



## Universal suffrage in Brussels: gone forever?

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By [Philippe Van Parijs](#)



Brussels Regional Parliament. Credit: Belga

**In an ideal democracy, the electorate includes all adult members of the political community. Brussels' upcoming regional elections will be dramatically far from this ideal. And there seems to be no way of preventing this democratic deficit from getting even worse.**

*Philosopher Philippe Van Parijs reflects on current debates in Brussels, Belgium and Europe*

### Close to 40% disenfranchised

On 9 June, Brussels' citizens will elect their regional parliament for the eighth time. But not all are welcome to vote. 38.7% of Brussels' adult residents have no voting rights in regional elections. Never since women were enfranchised in 1948 has the principle of universal suffrage been so blatantly transgressed at any Belgian election. Why is this?

When the first elections for Brussels' regional parliament were held in June 1989, there were about 260.000 foreigners among Brussels' permanent residents, or 27% of the total. In June 2004, when the fourth regional elections took place, the numbers were about the same in both absolute and relative terms. The substantial immigration that had happened in previous years had been fully offset by naturalization. No big deal: Brussels' democracy could live with a quarter of its population in a political waiting room, realistically expecting to acquire full political rights after a few years, if they so wished, along with Belgian nationality.

This comforting view could not be upheld for long, however. 2004 was the year of the EU's mega-enlargement. After decades of decline and stagnation, Brussels' population started growing rapidly. Eastern Europeans, in particular, arrived in large numbers. Since then, the number of foreigners has been growing every year. There are now about 450.000 of them (including minors), or 37% of Brussels' current population, compared to hardly more than 10% in Flanders and Wallonia. And there is no decline in sight. Most of the foreigners are EU citizens, with no reason or intention to naturalize.

### Three arguments

Whereas foreigners have been allowed to take part in Belgium's municipal elections since 2006, only Belgian citizens are allowed to vote at regional elections. In Brussels, therefore, nearly 40% of the resident adult population is denied voting rights at regional level. The sheer size of this democratic deficit provides a strong argument for extending regional voting rights to foreigners in Brussels. But the case for doing so is strengthened by two further arguments.

Firstly, there are countless interdependencies between the nineteen municipalities that form the Brussels region, for example as regards mobility or security. Consequently, many competences have either already been transferred to the Region or should be as soon as possible if the city is to be managed efficiently. Each step in this direction reduces the significance of having granted voting rights to foreigners at municipal level in order to give them some say about local affairs.

Secondly, about 60% of Brussels' foreigners are EU citizens. This gives them a special justification for claiming political citizenship rights, admittedly not at the level of Belgium — a state of which they show no desire to become citizens —, but at the level of Brussels — the capital of a Union of which they are citizens.

### Revising the Constitution?

The case for an extension of regional voting rights in Brussels is powerful. But how can such an extension be achieved? The most straightforward path would consist in aligning voting rights at regional level with those at municipal level, which would require a revision of article 8 of the federal Constitution by a two-thirds parliamentary majority. But this will never happen. The three arguments presented above hardly apply, if at all, to Flanders and Wallonia. Moreover, the Flemish nationalist parties, which account for close to half the Flemish vote, regard Flanders' regional elections as their truly national elections.

While there is no hope of extending voting rights to foreigners in all three regions, might there be some hope of convincing Flemings and Walloons that this is the right course of action for the Brussels region alone? Brussels' unique status as capital of the EU must definitely be part of the argument. More decisive — though arguably less honorable — may be the awareness of the composition of Brussels' current regional electorate.

Of the 800,000 Belgian nationals in Brussels, about 500.000 are Belgians of recent foreign origin, more than 80% from outside the EU. The remaining 300.000 constitute a shrinking category of Belgians "of Belgian origin". If Flemings and Walloons do not wish political power in their capital to be increasingly held by citizens of non-European origin, extending voting rights to non-Belgians, or at least to the EU citizens among them, is the only option. This too would require a revision of Article 8 of the federal Constitution, however, and I cannot imagine the required two-thirds majority being found in the foreseeable future.

### Merging the municipalities?

If both of these constitutional paths are unpromising, perhaps advocates of universal suffrage will settle for a less ambitious second-best. The parliament of the Brussels region may not be entitled to determine its own electorate, but it is entitled to redraw the borders of its nineteen municipalities, and even to merge all of them into a single one. Such a merger would need to be coupled with the creation of districts corresponding roughly to the current municipalities, as was the case when Antwerp was merged with seven adjacent municipalities in 1983.

Such a merger would automatically entail the merging of Brussels' six police zones, its nineteen social assistance centres (CPAS) and its nineteen municipal school networks. As economies of scale and interdependencies would then no longer justify entrusting the regional government with such competences as mobility or employment, they could be given back or attributed for the first time to the municipal level. All foreign nationals would be entitled to vote for the council of this much enlarged and empowered municipality just as they now are in each of the nineteen municipalities.

Might such a move not be regarded as a clever restoration of universal suffrage? The problem with this formula that we would then have a city council and a regional parliament, a *bourgmestre* and a minister-president who would rule side by side over the same territory and the same population. The competences of the region could conceivably shrink to just a few, such as budgetary discipline, language legislation or relations with Belgium's other regions. But it would retain all legislative power, with the municipality only acting by delegation. Even the most astute institutional surgery deployed to demarcate their respective prerogatives could not prevent Brussels' political life from being permanently plagued by conflicts between the two entities, especially given that different rules — a guaranteed representation of the Dutch-speaking minority in the assembly and executive of the region, but not in those of the municipality — are bound to often yield diverging majorities.

### Dead end?

There is an obvious solution to this problem: merging the enlarged municipality and the region. This corresponds to the model adopted in the EU's two other national capitals that are also components of a federal state: Berlin and Vienna. However, in Berlin and Vienna, foreigners are not allowed to take part in the elections of the assembly that serves at the same time as city council and parliament of the *Land*. They can only vote at the more decentralized level of Berlin's twelve *Bezirke* and Vienna's twenty-three *Gemeindebezirke* — the analogues of Antwerp's and — potentially — Brussels' districts. For supporters of universal suffrage, following this precedent would make the situation even worse than it is now.

True, Belgium could decide to deviate from the Berlin-Vienna model because of Brussels' status as capital of the Union. But such a deviation and indeed any form of merger between region and municipality would require a revision of the federal constitution. We are back to the dead end sketched above.

So, should the Brussels region just resign itself with a large and growing departure from universal suffrage? Or can one of the three paths explored above be salvaged? Or is yet another one worth exploring? If you think so, do let me know.