Ethnic structure, inequality and governance of the public sector in belgium

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ETHNIC STRUCTURE, INEQUALITY AND GOVERNANCE OF THE PUBLIC SECTOR IN BELGIUM

Kris DESCHOUWER

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Introduction

Belgium is a divided country. A linguistic borderline between French and Dutch divide runs from west to east. Of course this is not enough to explain the fact that the language groups have engaged into a long lasting conflict. The main reason for that is the fact that in 1830 – when Belgium was created as a new state – the language of the people involved in politics was French. With a small majority of the population not speaking French but Dutch, this would gradually make the use of language a major political issue.

Yet we need to say immediately that the conflict never became violent. Not one single shot has been fired in this ethno-linguistic conflict. It has been at the origin of many fierce debates, of governmental instability and of a major financial crisis (politicians being concerned with this ethnic conflict rather than with a sound financial policy). In the long however, the conflict between the long language groups was to a certain extent pacified. This was done by using the logic and technique of conflict management that had become fairly familiar to the Belgian political elites: consociational democracy. It is a technique of conflict avoidance. Conflict is avoided by granting a large degree of autonomy to the groups in conflict, and by obliging them to move together or not move at all for all matters that remain common.

This consociational democracy led in this case to a deep reform of the Belgian state. The former unitary state became a federation of regions and of language communities. The Belgian federation is extreme in the degree of autonomy that it has given to the language groups, and its extremely complex in its attempts to provide checks and balances at all levels of political decision-making.

In this report we will first go back in history, and explain how Belgium was created and how the tensions between the language groups gradually built up. Next we look at the political parties. We have to do so, because one of the striking features of Belgian politics is the falling apart of the Belgian parties into unilingual parties only participating in elections in their own part of the country. It reflects the deep divisions between the language groups, but at the same time it makes it very difficult to keep a legitimate and responsive democracy alive.

In the third part of the report we present the federal reforms. We do so in some details, because the way in which the modern Belgian state is built reflects the way in which the language groups have been separated and yet still need still need to accommodate to each other. In the fourth and final part we further explain how ethnic minorities in Belgium are defined and protected.

1. Historical background: the origins of the linguistic tensions

Two fairly old societal frontiers cut across Western Europe, more or less from north-west to south-east: a linguistic and a religious frontier. The first divides Europe roughly into the area that was linguistically influenced by the presence of the Roman Empire, and where varieties of Latin-type languages are spoken, and the area that escaped from that influence or was less thoroughly influenced

and where – among others of course – a variety of German-type languages are spoken. This language border starts today in the north-west of France, just south of the Belgian border, then enters Belgium and cuts it in two while passing just south of Brussels, before going down through the Alsace to Switzerland and to the north of Italy. The religious divide, reflecting the result of Reformation and contra-Reformation, starts in the south of the Netherlands, and then proceeds to divide Germany and Switzerland. The two lines do not coincide, although they run sometimes close to each other. Belgium belongs to an area where they are close, yet exactly the fact that they do not coincide is an important part of the picture.

Let us go back a few centuries first. When in 1648 the southern border of the Netherlands was fixed in the Treaty of Westphalia, it actually created a third division line, just in between the language borderline to its south and the religious borderline to its north (Andeweg & Irwin 1993). The modern state of the Netherlands was born, and that comes after a long war between the Dutch Calvinists and the Catholic Habsburgs. The new Dutch state, which had already been institutionalized before the Treaty, was clearly both a Protestant and a Dutch-speaking state. Especially the religious identity was more or less the *raison-d'être* of the Netherlands. Yet the state borderline does not follow the religious divide, but is situated south of it, creating thus a Catholic minority in the south of the Netherlands. Here is the origin of one of the major cleavages in modern Dutch politics. The language of the Netherlands was less problematic. It was Dutch, and would subsequently be further standardized.

This little piece of history did not only fix the southern border of the Netherlands, it also defined the current northern border of Belgium. In 1648 the area south of the Netherlands was not yet called Belgium. But the separation will have far-reaching consequences. One direct result of the ‘liberation’ of the northern part of the former United Seventeen Provinces from the Catholic and Habsburg-dominated south, will be a brain-drain of Dutch-speakers to the north and the non-standardization of the Dutch dialects spoken outside of the new political boundaries, i.e. in the current northern part of Belgium.

South of the linguistic borderline, standardized French (from Paris) was becoming more important, without of course at that time eradicating the differences between the dialects spoken by the common people. In the course of the eighteenth century this French became even more important, as the language of the Enlightenment, of liberalism and modernity. French had become the language of the elites, of education and actually of court-life almost throughout Europe. That will of course become even stronger under the French rule of Napoleon, who conquered Belgium from the Austrian Habsburgs. French was now in the area that would become Belgium the language of the upper class, that is: the upper class both south and north of the linguistic border line.

The French rule did not last very long. The Congress of Vienna rearranged the territorial organization of Europe and created the Low Countries, re-uniting more or less the former Seventeen Provinces, but then after centuries of separation and of different development. The political leadership of the Low Countries was given to the Dutch monarch William of Orange. Actually a number of ‘Belgian’

regions were added to the long existing Dutch state. And that Dutch state, as we said above, was clearly Dutch and Protestant. The union was not going to last very long. Three forces would quickly pull Belgium away from the northern Low Countries. The first was political liberalism. The Dutch monarchy was still fairly absolutist, and demands for a more responsible parliament were not met. The second force was religion. The Catholic Church did not like the Protestant domination of the north and of the monarchy, and saw the possibility to create a homogenous Roman Catholic State. And the third force was language. The Dutch state used Dutch, and wanted to impose this language on the southern provinces. Yet the upper classes there were Francophone, and did not at all appreciate this policy.

And here we are at the beginning of the Belgian state. The date is 1830. This new state will be more liberal than the Low Countries, will be Catholic and will be Francophone. The Catholicism will be a real issue. The will to keep the country firmly controlled by the Church was not acceptable for the Liberals, and this Church-state cleavage will dominate Belgian politics until deep into the 20th century. The language to the contrary was not an issue. Belgium was at that time not seen as composed of two different language groups. It was just Francophone, in a natural but also deliberate way. The Constitution guaranteed the freedom of language, but that was meant to give the Belgian Francophones indeed the freedom to speak their own language, and not to be obliged to use the Dutch imposed on them in the Low Countries from which they seceded.

Yet language will slowly but surely become an issue, and even a major one (Lorwin 1966; Zolberg, 1974; McRae 1986). Already before the creation of the Belgian state, a small movement existed that tried to promote the use of Dutch, and that resisted the too easy use of French in public life in the non-francophone part of the country. During the nineteenth century, thus during the early days of Belgium, a mainly urban and middle-class based group of intellectuals went on promoting this use of Dutch, tried to preserve the Dutch culture and actually started to claim the right to use that language in public life and in administrative matters. The newly born 'Flemish movement'[1] defended a non-homogeneous view of Belgium. It stated that Belgium was bilingual, and that the use of the second language should at least be allowed and respected. It asked for some individual language rights for the population of the north.

The Flemish Movement did not grow very fast. It started as a very marginal phenomenon, and grew into a larger and also more radical movement because of the fierce refusal of the Belgian Francophone elites to take its demands really into consideration. The marginality of the movement is also due to the fact that there was no real consensus about the nature of this second language. Dutch was a possibility, but also a problem. Dutch was the language of the Dutch state, and thus the language of the enemy. Dutch was also the language of Protestantism, which lead the Church to be rather reluctant in accepting it.

