later, on April 12th and April 13th, the fifteen members of the Committee adopted the Committee's report. The report was presented to the Chamber of Representatives by Renaat Landuyt (SP) and Nathalie T'Serclaes (PSC) on April 15th. The report said that the failures of the search for the children carried out by police and magistrates were due to long known structural deficiencies. The Belgian judiciary is passive and disintegrated and is coping with a continuous lack of means. The gendarmerie and the Judicial Police (JP) are involved in a permanent rivalry, which had harmed the investigation. The Committee pointed out some 30 persons (magistrates, gendarmes, policemen and agents of the JP)

which were personally responsible for failures in the inquiry. Only one politician was named: Melchior Wathelet (PSC), at present judge of the Court of Justice in Luxembourg. As former Belgian minister of Justice he had signed the request for early liberation submitted by Marc Dutroux.

Most attention was paid to the recommendation 'for an integration of the three general police-forces into one structure'. The plenary debate on the report (April 17th and 18th) revealed the differences in interpretation of a unified national police force among the political parties. The party leaders of PS (Philippe Busquin) and PRL (Louis Michel) opposed a unified national police force, because of the lack of democratic control. They argued that at least the municipal police, under supervision of the mayor, had to be preserved.

Notwithstanding this dissent, the Representatives agreed unanimously upon the report of the Committee, as was asked by Marc Verwilghen, chairman of the Committee. The unanimity had much to do with the extraordinary circumstances and with the pressure of the press and of the public opinion. Prime minister Dehaene declared that "the report of the Committee would serve as a guideline for the future activities of the government". He admitted that his policy had been focussing too much on economic goals, in the past.

## B. *The issue of sanctioning*

The report of the Committee raised the matter of disciplinary proceedings against the officials that were blamed for the bungled investigations.

On April 20th, Marc Verwilghen urged the government not to extend the mandate of Melchior Wathelet as judge of the European Court of Justice. All Flemish opposition parties (VLD, Agalev, VU and Vl. Blok) backed Verwilghen in his claim. Even though Justice-minister Stefaan De Clerck, agreed to raise the matter at the council of ministers, the governing parties were not willing to revise the government's decision of September 1995. On April 25th, Wathelet's mandate was extended by decision of the government. Prime minister Dehaene argued that Wathelet's responsibility in the case, as it was stated in the report of the Committee, could not legitimate a revision of the government's decision. Some MPs of the governing parties SP and CVP did not agree with Dehaene's reasoning, while nearly all Walloon parties indicted the fact that only French-speaking officials were blamed in the report. The Wathelet-issue was a threat to both the unanimity among the members of the Committee, and to the survival of the government.

After a negotiation between the prime minister and the leaders of the parliamentary parties (May 6th), the majority parties backed the government in a motion of confidence initiated by the PSC on May 7th. The members of the Committee had agreed to vote abstention, except Olivier Maingain who voted against. Finally, on October 7th, Melchior Wathelet was officially appointed for another term as Judge at the European Court of Justice.

The fact that the government supported Wathelet against all criticism, was grist to the mill of the magistrates. These opposed strongly the possibility of sanctions. To back their demands, and to indict the continuous lack of means, the magistrates went on a short strike on April 29th.

On October 16th, minister De Clerck gave an overview of all disciplinary proceedings which had been taken against magistrates and members of the Judicial Police. A disciplinary proceeding was started against three substitutes of the Brussels office of the public prosecutor. The cases of another seven magistrates were

still being investigated, the minister said. Two magistrates of the office of the public prosecutor, one prosecutor-general (Van Oudenhove), two former prosecutors-general (Demanet and Giet) and all municipal policemen that were named in the report of the Committee had been cleared of sanctions by their disciplinary superiors. Christian De Vroom, head of the Judicial Police, who had been sanctioned by the minister with a temporarily suspension, successfully challenged this decision at the Supreme Court of Appeal (September 26th). On September 29th, De Vroom returned in office.

The Interior-minister, Johan Vande Lanotte, added to this list the names of five members of the gendarmerie which faced a disciplinary proceeding.

Several members of the Committee expressed feelings of disappointment regarding the fact that sanctions failed to occur.

### C. *Reorganisation of the police-forces*

On June 20th, the so-called Committee-Huybrechts (named after its president Luc Huybrechts, judge at the Supreme Court of Appeal) presented to the ministers of Interior and Justice its report on the reorganisation of the police-forces in Belgium. In its report, the Committee-Huybrechts advised to integrate the municipal police, the gendarmerie and the Judicial Police into one unified police force. This unified force would consist of two levels: a *federal* level for inquiries, the maintenance of public order and traffic-regulations, and a *local* level for the basic daily policetasks.

Several institutions, to a different level involved in the issue, raised their voice and proposed alternatives to the plans of the Committee-Huybrechts. Among these the association of Flemish towns and municipalities, several trade unions of policemen, the Committee for Internal Affairs of the Senate and the Committee-Dutroux.

After the summer-recess, the core of the government (prime minister Dehaene, the four vice-prime ministers and minister of Justice Stefaan De Clerck) worked out a plan for the reorganisation of the police-forces, based on a two-level structure. The hot topic was the merger at local level, and consequently the influence of the mayors. The Frenchspeaking parties claimed and eventually obtained a bigger say for the mayor in leading the local 'interpolice-zones'. The police-structure at federal level would consist of a merger of the Judicial Police and the gendarmerie. The final plans of the government faced severe criticism by Marc Verwilghen, even though Verwilghen had reacted in a positive way to the initial plans.

### D. *Further proceedings of the Committee-Dutroux*

On April 18th, the Committee-Dutroux obtained an additional mandate to investigate indications of 'corruption and protection'. This mandate, which was conferred until September 30th, was extended a first time until December 31st. A second prolongation set the deadline for February 15th, 1998.

During this period, and even before that, the Committee had to cope with internal problems. These were caused by false allegations against the integrity of Serge Moureaux, by Geerolf Annemans's confession that he often leaked crucial information to the press, and by the publication of a book by Patrick Moriau (*Les cabiers d'un commissaire*) in which Moriau quoted confidential reports of hearings.

