

SPEAKING OF ASYMMETRY. CANADA AND THE ‘BELGIAN MODEL.’

André Lecours
Department of Political Science
Concordia University

Foreword

The federal Liberal Party’s 2004 general election platform heavily emphasized issues that are mainly subject to provincial competence under the constitution (e.g. health care, child care, cities). Since the federal government lacks the authority to implement detailed regulatory schemes in these areas, acting on these election commitments frequently requires federal-provincial-territorial (FPT) agreements.

A controversial question that arises when considering all intergovernmental agreements is whether they should treat all provinces and territories similarly or whether the agreements should be expected to differ from one province/territory to another. This issue of symmetry or asymmetry arises at two levels. The first is whether all provinces should be and should be viewed as “equal” in legal and constitutional terms. The second relates to the political and administrative level and the intergovernmental agreements it generates. When should Canadians expect all provinces/territories to be treated similarly in these agreements and when should difference be the rule?

Given this political context, it is timely to reconsider the factors that are relevant to the issue of symmetry and asymmetry. We are doing this by publishing a series of short commentaries over the first half of 2005. These papers will explore the different dimensions of this issue- the historical, the philosophical, the practical, the comparative (how other federations deal with asymmetrical pressures), and the empirical. We do this in the hope that the series will help improve the quality of public deliberation on this issue.

Harvey Lazar
Director

In October 2004, Conservative party leader Stephen Harper suggested that Belgium could serve as a source of inspiration for thinking about Canadian federalism. More specifically, Harper was interested in the Belgian division of power between the federal government and two types of federated units, territorial and non-territorial. Harper suggested that instead of decentralizing power to the provinces, the federal and provincial governments could set up ‘Anglophone and Francophone community institutions’ to take charge of policy areas such as culture, broadcasting and international relations.¹ Of course, floating ideas about the renewal of Canadian federalism made good strategic sense for Harper. He was giving his speech in Quebec City only a few months after a federal election where his party was unsuccessful in winning a single seat in Quebec. On the heels of a ‘health deal’ touted by the Quebec government as paving the way for asymmetrical federalism in Canada, and in the context of claims by the Quebec government for more autonomy in international affairs, references to alternate forms of federalism were bound to resonate.

From an analytical perspective, the reference by a Canadian politician to Belgium provides an opportunity for a comparative discussion of federalism in two democracies with strong nationalist movements. To what extent can the ‘Belgian model’ be useful in thinking about the future of Canadian federalism? What does it say about asymmetry and decentralization? This short essay is divided into two sections. The first section makes the argument that transposing Belgian-style federal structures to Canada, as proposed by Stephen Harper, is unrealistic and wrong-headed. The second section discusses recent claims of the Quebec government for more autonomy in international relations and for the formalization of a special role for the province in this area. Such an arrangement would in all likelihood be asymmetrical since no other province has shown interest in having a formal

¹ Mike de Souza, “Harper touts Belgium as federal model,” *The Gazette*, October 16 2004, A13.

voice in international forums. Belgium is a useful reference for thinking about these types of arrangements around international affairs because it has gone very far in decentralizing this policy field.

IMPORTING THE BELGIAN MODEL?

Belgian federalism is peculiar for the fact that it features two different types of federated units: Regions (Wallonia, Flanders and Brussels) and Communities (Francophone, Flemish and German-speaking). From one perspective, this structure is asymmetrical insofar as one set of units (Communities) is superimposed on another (Regions). In addition, the Flemish Region and Community have merged, which leaves Francophones with two federated units and Flemings with one (excluding Brussels). From a different perspective, Belgian federalism is not so asymmetrical since the Regions all have similar powers as do the Communities. Belgian Regions are 'regular' territorial units insofar as membership is determined by residency. They are comparable in logic to Canadian provinces or to the federated units of any other federal system. Regions are empowered to act in policy fields such as economic development, transportation and tourism. Communities are non-territorial units insofar as their membership is determined by language. For example, a Dutch-speaker from Brussels is a member of the Flemish Community just like a Dutch-speaker from Flanders. Belgian Communities have power over culture, language, broadcasting, as well as over policy fields involving person-to-person contact ('matières personnalisables.') This is the structure Stephen Harper was referring to in his Quebec City speech.

Could this structure be imported to Canada? Most likely not. The asymmetry featured in Belgian federalism through the existence of two different types of units is a result of the particular dynamic of Belgian politics. The Flemish Movement was the trigger for the decentralization process that started in 1970; it was most preoccupied with cultural issues and sought a bi-modal federalism (Francophone and Flemish). Francophones were more concerned with issues of economic development (where the needs of Wallonia and Brussels were quite different) and

would only accept a tri-modal federal system (Brussels, Wallonia and Flanders). As a compromise, both models were effectively adopted. Canada does not have anything similar to the political dynamic that led to the establishment of these structures in Belgium. In fact, this Belgian model of Regions and Communities is incongruous with the Canadian situation, particularly with respect to Quebec's contemporary political trajectory. No Quebec government would accept that a Community-type institution could have jurisdiction over its population, either Francophone or Anglophone. More than forty years after the Quiet Revolution, the ties between Francophone Quebecers and Francophones outside Quebec are too weak to even contemplate replicating the Belgian structures in Canada. In English-speaking Canada, these structures would very likely be unacceptable for most since they fly in the face of a conceptualization of the Canadian nation (Trudeau's) as bilingual from sea to sea. Theoretically, the Belgian model would have, over the long term, the potential to alter the Quebec-versus-Canada cleavage, but it might create new ones just as sharp. (For example, there would likely have to be an Aboriginal Community as well as Francophone and Anglophone.) In any case, the Belgian model would be a political non-starter in Canada.