1. Actually the 'Flemish' refers to the western part of what is today the northern region of Belgium. It used to be the County of Flanders. The name Flanders was gradually used to define all the Dutch-speaking parts of Belgium, and often the term Flemish is also used to refer to the Dutch spoken in Belgium.

Attempts were made to promote regional languages as the standard for the second language in Belgium. In the end the Flemish movement clearly opted for Dutch, but that then was a language which still to a large extent had to be learned by the population of the north. And the absence of a properly standardized language was a perfect argument for the Francophones to claim that French was already available as a standardized and universal language and that the learning of French would help the population of the north to get access to high culture. The idea that Dutch was going to be used for instance at universities was absolutely unthinkable.

While the tension is building up during the nineteenth century, one issue within the language problem becomes very visible and very salient: the role and position of Brussels. The capital city of Belgium is situated close to the language border, but clearly north of it. As a city of government and administration, and as a city close to the francophone world it had already slightly been frenchified before the creation of Belgium. The choice of Brussels as Belgium's capital city will only increase the process. By the turn of the century the majority of its population speaks French. This is due to immigration from the south and to the rapid frenchification of the immigrants from the north, who needed French to function in the public administration and who wanted of course their children to be educated in the language of upward social mobility. Not only did Brussels become a francophone 'enclave' in the Dutch-speaking part of Belgium, it also gradually grew and expanded, just like any other (capital) city. This expansion meant of course the expansion of the francophone enclave in Flanders. The pieces of a very difficult puzzle were being put on the Belgian table.

The First World War is an important turning point. During the war it became utterly clear that the language issue could not be avoided any more now. Several elements contributed to that awareness. First there were the problems at the war front. Flemish soldiers had complained about the language situation, and they became conscious (and were mobilized to become conscious) of the fact that they were eventually expected to die for a country that did not even try to communicate with them in their own language. Flemish elites had tried during the war, i.e. during German occupation, to obtain the right to organize some classes at the University of Gent (in Flanders) in Dutch. They did succeed, but were of course accused of high treason, high treason that apparently was needed to obtain such an elementary right.

But not only the language question sharpened during the war. The soldiers were of course lower class people, who had the right to fight for their country, but not the right to vote. Actually an imperfect system of universal male suffrage had been introduced in 1893, giving all men at least one vote, and granting a second or a third vote to the property owners, tax payers and better educated citizens. One of the first things to be realized after the war, was the introduction of full and equal male suffrage. But this would of course directly translate into the parliament the demographic situation of the country, in which almost 60% of the population lived in the non-francophone part. And with the language problem now clearly on the agenda, it would start producing real changes.

The most obvious and visible change that came about, was the *territorialization* of the issue (Murphy, 1998). Of course territory was part of the problem from the very beginning, but the Belgian elitist perception of the problem was not territorial. Once language laws are introduced, they would follow a territorial logic. The way to boost Dutch as a full and equal second language, without introducing Dutch as a new language in the south, was the division of the country in three linguistic regions: a Dutch-speaking north, a French-speaking south and the bilingual area of the capital city. Language laws passed in 1921 and in 1932 were clearly territorial, although they kept the possibility open for the language border to move, according to the languages effectively spoken at the local level. This was measured by organizing a language census every decade. The consequence of this was the further gradual loss of Flemish municipalities to the bilingual area of Brussels or straight to the francophone region. In 1963 the borderline would be finally fixed (see the map below).

Figure 1: Map of Belgium with the borderline between the Dutch-speaking north and the French-speaking south.

The Flemish movement came out of the First World War as a political and even party-political movement. The newly created Frontpartij – referring thus to the war front – wanted to see a reform of the Belgian unitary state into a decentralized and even federal state, which would grant the Flemish region the right to organize its cultural life itself. This now bipolar view of Belgium will soon lead to a new francophone perception of Belgium. They rather have the feeling that their Belgium is gone, that there are no Belgians any more, but only Flemings and Francophones. And among the Francophones, those living in Brussels are in a different position. They live in a former Dutch-speaking city

that is claimed by the Flemish movement as being still a part of Flanders. And they would therefore prefer not to be in Flanders.

We have witnessed in this short overview of a long history the politicization of the language divide and its translation into a territorial definition of alternative solutions, with of course discussions about the exact boundaries of the territories. Belgium now contains four linguistic territories, one of which we left out so far for the sake of clarity. The first one is the Dutch-speaking area or the Flemish region. The second one is the region of Wallonia, which is francophone. Actually Wallonia includes also an area in the east which was transferred from Germany at the Treaty of Versailles in 1918, and where the population of course speaks German. It is today formally recognized as the German-speaking territory, but for regional matters (see below) it belongs to Wallonia. The fourth area is Brussels, the limits of which have been set and fixed in 1963. That region is bilingual. It is on the basis of this territorial division that the Belgian federal state will be built, but in a rather complex way, since the Francophones defend mainly a division in three regions, meaning that Brussels should be a separate region, while the Flemings defend then idea of a bipolar federation, based on the language groups, which means that Brussels belongs territorially to Flanders.

Until now we have only discussed the language question as such, although we already pointed at the fact that its connection with the religious divide has played a significant role. Yet there is more than just language. The other cleavages in Belgian politics are strongly related to the language divide, not because of the language as such, but *because of its territorial base*. The different regions did not develop in the same way, and that makes them look different in more than just the language aspect.

Flanders and Wallonia – the two larger regions – have more relevant differences, although it would take some time before they were perceived as such. Most obvious are the social and economic differences. A number of areas in what was to become Wallonia were the first in Europe to industrialize. The Flemish provinces remained for a long time mainly rural, except for some industry in the major cities (Gent, Antwerpen). In other words, in the 19th century the economic centre of the country was concentrated in the Walloon industrial basins. Yet the financial centre of the country was located in Brussels since all the holdings, controlling the Walloon industry since the 1830s, had their seats there (Saey et.al. 1998).

From the end of the 19th century on, the old industrial centre in Wallonia gradually declined because (the harbour of) Antwerp and its hinterland attracted most of the investments in new economic sectors (Saey et.al. 1998). In 1901 coal was discovered in Flemish soil (Limburg) and coal mines emerged after World War I. (Witte et.al. 1990) By 1930 the seats of the major industries and financial institutions were concentrated in the Antwerp-Brussels-Clabecq axis, constituting the new economic centre. Rural areas in Flanders and Wallonia still formed the periphery while the old economic centre in Wallonia had been reduced to a semi-periphery, joined by newly or re-developing areas in Flanders and Wallonia. (Saey et.al. 1999) Many of these newly developing businesses in

Flanders were medium and small enterprises, in contrast to the large industrial factories of Wallonia. This gave rise to the creation of endogenous, mainly catholic, Flemish leading economic class whose interests did not coincide with the interests of the mainly liberal Francophone financial bourgeoisie (Witte et.al. 1940). The economic upheaval of Flemish areas and the decline of traditional Walloon industry boosted the Walloon movement (Kesteloot 1998). Despite the slow but steady improvement of Flanders' economy since the 1880s it was not until the sixties of the 20th century that Flanders finally caught up with Wallonia. It was also only then that employment in the industrial sector would decline (Quévit 1978: 112-113).