All parties reacted in a very negative way to the publication of the book. On April 22nd, Raymond Langendries, Chairman of the Chamber, indicted the behaviour of Moriau strongly. Moriaus book, and the confession by Annemans resulted in two revisions of the internal regulation of the Chamber of Representatives (June 5th and October 23rd). Members of a committee that leaked information from a hearing behind closed doors, would be removed from the committee. They could also be excluded from membership of any other committee in the same legislature, and had to face the possibility to lose, at least during three months, up to one fifth of their parliamentary reward.

After all incidents had been closed, the Committee worked hard on the investigation into indications of 'corruption and protection'. Yet the Committee had to be careful not to cross the borders of the inquiries carried out by the judiciary.

## II. Dassault-case and the revision of the governmental programme

### A. *The arrest of Hermanus and Pirot and the resignation of Spitaels*

On January 6th, the RTBf announced that some documents of the French judiciary contained indisputable evidence that the French manufacturer of airplanes Dassault Aviation had paid a 'commission-fee' of some 600 million BEF in order to get the contract for the modernisation of F 16s of the Belgian Airforce. Until early 1997, it was known that Dassault had paid some 200 million BEF to so-called 'experts', advisors and lobbyists, and some 60 million to the Socialistische Partij (SP).

On January 23rd, two officials of the Parti Socialiste were arrested: Merry Hermanus, the former chief of several ministerial cabinets, and François Pirot, former secretary-general of the PS and the 'right hand' of former party leader Guy Spitaels.

On January 8th, Hermanus had written a letter to Spitaels and Busquin (current PS-party leader). In the letter, Hermanus wrote that there was still some 16,3 million BEF on his personal account in Luxembourg. The 16,3 million BEF was left of a total of 30,9 million that Dassault apparently had paid to get the contract. Both Spitaels and Busquin had handed over the letter to councillor Fischer of the Supreme Court of Appeal who in turn examined Hermanus on the issue.

The arrest of Hermanus and Pirot caused great upheaval in the PS. Both Spitaels and Busquin denied the content of the letter. While the opposition parties urged the government to resign, the majority parties were very cautious in their reaction to the event. However, CVP-party leader Marc Van Peel declared on January 28th, "that his trust in the PS was shocked". The demand of the judiciary to lift the parliamentary immunity of Spitaels (January 30th), was seized by several MPs of the CVP to put even more pressure on the government. This led to a fierce reaction of prime minister Dehaene. On the meeting of the Bureau of the CVP of February 4th, Dehaene made very clear that a cabinet-reshuffle was out of the question.

On February 5th, 1997, the Walloon parliament removed (partially and temporarily!) the parliamentary immunity of its chairman, Guy Spitaels. The parliament of the French-speaking community did the same on February 6th. The partial removal meant that Spitaels could only be questioned on and confronted with elements from the Dassault-case by the judiciary, and that he could not be charged.

Spitaels would preside the parliamentary assembly only in an administrative way. He would no longer preside the plenary debates.

It was a compromise, made up by politicians of the majority parties, and Spitaels had accepted the construction. However, Spitaels resigned from his position as chairman of the Walloon parliament, as member of the Bureau of the PS and as president of the Board of the Gemeentekrediet-bank on February 27th. The leak on his testimony to the judiciary, in which he admitted that he did know about the Luxembourg accounts, had been the immediate cause to his resignation. In April 1997, Spitaels would also retire from his office as mayor of Ath.

In the meanwhile, François Pirot and Patrick Moriau, two former secretaries-general of the PS, had been discredited, when the judiciary found out about their joint account in Luxembourg (February 14th). Moriau did not deny that he had inherited 'an important amount of money' (21,6 million BEF) from his predecessor Pirot. He had spent the money to the benefit of the party, he claimed. Philippe Busquin, party leader of the PS, declared on the same press conference that he had not been informed about the existence of the Luxembourg account. A few days later though, he admitted that he knew about the existence of the amount of money at the time when he became party leader, but that he had been ignorant of its origins. He had ordered Moriau 'to settle the issue'.

Because of Moriau's apparent involvement in the Dassault-case, Anne Thily, prosecutor-general of Liege, requested the removal of Moriau's parliamentary immunity, on February 24th.

### B. *The update of the governmental programme*

During the weekend of February 10-11th, in the midst of the Dassault-case, prime minister Dehaene declared several times that an update of the governmental programme would follow soon. Only later on, at the end of February, it became clear what the update would be like. The update consisted of three parts: employment, the modernisation of the social security system, and the preparation of some particular dossiers (fortification of the small and medium-sized enterprises, the modernisation of the federal administration, the accessibility of the judiciary system, the battle against poverty). The plans were worked out on the governments 'conclave' of March 22-23rd and presented to the Chamber of Representatives on March 25th. In his address, Dehaene declared that employment remained the priority of the government (cf. *infra*).

### C. *Evolutions in the Dassault-case after the resignation of Spitaels*

Although Spitaels' parliamentary immunity had been removed, there had not been any hard proofs of his involvement in the Agusta and Dassault-cases, until mid-March 1997. This however changed dramatically, as soon as the news got out that François Pirot had testified to the judicial authorities that he had been informed early 1989 by Spitaels of a donation of the Italian firm Agusta. According to Pirot, Guy Spitaels made this statement in the presence of Guy Coëme and Alain van der Biest. Van der Biest confirmed Pirot's claim.

While Hermanus (March 26th) and Pirot (March 27th) were released from jail, Spitaels was questioned and officially charged with passive corruption at the end of the day (March 27th). In a reaction to these charges, Spitaels declared that there was no causal link between the granting of the donation to the PS and the assign-

ment of the contract for the helicopters. Finally, it lasted until December 5th for Spitaels to admit that he had ordered Pirot and Detaille to open an account in Luxembourg to store the 'black' money, back in 1989. Spitaels said he regretted to have ordered the opening of the account, but he denied the presumption that he knew about the donation by Dassault.

