

The federal government

Composition

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The federal government consists of 15 ministers at the most, including the Prime Minister, and an indeterminate number of secretaries of State (art. 99 of the Constitution).

The Council of ministers (also called Cabinet), excluding the Prime Minister, includes as many French-speaking as Dutch-speaking ministers (art. 99 of the Constitution).

Who can become a minister?

The Constitution stipulates that only Belgians can become minister (art. 97 of the Constitution). Deputies are generally appointed as minister.

No member of the Royal Family may become a minister (art. 98 of the Constitution).

A minister can neither be a member of the Federal Parliament nor a member of a community or regional Parliament.

A federal deputy, who is appointed as a minister or secretary of State by the King, ceases to hold office as a deputy and is replaced by the first substitute on the party list from which he was elected. When he no longer forms part of the government, he then resumes his parliamentary mandate (art. 50 of the Constitution). The ministers have access to the parliamentary sessions and must be heard whenever they so request. Their presence may also be requested by the House of Representatives (art. 100 of the Constitution).

The ministerial function is also incompatible with a provincial mandate, a judicial office, or an office in the Constitutional Court, the Council of State, or the State Audit Office.

Mayors and deputy mayors (also called “aldermen”) are considered as being unavailable during the period that they hold a position as a minister or secretary of State.

Personal status of ministers (and secretaries of State)

» Opinions

No minister may be prosecuted or pursued on account of his opinions in the line of his duties (art. 101 of the Constitution).

» Acts

During their term of office, ministers can only be prosecuted by the public prosecutor at the Court of Appeal. Only that court can try them. After their term of office, former ministers can only be tried by that court for crimes they might have committed in the exercise of their office; the ordinary courts are competent for other crimes.

An appeal against the decrees of the Court of Appeal can be lodged in the Supreme Court of Appeal.

The authorisation of the House of Representatives is needed for:

- any requisition aiming at the settlement of the procedure
- any direct summon to appear before the Court of Appeal (except in case of flagrante delicto)
- any arrest.

In Belgian history it only happened a few times that a minister was prosecuted.

The Prime Minister: a team captain

The office of Prime Minister has its origins in practice. In the beginning this office did not exist. In 1831 the ministers really were “servants”¹. In the vision of King Leopold I (1831- 1865), ministers were his personal assistants, each individually accountable to him². The King himself chaired the Cabinet (Council of ministers). The Cabinet slowly became a more independent body. In 1919, the introduction of universal suffrage for men and the birth of coalition governments required the King to relinquish the chairmanship of the Cabinet to the “Head of the Cabinet”. The Head is almost always the formateur of the government. Nonetheless, the King has never formally renounced his right to chair the Council of ministers. That is why the Prime Minister is not the “Minister President” (= President) as in the Netherlands. The title “Prime Minister” has been used since 1918 and the name was taken from the English political system³.

It was only in 1920 that this title was officially given to the head of government. In 1970 the office of Prime Minister was formally mentioned for the first time in the Constitution.

The competences of the Prime Minister are based more on custom and tradition than on legal texts.

1 The word “minister” means “servant” in Latin.

2 Article 96 stipulates that “the King appoints and dismisses his ministers”.

3 King George I of England was of German origin and did not speak English. In the Cabinet he was represented by a minister who over time was called the “Prime Minister”.

The Prime Minister is the central figure of all political and parliamentary events. He is the head of government and the guarantor of unity and political coherence within the government team.

He plays the role of intermediary between the King and the other members of government.

Deputy Prime Ministers: the link between the government and the government parties

The role of the Deputy Prime Minister is not specified in the Constitution. It is imposed by force of custom. It was only in 1961 that a person in this position was called the deputy prime minister.

In practice each political party of the government coalition has a deputy prime minister. The deputy prime ministers play the role of intermediary between their party and the government. Within a government they are the guarantors of their party. They defend the government's position before their party. In this way the discussions within the government are facilitated and the partners can reach compromises.

The deputy prime ministers are also generally in charge of a given federal government department, usually an important one (eg. Economy, Home Office, Finance, External Trade, Budget).

The ministers

A minister is at the head of one or more federal public departments and is accountable to the House of Representatives for the policy that he is responsible for. The distribution of competences differs from government to government.

The secretaries of State (art. 104 of the Constitution)

The federal secretaries of State must be considered as deputy ministers or as civil servants responsible for a special assignment. Their competences are determined by Royal Decree.

The Government - the Council of ministers

The Government consists of the prime minister, the ministers and the secretaries of State. The Council of ministers only comprises the prime minister and the ministers. The secretaries of State attend the meetings of the Council of ministers only when issues of their province are examined.

Crown Council

The Crown Council consists of ministers in office and ministers without portfolio under the chairmanship of the King. The honorary title of "Minister without Portfolio" is given to eminent people of State from different political backgrounds (former Prime ministers, Presidents of the House or Senate, presidents of political parties, former important ministers, etc).

They do not enjoy any particular benefit and have no special competences.

This Council meets in exceptional circumstances in order to advise the King. It met in 1870 (declaration of the Franco-Prussian War), in 1914 (ultimatum sent by Germany to Belgium), in 1919 (Treaty of Versailles) and 1950 (Royal Question), and 1960 (independence of Congo).

Federal government departments

The majority of Federal Public Services (FPS) are tasked with a specific policy area (Finance, Public Health, ...) and support a Minister. The FPS Policy and Support (BOSA) supports federal organisations in various areas: IT, HR, organisational control and integrity policy, budget, accounting and public procurement.

A number of Federal Public Planning Services (PPS) have also been created alongside the Federal Public Services. PPS handle ad hoc matters associated with socially-based issues that require coordination between several FPS: science policy and social integration.

Policy cell and secretariat ("cabinet")

Each member of the federal government has a policy cell and a secretariat. The policy cell comprises advisors who work out proposals in close consultation with the departments for which the minister is responsible. The secretariat comprises spokespersons, senior staff, the personal secretary and executive personnel.

The entire group of staff members of a minister (member of government) is generally referred to as "cabinet".

You will find actual information on the federal government at <http://www.belgium.be>