Table 1: Evolution of the active population per region and per sector, 1947-1970 (in percentage of the region)

	FLANDERS			WALLONIA		
	Agriculture	**Industry**	**Services**	**Agriculture**	**Industry**	**Services**
1947	14.0	47.7	20.1	11.5	57.7	23.9
1961	8.1	49.8	25.8	8.4	49.2	25.5
1970	5.8	48.3	26.3	5.9	45.5	26.3

Source: Quevit 1978: 113

The loss of jobs in Wallonia was not compensated by a growth in the services sector though, resulting in high unemployment figures. Flanders on the other hand benefited largely from new (foreign) investments. In other words, the 1960s mark the definite turning point in the economic balance between Wallonia and Flanders.

The consequence of a different societal and economic composition of the two regions is a very different party-political landscape, with a long domination of Christian-Democracy in Flanders and a domination of Socialism in Wallonia. The tables 2 and 3 below give the results for the elections for the Belgian national parliament since 1961, and shows the striking differences between the two regions. The results of the directly elected Flemish and Walloon parliaments in 1995 and 1999 show the same results as the national elections per region. Both regional elections coincided with the federal elections, and were actually dominated by it (Versmessen, 1995; Deschouwer, 2000).

Flanders has been until very recently the home region of the Christian-Democrats. Until the early 1960s they controlled more than 50% of the Flemish vote. Even after a number of quite dramatic losses (especially 1965, 1968, 1981, 1991) they remained clearly the strongest party. From 1968 on the Belgian Christian-Democratic party split in two autonomous unilingual parties, which actually reinforced the power of the Christian Democrats in Flanders. It

became not only the largest party in Flanders, but also – given the demographic weight of Flanders – the largest party in Belgium. The Flemish Christian Democrats thus always governed (except for 1954-58) and as a rule provided the Belgian Prime Minister. When the Flemish Region/Community was given its own executive, it was always lead by a Christian-Democrat. In 1999 however, the Flemish Liberal party (an autonomous party after the split of the Belgian Liberals in 1971 – see below) took the number one position in Flanders.

Table 2. The electoral results (federal elections) in the region of Flanders since 1961

	1961	**1965**	**1968**	**1971**	**1974**	**1977**	**1978**	**1981**	**1985**	**1987**	**1991**	**1995**	**1999**	**2003**
Christian	50.9	43.8	39.1	37.8	39.7	43.8	43.5	32.3	34.6	31.4	27.0	27.8	22.2	21.3
Socialist	29.7	24.6	25.7	24.2	22.0	22.3	20.9	20.6	23.7	24.2	19.6	20.3	15.0	23.9
Liberal	11.6	16.6	16.2	16.3	17.2	14.4	17.2	21.1	17.4	18.5	19.1	21.1	22.6	24.6
Regionalist	6.0	11.3	16.9	18.8	17.8	16.3	11.5	16.0	12.7	12.9	9.4	9.0	8.8	4.9
Green								3.9	6.1	7.3	7.9	7.0	11.0	3.9
Extreme right							1.4	1.8	2.2	3.0	10.4	12.7	15.3	18.1

Table 3. The electoral results in the region of Wallonia since 1961

	1961	**1965**	**1968**	**1971**	**1974**	**1977**	**1978**	**1981**	**1985**	**1987**	**1991**	**1995**	**1999**	**2003**
Socialist	47.0	35.7	34.5	34.4	36.8	37.2	36.7	36.2	39.5	43.9	39.2	33.7	29.0	36.4
Christian	30.5	23.7	20.9	20.5	22.6	25.8	26.9	19.6	22.6	23.2	22.5	22.5	16.7	15.4
Liberal	11.7	25.5	26.7	17.7	15.1	18.8	17.5	21.7	24.1	22.2	19.8	23.9	24.5	28.4
Communist	6.3	10.5	6.9	5.8	5.7	5.4	5.9	4.2	2.5	1.6	0.3	1.0	1.0	
Regionalist	0.2	3.4	10.5	20.9	18.5	9.0	9.2	7.1	0.6	0.8	1.2			
Green						0.5	1.2	6.1	6.2	6.5	13.5	10.3	18.2	7.5
Extreme right											2.4	6.4	5.0	5.6

After the First Word War and even more after 1945 the Flemish region thus starts to develop. The seaport of Antwerpen proves to be a very important asset. In general the Flemish economy is a mixture of a few large industries (chemical plants and automobile construction) and a large variety of smaller enterprises. The Walloon economy, which was much more large-scale industry, faces decline after 1945, just like the other old industrial regions in Europe. And towards the 1950s and 1960s the Flemish economy is clearly the most growing

and expanding. Flanders becomes the richer part of the country. The battle for the use of language has been fought and won, and now the Dutch-speaking region becomes the rich, dynamic, expanding one. These evolutions will obviously not reduce the tensions between the regions. These tensions become extremely important in the 1960s, and will then dominate the scene for more than three decades. These are the decades of the federal-type state reform, but also the decades during which the main political actors – the political parties – completely fell apart. And that is another element adding to the regionalist tensions. We will discuss the end of the parties in the following section.

2. The end of the national Belgian political parties

The most spectacular and most relevant aspect of recent change in the Belgian parties is the death of the three traditional parties. Christian-Democrats, Liberals and Socialists were not able to survive the growing linguistic tensions, and within a time-span of only ten years, they all fell apart. The consequence of this change is the total absence now, and since 1978, of Belgian political parties, of parties defending the centre against the regionalist pulls. All parties are regional, and did not even keep a federal structure of co-operation (Deschouwer 1994a, 1994b, 1996).

This falling apart of the parties did of course not happen all of a sudden. Actually the parties were more or less prepared for this, since they had been gradually taking into account in their internal structures the differences between the Dutch-speaking north, the French-speaking south and eventually also the bilingual Brussels region. Between the wars the Catholic Party – then called the Catholic Bloc – had already virtually fallen apart, functioning as a loose federation of a Flemish and a Francophone wing (Gerard, 1985; 1995). When the party was re-created as a modern Christian-Democratic party in 1945, it was again more united, but did explicitly take into account the existence of two ‘wings’, each having its own president, and each being formally recognized in the decision-making organs of the party. When in 1968 the question of the language status of the Leuven Catholic University came to the front, the party was confronted with a major internal crisis. This important Catholic University was located in the Dutch-speaking part of the country, and had – like all Belgian universities – been unilingual Francophone for a very long time. In 1968 the Dutch-speakers claimed that a university located in the Dutch-speaking or Flemish part of the country should be unilingual Dutch. The Francophones were forced to move out and to create the new university of ‘Louvain-la-Neuve’ south of the linguistic borderline. The Christian-Democratic party did not survive this linguistic tension, and fell apart in two unilingual parties. Actually: the two wings of the party became independent and fully-fledged parties. In Brussels of course the split did hurt, since the local party sections had to be torn apart. Attempts to keep the party united in Brussels were a failure, since the language issues were of course especially salient in Brussels. The newly created Flemish CVP was a very large party, gathering at that time some 40% of the Flemish vote. The Francophone PSC was much smaller, both in absolute and in relative terms.

The PSC polled in 1968 just under 21% of the Francophone votes (details in table 2).

Unlike the Christian-Democrats who accepted the existence of two wings from 1945 on, the Socialist party BSP-PSB always presented itself as a 'strong and unified' party. The first acceptance of internal differences only came in 1963. A second difference with the Christian-Democrats, is the way in which the party fell apart, i.e. the number of 'wings' into which it was divided. The Christian-Democrats were very strong in Flanders, and followed therefore the Flemish logic of a division in two wings along the language lines. The Socialist party however was very strong in the Francophone electorate, which is divided between the region of Wallonia and the Brussels region. Therefore the Socialists began to divide themselves in three wings along these regional lines. After the failure of one of the major plans to reform the Belgian state (the so-called 'Egmont pact' in 1978), the party died. The Flemish wing went its own way as SP, and the Francophones went their own way as PS, divided however in a Brussels and a Walloon wing. The PS will always have to face this internal duality later on. Today it has not at all disappeared, since the regions, which were recognized in the party structure, are today the sub-states of the Belgian federation.