In a televised interview on March 29th, Merry Hermanus declared that not only the PS, but also the PSC and 'one other party' had benefited from a donation by Dassault. A couple of days later, Hermanus claimed the Volksunie to be 'the other party'. Both PSC and Volksunie reacted promptly and in a determined way that they had not received one penny from Dassault. Even though there has not been any proof of it, rumours that the PSC actually did receive some money from Dassault never really faded away.

On November 4th, the Supreme Court of Appeal requested the Chamber of Representatives to charge Guy Coëme, former minister of Defence at the time the contract for the helicopters was assigned, with forgery and corruption. According to the report of the Supreme Court of Appeal, the most important indication for these allegations, was the fact that no less than half an hour after the assignment of the contract was decided, Guy Coëme made a call to the headquarters of Dassault Aviation in Paris. Coëme denied the call had anything to do with corruption. He said, he had only envisaged to congratulate Dassault on earning the contract.

A Special Committee was set up in the Chamber to investigate the dossier of former minister Coëme (November 6th). After a hearing organised to the defence of Coëme (November 12th), and some additional study work on 10.000 pages (of a total of 800.000 pages) of the Dassault-dossier, the Committee gave a positive advise to charge Coëme of forgery and corruption.

On December 4th, the Chamber of Representatives voted on the issue whether or not Coëme had to be charged: 95 MPs voted in favour, 49 were opposed (mainly socialist MPs).

### III. The budgetary policy

#### A. *The budgetary results for 1996 and the control of the 1997-budget*

On January 3rd, the cabinet declared that the 1996-budget was closed with a deficit of 243 billion BEF (against 290 billion in 1995). The overall public deficit (federal government, communities, regions, local governments and the social security system) was stated at 3,4 percent of GDP, which was 0,4 percentage points higher than estimated. The government ascribed this difference to the disappointing economic growth (which led to lower incomes of taxes and higher expenses for unemployment), and the deficit in the security system (25 billion BEF). The Budget-minister, Herman Van Rompuy, stressed that the Belgian government had decreased the financing deficit by 0.7 percent of GDP in 1996, and that this result was less than half of the deficit in 1993 (7,5 %). As a consequence, the debt to GDP ratio decreased by 3,5 percentage points in 1996 to 130,2 percent (being 10.700 billion BEF).

On March 22nd and March 23rd, the cabinet took new measures to control the 1997-budget. The revised budget aimed at an overall budget deficit of 2,9 per-

cent of GDP. In this respect, the Belgian government would meet the Maastricht-requirements.

#### B. *The 1998-budget*

On May 12th, the Belgian government was recommended by the European Finance ministers to keep a close eye on the tax incomes and the expenses for the social security system. According to the European Finance ministers, this was the only way to get rid of the 'excessive' Belgian public deficit. They also urged a firm implementation of the proposed measures to counter the growth of the expenses for social security. The European Council deplored that the financing deficit was still 3,4 of GDP and the debt ratio doubled the 60 %-norm of the Maastricht Treaty.

The Belgian High Council for Finances published its annual report on June 24th. The report stated that the federal, regional and community governments needed an additional cut of an estimated 35 billion BEF in order to limit the budget deficit to 200 billion BEF (2,3 percent of GDP).

On July 25th, the federal government decided to sell another 24,7 % of its share in the ASLK-Bank: 9,8 % was to be sold to the Belgian-Dutch group Fortis (by which Fortis would become the major participant in ASLK), and another 14,9 % was intended to go to the stock exchange. This last operation however, failed. On November 12th, Fortis paid 34 billion BEF for the whole package, leaving the Belgian government at its legal minimum participation rate of 25,1 %.

The draft of the 1998-budget, presented by prime minister Dehaene in his State of the Union (October 7th), marked a deficit of 218 billion BEF (2,3 % of GDP). Dehaene stressed there were no austerity measures in the 1998-budget. The opposition parties criticised the budget-plans, for the decrease in the burden of wages was too small to their opinion. After two - poorly attended - days of plenary debate, the 1998-budget was approved by the Chamber of Representatives on December 18th.

### IV. Employment and Social Policy

#### A. *A new Maribel-operation, 'Smet-jobs' and the issue of shorting of work-time*

The high unemployment rates kept on being a priority for the cabinet. Although total unemployment decreased slightly in 1997 (- 1.8 %), the decrease was only due to an improving situation in Flanders. There was only a minor decrease in Brussels and even an increase in the Walloon region. Large firms as Forges de Clabecq (January 3rd) and Nova (January 8th) went broke, and the announcement of the closing down of the Renault-factory in Vilvoorde (February 27th), stressed the importance of the unemployment-issue. Large manifestations, organised by the trade unions, put more emphasis on the matter.

At the same time, the Belgian cabinet worked on a new Maribel-operation to reduce the social costs of labourers. The government was thereto urged by the European Commission, which had set the deadline for February 20th. After a minor adjustment, the new Maribel-operation was agreed upon, on April 11th.

Meanwhile the socialist vice-prime ministers Elio Di Rupo (PS) and Johan Vande Lanotte (SP) pledged for a repartition of labour, the shortening of labour-time and a revision of the cabinets priorities to reach target-groups with special measures. At the conclave of the cabinet on March 22nd-23rd, the cabinet agreed to implement the plans of labour-minister Miet Smet (CVP). Smet proposed to use the unemployment benefit as a subsidy for a kind of jobs (such as aides in gazstations and supermarkets, the vigilance of parkings and nursery in firms) that have disappeared almost completely due to heavy competition. The target group for these jobs, consisted of some 84.000 unemployed persons.

A final decision taken at the conclave was the cabinets promise to lower the costs of wages by 2003, and to make these level with the costs of wages in the neighbouring countries. A report on the Belgian economic situation, published in April by the OECD, came to the same conclusion: unemployment was to a high extent due to high wages, and to heavy costs of wages. The OECD recommendations to alter the situation (which consisted of lowering the unemployment benefit, the abolishment of the indexation of the wages, and the reducing of the systems of early retirement) caused fierce reactions by the trade unions. The trade unions were backed in their opposition by prime minister Dehaene.