ASYMMETRY AND INTERNATIONAL RELATIONS

The claims of Quebec governments for decentralization in specific policy fields often result in *de facto* asymmetry insofar as other provincial governments decide not to seek decentralization in these fields. The pension system is a good example of *de facto*, or policy asymmetry, resulting from Quebec's claims for decentralization. A policy area that has recently been the subject of decentralist claims from the Québec government is international affairs. This concern with autonomy in international affairs is not new. It dates from the 1960s and has been claimed at various moments by both PQ and Liberal governments. However, the Charest government has made international relations a particularly important issue since its election in 2003. The thinking of Quebec governments on this matter has long been informed by the so-

called Gérin-Lajoie doctrine, which holds that Quebec's domestic power should be extended internationally. From this perspective, the Quebec government would claim a voice in international forums dealing with, for example, linguistic and cultural issues. Of course, it already does this to a certain extent (for example, within the Francophonie), but Quebec's 'paradiplomacy' typically results in some form of conflict with the federal government. The Quebec government is now looking for a more formal arrangement. Indeed, in the wake of the health care deal, Intergovernmental Affairs Minister Benoît Pelletier said that steps would be soon taken to 'formalize a special role for the province in international affairs.'²

What can Belgium tell us about such asymmetrical arrangement and the types of relationships they may generate? Belgium has constitutionalized the 'Gérin-Lajoie doctrine' insofar as Regions and Communities extend their competencies to the international arena. At the European Union level, regional and community governments can shape the position of the Belgian state or even speak on its behalf when it comes to their constitutionally-specified jurisdiction. Basically, when a Council of Ministers discusses policy-making in an area where either the Community or the Region is competent in Belgium, then it is up to the relevant units to flesh out a position. This involves a fair degree of compromise between Regions or Communities since they need to agree for a Belgian position to take shape. Moreover, the Belgian federal government will also want to make sure that whatever stance is taken by the Communities or Regions is in line with Belgium's existing commitments and its general European policy framework. If all the relevant actors fail to agree on a common position, then Belgium simply abstains. It is important to highlight that this outcome is fairly rare. Indeed, the governments of Regions and Communities have an incentive to compromise and collaborate so that their preferences may be incorporated,

² Rhéal Séguin, "Québec seeking special deal on foreign affairs," *The Globe & Mail*, September 29 2004.

albeit only partially, within a Belgian policy position.

What are the implications and consequences of this system and, in light of the Belgian experience, what could we expect in Canada if the formalization of a distinct status for Quebec in international affairs were to occur?

In Belgium, foreign affairs are now an integral part of the mechanisms of intergovernmental relations and foreign policy-making requires a great deal of coordination through many different forums. Of course, this is in part because there are so many governments involved and because these various governments can actually voice a Belgian position. If Quebec had a formal role in international affairs, some amount of coordination would also be needed (for example, to avoid policy contradictions), although not nearly as much as in Belgium. Indeed, there would be only two governments involved and there is no suggestion that the Québec government could speak for Canada, despite Canadian Heritage Minister Liza Frulla's comments that Quebec Culture Minister Line Beauchamp could take her place at UNESCO. This being said, there is coordination now because Quebec conducts a very extensive paradiplomacy. Quebec ministers of International Relations devote much of their time negotiating various possibilities of external action with the federal government. From this perspective, formalization of asymmetry in this field might clarify Quebec's powers in a way that reduces conflict. Of course, this is more likely to be the case with a Liberal government in Quebec City since the PQ can be expected to make further claims. At the very least, the PQ would certainly use whatever new latitude gained to promote its position internationally as it has done for years. This is a common worry for central governments confronted with claims for increased international participation of regions with strong nationalist movements and it is certainly not unwarranted.

Overall the Belgian case suggests that decentralizing power over international affairs need not be 'a recipe for confusion and conflict'

as some commentators have argued.³ Perhaps a more important question revolves around the relationship between Canada's role in the world and the attachment of Quebecers to the federal government. Would increasing the Quebec government's role in international affairs take (partially) away from the federal government a policy field that triggers positive feelings from Quebecers? After all, Canadian foreign policy is usually in tune with Quebec public opinion and we can speculate that a good segment of the Quebec population is generally satisfied with the image of Canada abroad. Many acts of foreign policy are heavily publicised (for example, international conferences) and, in this context, may have a significant nation-binding function. This is no longer a concern in Belgium, since there is little concerted effort to promote any notion of a Belgian nation, but it certainly is one in Canada where the federal government seeks to preserve subjective ties with Quebecers. Indeed, all Canada-Belgium comparisons should keep in mind that Belgian federalism represents only a last resort model for managing diversity. Hopefully, Stephen Harper keeps this in mind.

³ Jeffrey Simpson, "Quebec foreign policy? Silence of the Ottawa lambs," *Globe and Mail*, December 4 2004, A31.