The strength of the Liberal Party was more evenly spread than that of its major rivals, being medium-sized in Flanders and Wallonia, and rather strong in the smaller Brussels region. Unlike the two other parties, the Liberals did not formally recognize any linguistic or regional wings, taking care only of the equal representation of French and Dutch in the executive organs. In 1972 the Flemish wing went its own way, while the Francophones fell apart in a Brussels Liberal Party (still internally very divided) and a Walloon Liberal Party. Only in 1979 the Brussels and Walloon Liberals were united again in a new party called PRL.

While regional parties replace the national parties, all the new parties are obviously regional. Parties of regional defence were obviously always confined to their own region: Volksunie in Flanders, Front Démocratique des Francophones in Brussels and the Walloon Rally in Wallonia. Parties that were created later will also be regional parties. In the early 1980s two Green parties are born, one for each part of the country: AGALEV in Flanders and ECOLO in the Francophone electorate. In 1978 the radical nationalists not accepting the participation of the more moderate Volksunie in the federal government created a new Flemish nationalist party. That party – Vlaams Blok – was not very successful, until it became in the early 1990s an extreme right-wing Populist Party, combining the radical Flemish nationalism with xenophobic and conservative ideas. In Flanders it reached its highest point in 2003, with 18% of the votes. There is a less successful right-wing Populist Party called Front National in Wallonia and in Brussels. It is more straightforwardly neo-fascist, but also badly organized. It polled 6% of the Walloon votes in 2003.

The split of the parties and the subsequent creation of two units of the new parties have ended the life of the Belgian party system. First came the language problem, then its territorialization, and then the adaptation of the political parties

to the linguistic-regional divide. Each step reinforces the regional pluralism and makes it more difficult to contain.

The expected and legitimate link between electoral result and government building, a link that can produce something like a Belgian party system at the governmental level, is problematic. It assumes (or hopes) that the electoral movements up or down of the members of the same ideological family are the same. Yet this is not the case. The parties in the two party systems move in different directions. To form a government that 'respects' the will of the voter, is a difficult exercise, and it is bound to go against the expectations of the public. The split of the parties and of the electoral party system has therefore in yet another way increased the tensions in Belgian politics: there is no direct electoral control and sanctioning of the central government. *The system heavily loses legitimacy*.

Following up on this, one can indeed say that there is no real political centre in Belgian politics. Federal politics are conducted by regional parties, which also play a role at the regional level. There is no central public forum for political debates. There are two unilingual debates. Federal policy-making involves dealing with the different sensitivities of the parties in both sides of the country. The media will report on details of their own side, and refer to the other side as the single Flemish or Francophone position. The solution at the federal level will involve and will be interpreted as an agreement between the parties of the two sides. And that is what we mean when we say that there is no centre: the centre is always where the other is. Federal politics looks very much like inter-regional politics and are obviously conducted or opposed by regional parties.

3. 1963-1993: From a unitary to a federal state

3.1. Consociational democracy in Belgium: the logic of the federal state

As we already said, the tensions between the speakers of two different languages are not the only tensions that have coloured the Belgian political life. Actually the ethno-linguistic cleavage can be seen as the third one. The first is the religious divide (Church versus State) and the second the social and economic divide (labour versus capital). In order to understand why the ethno-linguistic tensions were settled in the way they were, we need to give a bit more information about the techniques used to pacify the others. That is especially important if Belgium is compared to other countries. Other countries might have ethno-linguistic divisions that are similar to those in Belgium, but those in Belgium have occurred and have become very salient in a political culture and for political elites that had already quite some experience in problem-solving. Belgium has slowly built up very developed skills of the typical *consociational* decision-making (Lijphart 1969, 1981; Huyse 1971; Deschouwer 2002).

At the end of the First World War it was very clear that a rather explosive cocktail of problems was making its way to the political agenda. Both the social-economic and the linguistic tensions needed to be taken into account, in order to avoid serious destabilization and loss of legitimacy of the Belgian political

system. The awareness of the danger brought the leaders of the three major political forces - Catholics, Socialists and Liberals - together, on the initiative of King Albert, and they decided in consensus to introduce universal (male) suffrage at once, even if the Constitution at that time did not yet allow for this change of the electoral law. This 'Pact of Loppem' of 1918, referring to the location of the King's castle where the agreement was reached can be considered as the starting point of Belgian consociationalism.

Yet one cannot say that the logic of elite accommodation got immediately spread all over the system. This was actually one single, yet important agreement, to reduce the tensions at that time. If we want to assess the degree in which the consociational logic and practices were present in these early days, we can look in the first place at the composition of the Government. Before the War and especially before the turn of the century, the two-party system and the majoritarian electoral technique had produced one-party governments. An important change in this respect is the enlargement of the Government during the War. At the beginning of the War a Catholic-Liberal coalition was in power, but in 1917 a representative of the Socialist Party was invited to join the team. That produced an all-party grand coalition, of course inspired by the external pressure of the war. But the change is significant, because the grand coalition did more than just manage the War period. After the War the principle of keeping the three major ideological families together for major decisions was continued, among others in the already mentioned 'Pact of Loppem'. And the grand coalition itself was continued formally until late 1921.

In the following 15 years, there was only a very short period of grand coalition (18 months in 1926-27). Much more significant however is the fact that the Socialist party had certainly not yet become a real full partner. The Catholic party governed all the time, but always in a coalition with the Liberals. There is only one exception: a Catholic-Socialist coalition of 11 months in 1925-26, followed then by a short period of grand coalition. One can therefore not say that the consociational logic, in which all the relevant partners have a permanent status of full partner, was completely developed during the Interbellum. Of course the composition of government coalitions is only one indicator, but it is a significant one, and it surely translates here the limited extent to which the Socialist Party and its eventual auxiliary organizations were treated as full third partners.

The grand coalition of the First World War was a typical *crisis management phenomenon*. The War itself and the potential instability of the post-war period made the elites accept the idea that co-operation might be profitable to all. But as soon as the crisis period was over, the political system went back to normal as far as the dominating role of Catholics and Liberals is concerned. It entered actually a new situation, in the sense that now a third party was present, but mostly not incorporated.

Yet in the second half of the 1930s things begin to change. We are again looking at a crisis phenomenon. The economic conditions are bad, unemployment is rising and the Belgian Frank has to be devaluated. In 1935

therefore, one week after the devaluation of the currency, a new grand coalition is formed. It is continued after the elections of 1936 and formally until 1945.

The occupation by the German forces and the way in which the resistance to it was organized, will have clear effects on the post-war politics in Belgium. Especially the social and economic policy could rely on a fairly large consensus between representatives of workers and employers. The immediate post-war period allowed for a rapid economic reconstruction, for the building of solid foundations of a modern social security and for the development of the organized permanent negotiation between workers and employers, i.e. for the development of a well-oiled neo-corporatist circuit of decision-making. These are all indicators of a fairly consensus-oriented attitude and of consensus-oriented procedures and institutions (Luyten, 1995), at least as far as this particular cleavage is concerned.