On June 25th, sixteen top-personalities of the federal government, the Flemish government, Flemish political parties and social organisations signed the 'Programme of Leuven', in which they engaged to reduce employment to 3 to 5 % by the year 2003. The 'Programme' made the annual creation of some 25.000 to 30.000 jobs necessary. This aim would be reached by tempering wages, the reallocation of labour, more training and education, the encouragement of economic growth and an additional reduction of public debt.

### B. *The lowering of the costs of labour*

The debate on lowering the costs of labour was a hot issue during 1997. In his State of the Union, on October 7th, prime minister Dehaene declared that the government would take initiatives to lower the costs of labour with 12 billion BEF both in 1998 and in 1999. The trade unions were disappointed with the result, and the government faced strong criticism by the parties in opposition, most notably by the VLD. Guy Verhofstadt, party leader of the VLD, revealed his own plans, which consisted of priorities for innovation, investments in new technologies and an improvement of the educational system.

### C. *Social negotiations*

Social negotiations between trade unions and employers unions, and between the social partners and the government were not making any progress at all. However, under pressure from both the cabinet and King Albert, who pledged in his annual speech on July 21st to give priority to job-creation, the social partners reached an agreement on September 25th. The agreement was a declaration of principles, according to which the social partners were willing to strive for a social agreement and made up a list of topics that urgently needed to be solved. In anticipation of the European Summit in Luxembourg (November 21st), the text of the agreement was deliberately kept very vague. The Summit, however, did not meet the expectations.



## IV. Social security

### A. *The social security budget*

The deficit of the social security system, which had been 23,6 billion BEF in 1996, was reduced to 1,6 billion in 1997 on an overall budget of 428,3 billion. The government decided to render some 453,5 billion BEF for the 1998-budget, not fully answering the request of the General Management of the RIZIV, which had asked for 467 billion BEF.

### B. *Doctors conflict*

The decision of the federal government, taken on December 20th, 1996 to freeze the fees of doctors and dentists for the duration of at least 6 months, was the start of a conflict between the government and the doctors unions. But also among the doctors unions, there was some dissent. On March 7th, the doctors unions and the health services reached an agreement to replace the temporary limiting measures from 1996. Yet, the agreement was rejected by the doctors union of doctor Jacques de Toeuf (BVAS).

Another disagreement between the doctors and the government was caused by the cabinets decision of March 28th to fix the budgets of the hospitals. This decision was intended to counter all possible abuses. In reaction to the decision, the doctors went on strike (on April 25th, on May 23rd-26th and -be it less successfully on June 20-23rd), and held a highly attended 'States General' (June 14th) to back their grievances. After some concessions by the prime minister, the doctors and the health care services reached a new, limited agreement on November 3rd. This agreement included a raise of the doctors fees.

The tension in the medical world was caused by the approaching elections for the Committee Doctors-Health Services. On June 27th, the government made a decision on the electoral procedures. However, the elections would at the earliest be held in March 1998, due to organisational difficulties.

## V. Internal affairs

### A. *Institutional affairs*

#### *Debate on parliamentary immunity (article 59 of the Belgian Constitution)*

After a long debate, both the Chamber of Representatives and the Senate reached an agreement on the revision of article 59 of the Belgian Constitution, dealing with parliamentary immunity. Yet in 1996, the Chamber had made some proposals on this issue, following the amending of article 103 which deals with the ministerial immunity. As a result of the debates, parliamentary assemblies would only have to be consulted (and to agree!) by the judiciary, in three specific cases: in case of a summons, when an MP is sent for trial or when an MP is put under arrest. As a consequence, the approval of the parliamentary assembly was no longer needed for a house search. However, these searches could only be carried out in the presence of the Chairman of the assembly. The revision of article 59 was passed on February 28th, and was published on March 1st.

### *Debate on ministerial immunity (articles 103 and 125 of the Belgian Constitution)*

Due to legal and technical difficulties and due to dissent among the parliamentary parties, the articles of the Belgian constitution, dealing with the ministerial responsibility of federal ministers (article 103) and regional and community ministers (article 125) were not revised in 1997. However, both the Chamber and the Senate passed a bill, implementing article 125. Through this 'special law for temporary and partial implementation of article 125 of the Constitution' (passed on February 28th), the judiciary no longer needed the formal approval of the parliamentary assembly to investigate acts of ministers and former ministers. An exception was made for prosecution, the only case on which parliament still had to approve. Parliament passed a similar bill on February 28th on the implementation of article 103 (federal ministers). On December 25th, 1997, both temporary laws were extended until 1 July 1998.

### *Other revisions of the Constitution*

The revision of Article 41 (March 11th) made it possible to elect district-councils in municipalities with over 100.000 inhabitants. The following towns could benefit from this revision: Antwerp (which already had an informal district-council), Bruges, the city of Brussels, Charleroi, Ghent, Liege, Namur and Schaarbeek.

On 20 May 1997, a supplement to article 130 was passed, granting the Council of the German-speaking Community the right to regulate the use of languages in educational affairs in the German-speaking Community.

### *Modernisation of the Provincial law*

By initiative of some senators, the Provincial law of 1836 was profoundly modernised on June 25th, 1997. The law revalued the role of the provincial council, e.g. by installing the possibility of question time (oral and written questions) and the possibility to set up committees. The provincial council can also decide to organise a referendum on issues that belong to the competences of the provinces.

### *Advisory councils*

The law of 17 July 1997 stipulates that from January 1st, 2000 onwards, a maximum of two thirds of the members of advisory councils on federal level can be of the same sex. By decree of July 15th, similar regulations are due for the Flemish level.

## **B. *The right to vote on community level for non-Belgians***

The discovery of the remains of the Moroccan girl Loubna Benaïssa and her funeral (March 8th), placed the debate on the right to vote for migrants high on the political agenda. The debate also questioned the conditions in which the right to vote could be granted to citizens of the EU-member states. It was prime minister Dehaene himself who, the day after Loubna Benaïssa's funeral, declared that "the time was ripe for a broad societal debate" on the right to vote for migrants. For the granting of the right to vote to citizens without the Belgian nationality, however, a revision of the Constitution was necessary, for as article 8 of the Constitution states that one has to own the Belgian nationality to be granted the right to vote.

