

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

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### **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

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.<sup>1</sup> 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

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

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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.'<sup>2</sup>

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,

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.

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

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