Yet the post-war politics were at the same time *very competitive* indeed. The period between 1945 and 1958 is very difficult to label in terms of the consociational logic. Except for the social-economic cleavage, the Belgian system seems to function in a quite majoritarian way. Yet exactly these majoritarian strategies led to such political tensions that the only way to cool them down was relying on classical consociational strategies. This point is also stressed by Seiler (1997) who states that Belgium is an 'exemplary' case of consociationalism, but then also asserts that it displays quite some 'French' or southern characteristics, with strong ideological competition and a majoritarian logic (see also Frognier, 1988). One can even say that consociationalism comes in waves, pacifies only one problem at a time, leaving open the competition on the others. After the Second World War the social and economic cleavage was pacified and transferred to a large extent to the corporatist arena. Then came the troubles called the 'King's Question', then the school war and finally the linguistic-regionalist tensions. Each one is taken into the consociational logic when, after a period of strong mobilization, the tensions are so high that pacification is needed.

The 'King's Question' offers a very nice illustration of this. The starting point is a conflict between the Government and King Leopold III in May 1940 on how to proceed with the War. The King remains in Belgium, while the Government goes to London. After the War, since the King has been taken to Austria by the German troops, his brother takes temporarily his place. Very soon the question whether the King can return becomes very salient and dominant. The Catholic Party defends his return, while other political forces want him to resign. The Catholic Party wins a majority of the seats in 1950, and also organizes a referendum on the question whether the King should return. The result of the referendum is a clear 57% of the voters saying 'yes', but only the Dutch-speaking population had clearly said 'yes', while among Francophones the 'no' vote was larger. The King did return, but after riots had started in the south of the country, the leaders of the three major political parties sat together and convinced Leopold to resign. The Catholic and Dutch-speaking majority was thus not used to fight to the very end and to win the battle.

At the elections of 1954 the Christian-Democratic majority was beaten, and a coalition of Liberals and Socialists took over. Here we are again in a purely majoritarian logic. There were not too many issues on which Liberals and Socialists agreed, but one of them was the school issue, and of course the will to remove the Christian-Democrats from office. The 'leftist' government tried hard to propose and implement a number of laws promoting the secular state-run secondary education and harming the Catholic schools. Yet the Catholic world and of course also the Christian-Democratic party mobilized strongly against the governmental plans. The strength of this protest finally led to the ending of the conflict in a very classical consociational way: in 1958 the three traditional parties signed the 'School Pact'. It settled the conflict by granting basically the two school systems more or less the same rights and financial means. And that basically pacified the old Church-state cleavage in Belgium (Tyssens, 1997). With the labor-capital cleavage being pacified in the corporatist logic, only the regional-linguistic issue remained salient. Precisely that issue will then dominate Belgian politics in the sixties and the seventies. And it will be solved in the consociational way.

The first constitutional reform of 1970 (see more details below) already built in the obligation to go further by using *consensual* techniques. Indeed, the 1970 Constitution introduced for instance the obligation to have an equal number of French-speaking and Dutch-speaking Ministers in the Government. It also introduced the principle of the 'double majority' for all further institutional reforms and for all laws implementing institutional reforms.

The threshold for future reforms was thus fairly high. That has certainly slowed down the further implementation of the reforms, but on the other hand it also helped to find solutions. The thresholds being so high, there were many attempts to continue with the reforms, but many attempts also failed. That meant that after a few years there were a lot of unsolved problems and tensions, leading once in a while to a very deep crisis. These crises usually occurred when new governments had to be formed. Like we explained above, most governments since the 1960s collapsed because of the linguistic divide. But after the governmental crisis a new government has to be formed, and it needs to be formed by parties of both sides. When things really became troublesome, the risk for a total deadlock of the political system actually helped to produce the awareness that a solution had to be found. And then a solution was found indeed. We are looking again at the Belgian 'crisis consociationalism'.

The major actors in this process were of course the political parties (Deschouwer, 1999a). Problems always had to be faced at the level of the central government, which could not avoid being cut in two by the linguistic divide (for a more detailed account of this mechanism: Deschouwer, 1994b; 1996). So either the parties had to negotiate in order to keep the government alive, or they had to negotiate to form a new one. Two (or four) parties were much more active in this process, because of their size and because of their position in their respective regions: Christian-Democrats and Socialists. An agreement in 1963 on the fixing of the linguistic borderline was produced by a

center-left government. The reform of 1970 was also realized by a center-left coalition, led by Gaston Eyskens who had already settled the Royal Question in 1950 and the school issue in 1958. A major reform plan (which finally failed) was presented in 1977 by a center-left coalition.

In 1980 the Liberals joined the Government for just 5 months, which helped to find the majorities for a second constitutional reform. In 1988 a further constitutional reform was realized, again by a center-left government in which the Volksunie this time helped to provide the qualified majorities. In 1993 another constitutional reform was once more the work of a center-left government.

The Belgian federation is a fairly extreme kind of federation. The federal level has been almost completely emptied, and most of the powers have been given to the linguistic Communities and to the Regions. That is a clear result of the double party system. All the parties are regional parties. They only represent one part of the country and only compete with the parties of their own language. This produces a very centrifugal competition, because there simply is nobody to defend the center. All parties want, in varying degrees, more autonomy for their region and/or community. The separated electoral competition unites the parties on each side, and creates a huge cleavage between the two sides. And then these same parties have to bridge the gap when they form a Belgian coalition government. The way to do that is by using the consociational logic: waiting until there are a lot of problems to be solved, and then produce an agreement which means essentially that the non-agreement is institutionalized by letting both sides deal with their own policy. In the consociational language this is ‘granting autonomy’, and that is exactly what is done in a federal state.

The solution produced by the consociational crisis management was then a *consociational federal state*, full of checks and balances, power sharing and veto powers. The granting of autonomy that was just discussed is probably the most obvious feature. But there is more. We already mentioned the constitutional obligation to share power in the federal government. There is either no government, or a government in which parties of both sides have reached an agreement and govern together. The logic of decision-making in the federal government is consensus, which means that both sides have a veto power. This is much more important than the rather symbolic obligation to have an equal number of ministers for each language group.

At the level of the Parliament, there is also a veto power. When one linguistic group declares that a proposal is probably going to harm them as a linguistic group, it can activate the so-called ‘alarm bell’ (see below). This guarantee for the minority – together with equal number of ministers and consensus decision-making – Is also present in the Brussels Region, but then to protect the Dutch-speaking minority in that region.

Conflicts over distribution of powers or so-called conflicts of competence are settled in a judicial way. If a conflict over distribution of powers is signaled after a law, decree or ordinance has been issued, it is settled by the Court of Arbitration. This Court is composed of 12 judges, 6 Dutch-speaking and 6

French-speaking, all appointed by the Federal government, on proposal of the Senate. Half of the judges are former politicians, and half of them belong to the judicial profession.

Conflicts of interest, i.e. conflicts involving lack of agreement on the substance of laws, decrees or ordinances, are more problematic, since they need a political solution, in an institutional setting which is complex, full of subtle equilibrium and full of potentially diverging interpretations. The conflicts here are likely to occur between the two language groups, and will then in practice have to be solved by an agreement between them. In order to deal 'officially' with conflicts of interest, the Concertation Committee was created. It is composed of the federal Prime Minister, five ministers of the federal government and six members of the governments of regions and communities. It also needs to be perfectly linguistically balanced. Either the federal government or the government of one of the federated entities can signal a potential conflict to the Committee. This move suspends the debated decision during sixty days. During that time the Committee can try to find a solution by consensus. If this is not found after sixty days, the suspension is lifted and the conflict remains unsolved.