The political parties reacted in different ways to the declaration of the prime minister. Most of them stressed that the procedure for naturalisation is easy and still the best way to obtain the right to vote. The position of the prime ministers party (CVP), was unclear until May 20th, when the directory of the party agreed upon a compromise. The compromise made an end to heavy internal debates. The CVP said that the right to vote could be broadened up to citizens from outside EU-member states, only 'under strict conditions', at the earliest after the local elections of October 2000, and if the naturalisation-procedure proved to be an unsuccessful measure to lift the participation of foreigners in decision-making.

The unconditioned granting of the right to vote to citizens of EU-member states was opposed in Flanders, because it was believed that it would favour the French-speaking parties, and therefore would weaken the position of the Flemish inhabitants of Brussels and its periphery. On 25 June the Flemish Parliament approved a resolution, in which the right to vote was linked to 4 conditions: paying local taxes, a minimum stay, the severe application of the language-law and the exclusion from executive mandates (these would be reserved for Belgians only). In the parliamentary committee for the revision of the Constitution, prime minister Dehaene declared on July 1st, that he would take the initiative to present a bill on this matter. Ultimately, it was only at the beginning of 1998 that Dehaene did take such an initiative.

### C. *New Political Culture (NPC)*

Answering to the turmoil caused by the cases of Dutroux and Di Rupo, Raymond Langendries, Chairman of the Chamber of Representatives, invited the presidents of the political parties to discuss initiatives to strengthen parliamentary democracy and to improve of the relation between citizens and political class. This had to lead to a so-called New Political Culture (NPC). From the beginning, the green parties Agalev and Ecolo refused to take part in the talks. Consequently, at the first session (December 7th, 1996), seven parties participated at the meeting: the majority parties (CVP, PSC, SP and PS), the liberal parties VLD and PRL, and the Volksunie. The second meeting took place on January 10th, 1997, without the VLD. Herman De Croo, the VLD-party leader, had left the negotiations, partly because of a conflict with the majority parties on the Di Rupo-case and partly because he said to be frustrated by the lack of good will for an open debate. Due to the revealing of the Dassault-case and the involvement of the PS in it, the Volksunie left the negotiations on February 6th. The Volksunie accused the CVP of lack of courage, not to condemn the practices of the PS in the Dassault-case. Only the majority parties (CVP, PSC, SP and PS) and the PRL continued the debates after February 6th.

At the meeting of January 10th four workshops were set up: on decumulation, on the financing of electoral campaigns, on the participation of citizens and on public services. The talks in the workshops resulted in a Joint Declaration on June 17th. In the declaration, the number of mandates per MP was limited to a maximum of two. The expenses for campaigning were limited to a total of 40 million BEF per party. The regulations on the financing of parties were extended to other party-related institutions (e.g. centres for research). Finally, the parties promised to revise the Constitution to make possible the introduction of consultative referendums on local and provincial level.

The New Political Culture was also a hot topic in Room F of the Senate. In Room F, VLD-senator Guy Verhofstadt, joined by some MPs of CVP, VU and Agalev worked on proposals to change the Belgian way of dealing with politics. However, after the election of Guy Verhofstadt as party leader (June 7th), the three CVP MPs (Johan Van Hecke, Luc Willems and Pieter de Crem) left the negotiations. They feared that with the election of Verhofstadt as party leader, the negotiations in Room F would serve mere party politics.

## VI. Policy of the Justice Department

### A. *Changes in the judiciary*

#### *High Council for Justice*

The government agreed upon the installation of a High Council for Justice on July 25th. The assignments of the High Council for Justice were to give advice to both the government and the parliament on judicial matters and on the functioning of the judiciary, to act as an intermediary between citizens and the judiciary and to supervise systems of internal control and disciplinary proceedings. Moreover, the High Council can utter recommendations on the profile for future heads of Justice departments and can even investigate individual failings.

The installation of a High Council for Justice needed a revision of Constitutional article 151.

#### *Board for nominations and promotions*

In order to de-politicise nominations and promotions of magistrates, the government had decided on its so-called 'Santa Claus'-conclave of December 1996, to install a Board for nominations and promotions. It was composed of 22 members, elected for a term of 4 years. Half of them should be Dutch-speaking, the other half French-speaking. Each language-group would consist of 5 magistrates and 6 non-magistrates. The ten magistrates would be appointed by the magistrates themselves. Two committees (one for each language-group) would organise the examinations for admission, and two selection-committees would present to the minister of Justice a ranking of three candidates best suited for the job. The criteria for selection, among which a three-years evaluation of all magistrates by their superiors, would be laid down in the law.

The government agreed upon the new procedures for nomination and promotion, giving minister of Justice Stefaan De Clerck, green light to write a proposition of law. However, at the end of 1997, the proposition of law had not yet been submitted to parliament.

The magistrates opposed strongly the installation of the Board for nominations and promotions, for they feared a 'severe threat to the independence of the judicial power'.

#### *Board of prosecutors-general*

On May 15th, 1997 a Board of prosecutors-general was installed (law of March 4th, 1997). It was composed of the prosecutors-general of the five Courts of Appeal. Its task was to draw a uniform, coherent and applicable criminal policy, in consultation with the minister of Justice.

### *Other reforms*

The so-called Franchimont-bill, that provided for more rights for the parties in judicial matters and revised the methods of criminal investigation, was passed in the Chamber of Representatives on July 10th. At the end of 1997, it was still pending for the Senate.

On June 19th, a European Centre for missing and sexually abused children was set up. Just like its American counterpart, the Centre was a privately owned but State subsidised institution. Daniel Carton de Lichtbuer was appointed Chairman of the Board, while Christian Wiener was nominated Director-general on September 15th. Of all parents of missing and abused children, only Jean-Denis Lejeune gave his support to and co-operated with the Centre.

### *B. Measures against judicial backlog*

In 1997, the federal government took some measures to smooth away the backlog of the courts. In this respect, the number of councillors of the Supreme Court of Appeal was increased with 4 new members and the number of attorney-generals with 2, up to a total of 28 and 12 respectively (law of May 6th).

The law of July 9th 'on the judicial backlog', added 148 deputy councillors to the five Courts of Appeal. Minister of Justice Stefaan De Clerck stated that for the Brussels Court of Appeal, the language-laws would not strictly be applied, so that not all French-speaking deputy-councillors needed to be perfectly bi-lingual.

## **VII. Foreign and defence policy**

### *A. Foreign policy*

#### *Zaire-Congo*

The rebellion by Laurent Kabila was closely watched in Brussels. Notwithstanding the fact that the Belgian government did not wish to intervene in the conflict, some 550 soldiers were sent to Brazzaville, capital of Congo, on March 22nd. The presence of the soldiers was only intended to prepare a possible repatriation of Belgian citizens. The government stressed that the mission was merely humanitarian, and not political. Early May 1997, a second mission of 54 soldiers followed, because of the increase in violence. Shortly after the resignation of president Mobutu on May 16th, all Belgian troops were withdrawn (May 22nd), and the Kabila-regime was de facto recognised. According to prime minister Dehaene, the withdrawal of the soldiers was a first step towards the resumption, under strict conditions, of the official co-operation between the two countries. These conditions were: the formation of a transitional government, a process of democratisation leading to elections and full access for the international community to the province of East-Kivu, where Rwandan refugees were hiding.

At the end of July, State Secretary for Co-operation, Reginald Moreels, was on an official visit to the former Belgian colony. The aim of the mission was to prepare the resumption of the official co-operation. However, President Kabila refused to meet Moreels, officially because of Kabila's busy agenda. But in fact, Kabila was displeased with the Belgian critique on the violation of human rights in Congo.

Because of the violations of human rights and because of the lack of progress in the process of democratisation in Congo, the bilateral co-operation was not yet resumed at the end of 1997.

### *Rwanda*

On January 7th, the ad hoc-committee, composed of 4 senators and 2 ex-magistrates of the Court of Arbitrage, which had investigated secret and confidential documents on the murder of 10 Belgian UNAMIR-soldiers in Rwanda (April 1994), presented its report to the Committee for Foreign Affairs of the Senate. In its report, the committee came to the conclusion that the Belgian political and military decision-makers were conscious of the anti-Belgian mood in Rwanda, at the time the government decided to join the UNAMIR-operation (November 19th, 1993). Moreover, the report blamed the UN for having withdrawn all UNAMIR-soldiers after the murder of the 10 Belgian soldiers, for it created the opportunity to start the genocide.

As a result of the report, most Belgian political parties asked for the set up of a parliamentary committee of inquiry which would investigate the case more profoundly. Due to the opposition of the CVP, a compromise was reached on January 17th. A special committee, under presidency of the Chairman of the Senate, Frank Swaelen (CVP), was installed. The Rwanda-committee did not possess all competences of a committee of inquiry. However, the committee would be able to organise hearings 'in case this proved to be necessary'. The committee was installed on January 23rd. It held hearings with former ministers Wilfried Martens, Willy Claes and Leo Delcroix, with prime minister Dehaene, former army chief José Charlier, colonel Luc Marchal (who was in charge of the UN-mission in Kigali) and other members of the military, the diplomatic corps and academicians.

On April 24th, the Senate decided to transform the special committee on Rwanda into a committee of inquiry, composed of 15 members and 3 observers. Notwithstanding the different interpretations among the parties of the concept of political responsibility in the Rwandan massacre, the committee agreed unanimously on its report (December 7th, 1997).

In its conclusion, the committee stated that Belgian politicians had failed on two occasions. First, the government made a mistake in joining the UN peace-mission, for the decision was inadequate, both from a political as from a military and technical point of view. Secondly, the decision of the Belgian government to withdraw all Belgian soldiers, was a failure. Prime minister Dehaene was blamed for having declared to the Committee that 'in the same circumstances he would have taken the same decisions'. The ministers of foreign affairs, Eric Derycke (SP), and of Defence, Jean-Pol Poncelet (PSC) were blamed for not having informed the parliament in 1995-1996 on the Rwanda-file. The military staff was blamed for having badly prepared the mission.

The report made some 59 recommendations, most notably that Belgium would no longer participate in UN-missions in its former colonies.

### *Ex-Yugoslavia*

At the end of October, nearly all of the 751 Belgian soldiers that had participated in UNTAES, returned home. Some 100 soldiers stayed until the end of the UNTAES-mission on January 15th, 1998.

## B. *Defencepolicy*

On January 17th, the government agreed upon a plan for investment for the ministry of Defence in the period 1997-1999 (the so-called Plan on Midrange Term). The government decided to spend some 43 billion BEF on the modernisation of its F16-airplanes, on the building of 4 new minesweepers, and the ordering of some antitank weapons and a system of telecommunications via satellite.

Two former paratroopers, who had participated at the UN-mission 'Restore Hope' in 1993 in Somalia, were cleared of all charges of misconduct. They were indicted of having tortured a black boy by swinging the boy over an open fire. Similar investigations were opened against Belgian soldiers on UN-missions in Somalia and in Vukovar (Ex-Yugoslavia).

## VIII. Other events and developments

*Belgian Monarchy* - Princess Astrid was promoted on May 25th and became Lieutenant-colonel of the army forces. At the ceremony, she was dressed in the uniform of the Medical Service. According to the Royal Palace, the promotion had nothing to do with the speculations as would Astrid be put forward to become second in line for the succession of King Albert - after her older brother Filip. These speculations had been launched in Spring, after the publication of a book by professor Stengers on the Belgian Monarchy.

*Law on tobacco-advertising* - On January 9th, the Chamber of Representatives passed a bill, initiated by Louis Vanvelthoven (SP), to abolish all advertising for tobacco-products from January 1st, 1999 onwards. After a long debate, and after some attempts to amend the original text, the Senate passed the bill on November 27th. The vote caused some fierce reactions in Wallonia. Some politicians feared that the exploitation of the Spa-Francorchamps race-circuit would be impossible without the financial revenues from the tobacco-industry. The president of the Walloon regional government, Robert Collignon (PS), declared on December 9th to use all possible judicial means to cancel the abolishment. The dispute continued in 1998.