This Concertation Committee is only the official way to deal with these problems. It is rarely used. In practice the prevention of conflicts is dealt with by the party presidents of the governing parties, who meet regularly with the Prime Minister. The absence of federal parties in Belgium obliges indeed the parties to be active at two levels (the same party governs at the regional and at the federal level), and obliges them to contain the potential conflicts between the levels amongst them. Other institutions for a more permanent concertation and cooperation are not available, since the fairly exclusive competencies do not imply (at first sight) a great need for this cooperation. The system however does generate tensions concerning the interpretation of the rules and their eventual further reform. In the absence of good institutions for discussing them, they are stocked until there is enough (i.e. until the system blocks) for a general and broad round of negotiations. The formation of a new federal coalition government is mostly the time to do that, and to produce one further step in the reform of the state.

In the following paragraphs we add some details about the structure of the Belgian federation like it functions today. After that we will deal more systematically with the impressive number of devices meant to avoid the use of majorities, to guarantee the right of minorities and to force political elites to reach consensus.

3.2. The structure of the federal state

The actual federal state came about in five major stages, over more than thirty years of conflict, tension and subtle conflict management (see also Covell, 1993). It is no use here to go into the details of each phase, and into the details of the many failed attempts to get out of the deadlock. The following is thus a

very general overview, and looks more logical and smooth than the full story of conflicts and failures.

The first step was 1963, when the 'language border' was fixed. That is important, because it confirms the territorialization of the problem and will allow later for the mainly yet only partially territorial solution. The agreement of 1963 states that the borderline will not move any more, i.e. the logic of constantly re-fixing it on the basis of the language census is abandoned. Thus three territories have now fixed boundaries, which is especially important for Brussels, which will not be able to expand any more. In a number of localities where the last census of 1947 had revealed a minority of at least 30% speakers of the language other than the official one for the region, the inhabitants received so-called '*facilities'*, allowing them to use their language in their individual contacts with the public authorities. That is especially important for the area around Brussels, which in the old logic would have become an integral part of the bilingual area. After 1963 this periphery is henceforth clearly, and definitively, in Flanders, be it with language facilities for the Francophones in some localities.

The next step is the reform of the Constitution is 1970. This reform formally recognizes the existence of the communities and the regions, and it gives them their territory. The three regions obviously coincide with the three linguistic areas fixed in 1963. The 'Flemish community' consists of the Dutch-speaking Region and the Dutch-speakers in the bilingual Region of Brussels, while the 'French community' consists of the Francophone (Walloon) Region (not the German speakers) and the Francophones of Brussels. As for the German community, is it located in the Francophone area, but it is granted language facilities. During the 1970s many attempts to translate these principles into working institutions failed, because of divergent interpretations of this logic, and of course the prevalence given by one group (the Flemish) to the communities, and by the other (the Francophones) to the regions.

In 1980 a second round of constitutional reforms introduces a real devolution of competencies. For the regions of Flanders and Wallonia, and for the three language communities, institutions are set up. For Brussels however there was no solution, and that Region did not receive its autonomy yet. The institutions consist of parliamentary councils, composed of the members of the House of Representatives and the Senate, elected in one of the regions. For those elected in the bilingual area[2], the first language in which they take their oath defines their linguistic identity and defines in which Community council they can sit. These councils have an executive, but they do not elect it (technically the regional and community ministers belong to the Belgian government). In other words, community and regional parliamentarians are 'central' parliamentarians, sitting for certain purposes in linguistically divided assemblies, and the regional and community executives are sub-groups of the central executive (the term federal had not emerged yet).

2. That area is larger than the Brussels region, because there is an electoral constituency (Brussels-Halle-Vilvoorde) which includes Brussels and a part of Flemish territory, and where Francophone parties thus are present at the polls

At this point, the Flemish institutions are merged, in the sense that there is one single council and one single executive, taking care of both the competencies of the Region of Flanders and the competencies of the Flemish Community. Flanders wanted indeed to be a Community in the first place, and did not ask for the regional logic. At the Francophone side two sets of institutions are built, one for the Walloon Region and one for the French community. Again, this difference in structure continues to this day.

The next step forward is 1988, when constitutional reforms gave Brussels its regional institutions, which also arrange the way in which both the Flemish and the French Community can be present in Brussels. This is organized through awkwardly named institutions called the 'French Community commission' (or COCOF as it is commonly called), the 'Flemish Community commission' (VGC) and the 'common Community commission' (COCOM / GGC). The COCOF is a real and fully-fledged legislative body. The Flemish Community Commission VGC is not a legislative body, since decisions on Flemish Community issues are decided by the regular Flemish institutions and merely implemented in Brussels by the VGC. As for the common Community Commission COCOM, it deals with community issues relevant to both linguistic communities, such as bilingual hospitals for instance. The reform of 1988 also transfers new competencies to the regions and the competence over education to the communities, which is a very important step. The councils now elect region and community executives, but the councils themselves are - except for Brussels - not (yet) directly elected.

In 1993, the institutions are changed again, and the Constitution now formally declares Belgium to be a federal country. The major change here is the direct election of the councils of the regions and the reform of the Senate into a house of the Communities (not Regions). The central province of Brabant is also split in the provinces of Flemish Brabant and Walloon Brabant, the provincial competencies being taken over by the regional authorities in the Region of Brussels. The 1993 reform also permits the transfer of powers from the French Community to the Walloon Region and the COCOF, which will be done in the areas of manpower training, aspects of health care policy, education and policies towards handicapped people, to name a few. This transfer occurred in 1994. It did not happen at the Flemish side, because there is no need and especially no demand to do so. The Flemish institutions simply stick to the fusion of Region and Community and to the direct incorporation of the Brussels Flemish population into the Flemish Community as a whole.

The 1993 changes are the last major constitutional reforms so far. But the process of reform goes on, since competencies are further gradually devolved from the federal state to the regions and communities.

3.2. The logic of the reform

At first sight the double character of the federation may seem awkward, because it involves a double distribution of competencies. Yet there is a very easy logic behind it, in the sense that competencies related to individuals

(mainly state services) were given to the Communities, while competencies that involve a more territorial logic have been attributed to the Regions. That allows for the two major communities to be both competent for the community matters in Brussels, i.e. to be both able to offer their services in their language for the inhabitants of the Brussels Region. Both can thus offer – and this is quite important – education in their own language.

The devolution towards regions and communities, and the different relation between region and community in the north and in the south, has led to the existence of five federated entities:

The Flemish parliament and government. This is a fusion of the institutions of the Flemish Region and community. The regional parliament has 118 seats. The Community parliament is composed of the 118 members of the regional parliament plus 6 members elected on Flemish lists in the Brussels regional parliament. The Flemish parliament and government issue 'decrees' (legally equivalent to federal legislation). Regional decrees apply to the Flemish Region while Community decrees apply both to the Flemish Region and the Brussels Region on 'Flemish Community matters' (such as cultural or social institutions functioning solely in Dutch). The government is elected by the parliament.

The Walloon parliament and government (75 seats). It issues decrees on regional matters valid in the Walloon region, including the German-speaking area. It also issues decrees over matters that were 'communitarized' in 1994. In that case, those decrees do not apply to the German-speaking area. The government is elected by the parliament.

*The French Community parliament and government***.** This Parliament is *not* directly elected. It is composed of all the 75 members of the Walloon regional parliament, as well as of 19 members elected on Francophone lists in the Brussels regional parliament. The parliament and the government issue decrees on Community matters, valid in the Walloon Region (except for the German-speaking area) and in the Brussels region. The French Community government is elected by the parliament.