*Sects* - The special committee of the Chamber investigating the activities of sects in Belgium, presented a report on April 29th, in which they recommended the installation of an 'observatory' to investigate the activities of sects in Belgium on a permanent basis. There was criticism against the report, because the committee had listed, among the 189 sects that are active in Belgium, some church-related organisations (the Charismatic Movement, the Sint-Egidiuscommunity and Opus Dei). The report of the committee was approved, only after the vote on a motion, in which the Chamber stated that the list of 189 sects was not part of the conclusions of the report, and therefore not subject to approval by the MPs.

*Gang of Nivelles* - The second so-called 'Gang-committee', installed in 1996 and presided by MP Tony Van Parys (CVP) started its activities on January 31st. The committee was set up to reinvestigate the judicial investigation of the hold-ups made by the Gang of Nivelles (latter half of the 80s). The committee concluded that the violent hold-ups had nothing to do with the extreme-right organisations of Westland New Post or Front de la Jeunesse, nor that there was any link

with a possible coup planned by the top of the gendarmerie. Unlike the committee on the Dutroux-case, the 'Gang-committee' did not point out any personal responsibility. In its report, the committee pledged for a better control on the quality of magistrates and the installation of a federal office of the public prosecutor, to handle cases that extend the borders of the 27 regional corpses.

*The André Cools- murdercase* - Former minister Alain van der Biest (PS), who was arrested in September 1996, charged with complicity in the murder of André Cools (PS), was released from jail on January 2nd. This however, did not clear his name; the accusations of murder and attempt to murder were still valid. Other suspects, who were arrested in 1996, were released in the following months. Only the Tunisian hired assassins were kept imprisoned in Tunisia. At the plenary debate on the installation of a parliamentary committee on the Cools murder-case (December 18th), the parliamentary parties of the christen-democrats and the socialists wanted to delay the installation of a such a committee. They feared that the investigations by the parliamentary committee would interfere with the inquiries by the judiciary.

*Di Rupo-case* - Soon in 1997, it became clear that the witnesses of potential paedophile actions by vice-prime minister Elio Di Rupo (PS), which were urged at the end of December 1996 and which had caused political upheaval, were not to be taken seriously. In its report of July 9th, the Committee P, which controls the police-forces, blamed the judicial police of Brussels and the gendarmerie of Hasselt for their bungled investigations.

In the meanwhile, both the Walloon parliament (January 15th), and the parliament of the French-speaking Community (January 16th), agreed upon the partial removal of the parliamentary immunity of minister Jean-Pierre Grafé (PSC). Grafé was also named in a case of sexual abuse against minors. Due to the allegations, he had resigned as minister of the Walloon Regional government and the government of the French-speaking Community, late December 1996. Ever since, nothing was heard on the case.

## IX. The evolution of the political parties

*VLD* - On April 26th, Guy Verhofstadt announced that he would take part in the party leadership-contest of June 7th, 1997. In the preceding months, there was some intensified speculation on the issue whether or not Verhofstadt would compete. In June 1995, he had resigned as VLD-party leader after it got clear that the VLD would not participate in government. Moreover, incumbent party leader Herman De Croo, had declared to run for a second term. And there was a third candidate, Rik Daems, MP for Leuven.

In an ultimate attempt to avoid an electoral clash between the three candidates, negotiations were organised by some senior party leaders. They had hoped to find a consensus on Marc Verwilghen, the popular chairman of the Committee Dutroux. In the most likely scenario, Verwilghen would be the only candidate for the party leadership. However, Verwilghen refused to compete for the party leadership. After a fierce campaign, Guy Verhofstadt was elected by 52,1 % of the participating VLD-members (16.617 votes), leaving Herman De Croo (8.763 votes or 27,5 %) and Rik Daems (6.260 votes or 19,6 %) far behind. Out of the 80.000 members of the party, some 40 % participated at the vote.



**CVP** - On April 15th, the CVP moved its head-quarters to a building in the Wetstraat 89 in Brussels.

More importantly, the party got involved in a judicial investigation of illegal party-financing. CVP-spokesman Willy Buijs declared on June 11th, that parts of the bookkeeping were stolen by one of the party's accountants. The statements of Buijs created a malaise in the party, and eventually he was fired as the party's spokesperson. He was replaced by Peter Poulussen on August 25th.

In the meanwhile, party leader Marc Van Peel said that the bookkeeping of the party, which was screened by some consultants of Ernst & Young, appeared to be clean.

At the party conference of December 13th (Antwerp), some new (and well-known) party members were presented. The congress voted on new regulations for the training of party-officials, the communication in the party, the financial management, the combination of mandates and the installation of a committee of deontologic.

**SP** - In November and December, the members of the SP got -for the first time- the possibility to take part in the vote for the party leadership. The result of the election was proclaimed at the party conference in Roeselare (December 21st). Louis Tobback, who was the only candidate, was elected with 40.113 votes in favour, against 6.235 no-votes (with 1.300 abstentions and 171 invalid votes). The turn-out for the elections was 57 %. In his address to the congress, Tobback put the aim for the elections of June 13th, 1999 at a win of some 100.000 votes in comparison to the electoral result of 1995.

**VU** - On November 23rd the Volksunie held its annual party conference in Leuven. At the conference, the VU voted a resolution in which they favoured a 'democracy built on republican ideas', in which parliament would be the prominent political actor, and the monarchy would no longer have a political role.

In that very same week, the VU lost both its Anciaux-figureheads. Vic Anciaux left the Brussels Regional Government on November 22nd, after a dispute on the guaranteed share of Dutch-speaking firemen in Brussels. On November 27th, his son, Bert Anciaux, resigned as party leader. Bert Anciaux wished to concentrate his activities on a 'regrouping of political forces' and a new organisation for the party. At the meeting of the Party Council (November 29th), Anciaux got green light for his project. Within 9 months (until September 1998), there had to be some results. In the meanwhile deputy chairman Patrik Vankrunkelsven would lead the party.