The German-speaking Community parliament and government (25 seats). It issues decrees in Community matters, which are valid in the German-speaking area. The government is elected by the parliament. This Community parliament is directly elected.

The Brussels Region parliament and government (89 seats). Members of this parliament are elected on unilingual lists. There are 17 Dutch-speakers and 62 French-speakers. This parliament issues ordinances[3] on regional matters, valid in the Brussels region. The government is composed of a prime minister, whose election requires a majority in both language groups

3. The Brussels Region issues ordinances and not decrees, because the Flemings did not want Brussels to become a fully fledged region. The difference however is merely symbolic. Theoretically an ordinance can be nullified by the federal government, but this is a linguistically balanced government, which would immediately collapse - the Francophones would leave - if an ordinance were indeed annulled.

of the parliament. There are two more French-speaking and two more Dutch-speaking ministers who need the support of the majority of their own language group. The parliament decides on regional matters with a simple majority. These parliamentarians sometimes sit with a different hat, as the 'Common Community Commission' to deal with bilingual Community matters in Brussels (like local bilingual social services or hospitals). In that case, it needs a double majority to decide. As already mentioned above, the Francophones in the Brussels Region also issue their own decrees regarding Community matters in Brussels through the COCOF, which is composed of the French members of the Brussels Regional Parliament. As noted, this is not the case for the Flemish Community Commission VGC which simply implements - in Brussels - the decrees of the Flemish Parliament. In other words, the COCOF is a legislative body, the Flemish Community Commission is not. This is again an example of formal symmetry and practical asymmetry.

The list of competencies - entrenched in the Constitution - of regions and communities is very extensive, which means that the federal state kept a very limited - but still important - number of powers (defense, justice, security, social security, fiscal and – before the EMU – monetary policy).

The competencies of the regions (Flanders, Wallonia and Brussels) are essentially territorially based. They are:

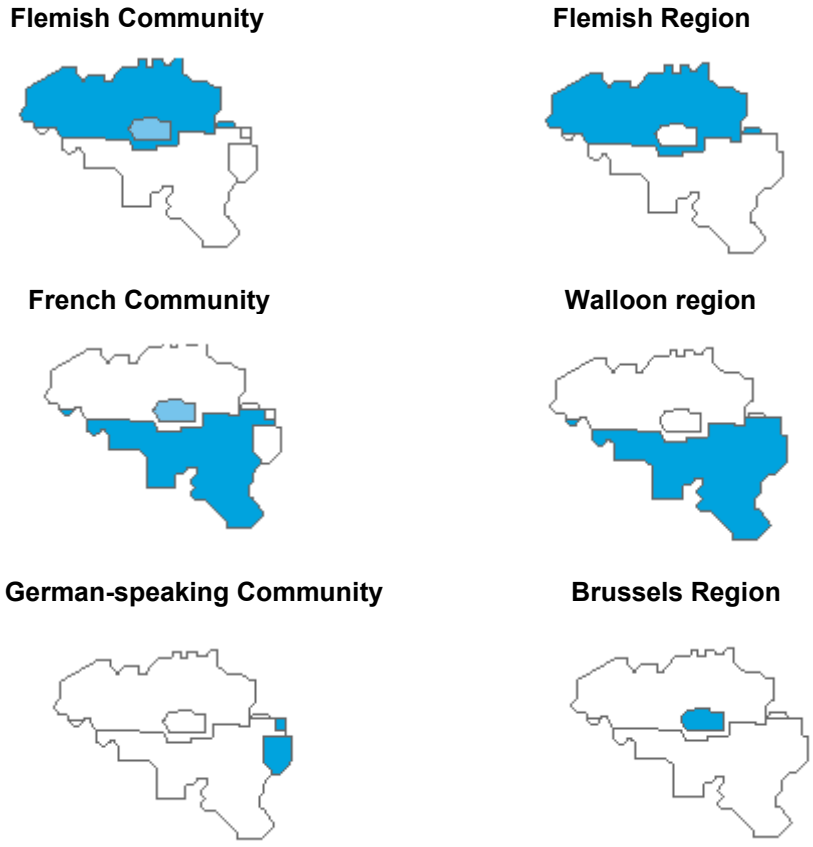
- Area development planning (e.g. town planning, monuments and sites, land policy, ...)
- Environment (protection, waste policy)
- Rural development and nature conservation (parks, forests, hunting, fishing, ...)
- Housing
- Water policy (production and supply, purification, sewerage)
- Economic affairs (economic policy, export policy - *Not* included are monetary policy, price and income policy, labor law, social security)
- Energy policy (except for national infrastructure and nuclear energy)
- Subordinate authorities (administrative control and finance of public works)
- Employment policy
- Public works and transport (roads, ports, public transport, ...)
- International cooperation within the limits of their competencies

The competencies of the communities (Flemish, French and German-speaking) are:

- Cultural matters (defense and promotion of language, arts, libraries, radio and television broadcasting, youth policy, leisure and tourism, ...)
- Education
- So-called 'personalized' matters (health policy, assistance to individuals, ..)
- Use of language (except for the localities with a special status, i.e. with language 'facilities')
- International cooperation within the limits of their competencies

The devolution of the Belgian state has thus gone very far. And actually that is very crucial for us here. It illustrates nicely how in Belgium the relations between the two language groups (living furthermore in two socially and economical different parts of the country) have been pacified. It has been done by taking them apart, by reducing the number of common policies to an absolute minimum. Each language group – albeit in a complex way – has become autonomous for its own territorial part of the country. It reduces the language conflicts at the federal level and reduces them to a large extent to Brussels and the area around Brussels.

Figure 2: Regions and Communities in the federal Belgium



4. The position of language groups in Belgium

4.1. Majorities and minorities

It goes without saying that the position and protection of minorities is a crucial issue in Belgium. It is also very sensitive. Although the federal system was built on mutual agreement after numerous negotiations, the perception of both major

language groups on the legitimacy of the current situation, on their position in the system, and on their future in the system remains different.

The gradual reform of the unitary state into a federal-type state was an answer – or rather a set of answers – to the tensions occurring as a result of the linguistic choice of the new Belgian state in 1830. In this sense, the Dutch-speakers can be considered as the first minority. They were not a demographic but a political, sociological, and psychological minority (Lorwin 1966; McRae 1986; Zolberg 1974). The Dutch-speakers requested protection against the political minoritization resulting from the choice of French as the administrative language of Belgium. The protection was offered gradually, first by the acceptance of Dutch as the second official language and from the 1920s on, by delimiting the geographical areas in which Dutch or French would be the only official language. An obvious territorial logic was thus used to give the weaker language a secure area. The fixing of the linguistic borderline in 1963 reinforced the protection against a sociologically dominant language and was subsequently translated into the federal state built on regions (avoiding further expansion of the Brussels region into Flanders) and communities (allowing for a formal link with the Dutch-speakers of Brussels).

The second minority is the French-speaking minority. It is a demographic minority, which became gradually – as a result of the extension of the suffrage and as a result of measures protecting the Dutch-speakers – also a political minority. When in 1971 the Belgian Constitution created three regions and three language communities, protective measures for the French minority were written into the Constitution. These measures guarantee that half of the Belgian federal Government (except the Prime Minister) needs to be composed of Francophone ministers, and they give the Francophone group in the Belgian Parliament a veto power (the alarm bell procedure) against any bill that would be considered harmful for them. The logic of “parity” or 50-50 distribution between the two language groups as a protective device has also been used for the number of judges on the Court of Arbitration and for the Concertation Committee of Federal State, Regions and Communities. For reforming the Special Laws that are the basis of the federal state, a double majority is needed: two-thirds of the votes in both houses of the Parliament and a simple majority in each language group in the Parliament. This avoids again domination by the demographic majority. The obligation to cooperate and the mutual vetoes are the key protections for the French-speaking minority.