Anciaux got backed by some youth-organisations as Triangel and CPV (Centre for Political Renewal), but failed to get the support of Agalev. Wilfried Bervoets, the political secretary of Agalev, said that Anciaux's proposals were unclear, and that the possibility of joint-lists for the elections of June 1999 was excluded.

On August 29th, the founding father of the Volksunie, Frans Van der Elst, died.

**PS** - The Dassault-case (see Chapter II) and the apparent involvement of the PS, caused great upheaval in the party. On January 26th, the leader of the PS-parliamentary party in the Chamber of Representatives, Claude Eerdekens, took the initiative for a meeting of 16 PS-ministers and the 6 leaders of the PS-parliamentary parties. In a declaration, they asked all party-officials involved to resign from their posts, and to fully co-operate with the judiciary.

On February 1st, party leader Philippe Busquin urged a statutory congress to revise the organisation and the actions of the party. After the revelation of the secret PS-account in Luxembourg, and the involvement of Busquins right-hand Patrick Moriau, Busquins position seemed to be threatened. The result of the re-election of Busquin for a fifth term as party leader (March 1st) showed some proof of the precarious situation. Being the only candidate for the post, Busquin obtained 361 votes out of a total of 478 votes casted (78,1 %); his worst result as party leader ever.

At its statutory congress, which was held in Liege on May 10th, the PS introduced the One Man One Vote system for the election of the PS-party leader. Leadership-contests would take place every 4 years (instead of every 2 years), and a party leader could only run once for a re-election. However, some other motions that were initiated by the Bureau of the party were voted down. Most notably the direct election of the district leaders and the members of the Bureau of the party. It meant that the local federations kept a strong say in the representation at national party-level.

The congress also decided to strengthen the representation of the Brussels 'regional' federation in the Bureau of the party. The two vice-presidents of the party would from then onwards, be appointed separately by the Walloon members of the Bureau and the Brussels members of the Bureau. Furthermore, the congress abolished the Conseil général of the party, and adopted a 'Charter of the militant' and a 'Charter of the mandatory'.

*PRL* - Louis Michel was re-elected as party leader on February 21st-23rd. Michel, who was the only candidate, obtained 96,3 % of the votes. Some 14.187 out of a total of 35.245 members of the party participated at the elections, leading to a turn-out of 40,3 %.

Michel tried to make advantage of the crisis in the Parti Socialiste, to get the socialists replaced by his own set up liberal party in both the federal and the Walloon regional government. On May 30th, Michel called for the installation of a federation between his own PRL and the PSC. According to the journal *La Libre Belgique* (June 6th), talks between the presidents of both parties (Michel and Nothomb) had been going on for well over a years time. Former PSC-president Gérard Deprez said in *Le Soir* (June 7th) to back the talks. It also appeared that Deprez had had some separate negotiations with Michel on the issue. According to Jacky Moraël (one of the three executive secretaries of the green party Ecolo), Ecolo had been approached by them to back a possible constructive motion of distrust, which would lead to the replacement of the socialist party by the liberals. Ecolo had refused to take part in this scenario.

The revelation of the negotiations set back the whole process. On June 9th, the Bureau of the PSC voted down a possible federation with the PRL. Even the position of Charles-Ferdinand Nothomb as party leader was threatened. This led to some speculation in the press as to who would be his successor: minister of Defence Jean-Pol Poncelet, a ticket of Joëlle Milquet and Jean-Jacques Viseur and André Antoine were mentioned in the press. After the Comité directeur of the party had agreed upon a motion of confidence in Nothomb (June 30th), Nothomb succeeded in strengthening his position at a conclave of some 20 party-officials (Marche-en Famenne, 11-12 July 1997).

In the Autumn of 1997, the issue arose again. It appeared that Deprez was still working on a close co-operation between the PSC and the PRL. After some negotiations and hearings, the PSC adopted the strategy not to work any further on a

cartel with the PRL (October, 13rd). In exchange, party leader Nothomb declared on November 1st, to take some initiatives to renew both the organisation and the action of the PSC. As a result, Joëlle Milquet, the dauphine of Gérard Deprez who was defeated at the party leadership contest of March-April 1996 by only a handful of votes, became deputy-party leader. She was charged with the internal and external communication, with the preparation of political issues and the preparation of an important party conference in 1998. A newly installed Comité directeur, composed of 5 party-officials would from then on be responsible for the management on a daily base.

Gerard Deprez was allowed to set up a movement, but only within the organisation of the party. On December 5th, *Le Soir* published some abstracts of Deprez' manifest for his 'Mouvement de Citoyens pour le Changement' (MCC). Because the PSC reacted in a negative way, the manifest was seen as the start of the definitive break-up of the ties between Deprez and the PSC (which actually took place in 1998).

*Ecolo* - On February 21st, Jean-Luc Roland was appointed as third secretary-general of Ecolo, replacing Danny Josse, who resigned office on December 8th, 1996.

*FDF* - At a party conference on October 25th, Olivier Maingain was re-elected as president of the FDF. He was the only candidate, and obtained 84,6 % of the votes.

### **Summary: Belgian Politics in 1997**

*The so-called 'Dutroux-case' - the revelation of the kidnapping and the murder of four underaged girls and the apparent malfunctions of the judiciary and the police forces, was the most important issue on the 1997 political agenda. Unanimously, the Chamber of Representatives agreed upon the recommendations of a parliamentary inquiry into the bungled police investigation. Yet the unanimity disappeared quickly when the recommendations on the reorganisation of the police-forces had to be implemented.*

*New revelations of the Dassault-case, and the involvement of both socialist parties, put the government under pressure. The events themselves, and the discontent they caused in some majority parties, urged the government to revise the governmental programme. Guy Spitaels, chairman of the Walloon parliament resigned. Guy Coëme, former minister of Defence, alleged of passive corruption in the Dassault-case, was referred to the Supreme Court of Appeal by decision of the Chamber of Representatives.*