By establishing two language communities and three regions in 1971, a third minority group was created as well. Since Brussels became a region, it would be predominantly Francophone. Finding a solution for the institutions of Brussels took a long time. Only in 1988 was an agreement reached on Brussels. The agreement accepts the status of Brussels as a fully fledged region. It accepts the limitation of Brussels to the boundaries set in 1963, which means that areas outside of Brussels remain in the Flemish region and thus in the area where Dutch is the official language of the authorities. It allows for direct election of a regional Brussels parliament, but with guarantees for a fair representation of the Dutch-speaking parties. It also guarantees the Dutch-

speakers an equal number of ministers (except for the Prime Minister) in the Brussels regional Government.

The perception and interpretation of these institutional devices differ between the language groups. For the Dutch-speakers, the arrangements for Brussels have to be seen as the mirror of the protection devices for the French-speakers in Belgium. The basic logic is indeed parity and veto power. The Francophone reading is different. They generally insist on the fact that Brussels cannot be seen as the mirror of Belgium, because the balance of power between the two language groups in Brussels is much more unequal (15-85) than the 40-60 balance in Belgium as a whole. They prefer to speak of protection of the Dutch-speaking minority, while the Dutch-speakers prefer to speak of a fair compensation for the general Belgian situation in which they are, but have constitutionally given away, the majority. Francophones also often complain that the obligation for large numbers of Brussels civil servants (e.g., judges and police forces) to be bilingual is an unfair and exaggerated positive discrimination in favor of the Dutch-speakers.

Until 1963, the linguistic borderline moved according to the language censuses because of the higher status of the French language. When the linguistic border was fixed in 1963, a number of Francophones just outside the Brussels area remained once and for all in the Dutch-speaking part of the country. In the old logic, six municipalities would have been added to the bilingual area of Brussels. o compensate for this, “language facilities” were introduced for the inhabitants of these six municipalities and for inhabitants of ten more municipalities with significant linguistic minorities along the language border that would once and for all remain on one side of it (which would mean from 1971 on that they would definitely belong to one of the three regions). Some of these municipalities are located on the Francophone side, and allow facilities for the Dutch-speakers. The request for facilities however came in the first place from Francophones in Flanders, in particular those living in the Brussels’ periphery. The facilities mean that individual inhabitants have the right to communicate in their language with the public authorities, even if this is not the official language of that authority. If a minimum number of parents request it, the local municipality has to offer primary education in the other language. These are clearly exceptions to the rule of territoriality in the official use of language, and can be seen as special devices protecting linguistic minorities.

Here again there is controversy on the definition, meaning, and extent of these rights. On the Flemish side, the language facilities are seen as a temporary exception to the principle of territoriality, allowing the linguistic minorities to learn the language of the region sufficiently to be able to communicate with the public authorities. The use of language is constitutionally free, and the language laws therefore only regulate the languages used by the public authorities. There is no limit on the use of any language in any other sphere of life. Although the facilities have been entrenched in the Constitution, Flanders regularly voices the demand to see them finally disappear because they are an exception to the general rule. They argue that the relation between the language groups has been settled in the federal logic. This gives indeed

protection at the federal level for the Francophone minority and offers security within language areas for the Dutch-speakers.

On the Francophone side, the reading is fundamentally different. They refer to the Francophones in Flanders as a minority that needs formal protection, just like the very small Dutch-speaking minority in Brussels has been protected. The idea that the facilities have to be seen as transitional is absolutely rejected. To the contrary, they are seen as fundamental rights that should not be limited to the groups that have received them on the basis of the last linguistic census before 1963. The six municipalities in the Brussels periphery have today a Francophone majority but have to be governed officially and obligatory in Dutch. Furthermore, these six municipalities are not the only ones having significant Francophone minorities, and in the others there is no protection at all. There are also (still) Francophones living in the major Flemish cities of Antwerp and Ghent. Francophones of Belgium refer to international law – in particular the Framework Convention for the Protection of National Minorities of the Council of Europe – to demand a better protection for the Francophones in Flanders in general. They define the Francophones living in Flanders as a minority that deserves proper cultural protection, while the Dutch-speakers prefer to define the problem in terms of a clear link between territory and the use of language, not accepting therefore that explicit linguistic or cultural rights should be given to those living in the Dutch-speaking part of the country. The Francophone definition of the situation would also mean a better protection of Dutch-speakers in the Walloon region, but these do not present or organize themselves as a minority and do not claim this protection.

The Council of Europe adopted in 2002 a motion urging Belgium to accept the idea of language minorities in the regions, but added to this recommendation that this should be done within the logic of the existing principles and constitutional spirit of minority protection in Belgium. The issue thus remains unsettled. This is also why Belgium has not ratified the Framework Convention for the Protection of National Minorities; there is no common perception of the definition of “national minority” in Belgium.

In the following sections we will describe systematically how the different language groups have received rights and protection in different aspects of the public sector in Belgium. For this part we rely heavily on the very complete and comparative analysis (comparing Belgium with Canada and Switzerland) produced by Ruth Van Dyck (1992).

4. 2. The parliamentary representation

4.2.1. The Belgian (federal) level

It might seem paradoxical at first sight, but French was originally made the only official language of Belgium by declaring that the use of language would be free. That meant in 1830 that the French-speaking elite of the country could not be obliged to use Dutch. The debates in the Belgian House and Senate were therefore conducted in French only. All parliamentary documents and the

publications of the accepted laws were also in French only. Only laws that dealt specifically with local municipalities where only Dutch was spoken, were unofficially translated. There was only one official version of The Constitution. Only in 1967 an official Dutch version of the Constitution was accepted (Mast & Dujardin, 1987: 494).

In 1860 some of the MPs elected in the north of the country took their oath Dutch, but their commitment to the use of that language did not yet go further. When in 1893 a form of universal male suffrage was introduced (all male citizens had at least one vote, but some has two or three), the number of Dutch-speakers in the Parliament increased. They started to criticize the French dominance, but in practice nothing really changed. Most Francophone but also quite a number of Dutch-speaking MPs rejected the idea that Dutch was a language that could be used in the Parliament. The use of Dutch – they said – would jeopardize the mutual understanding and therefore also the national unity. Even in its spoken form Dutch was not tolerated. Of course the French-speakers at that time feared that a systematic use of Dutch would cut them off, since most of them did not understand Dutch.

Yet there was a hardcore of Dutch-speaking MPs that went on claiming that Dutch should be recognized. After long and difficult debates, a so-called 'equality law' was accepted in 1898. From then on all parliamentary documents had to be bilingual. The most important result of that was that Dutch-speaking MPs did not have to be bilingual anymore to be able to participate in the debates. Yet in practice nothing much changed, since the choice to speak Dutch actually meant choosing to speak a language that most of the French-speakers did not understand. In the Senate Dutch was not used (not even spoken) at all until 1908.

The introduction of universal (male) suffrage in 1919 increased once more the pressure, because the demographic dominance of the Dutch-speakers was now gradually being translated into the composition of the Parliament. The MP's elected in the north were less and less the French-speaking elites of the north. Although the Francophones felt this increased presence of Dutch as a real threat, the use of Dutch became more normal, but still not dominant. Between the two World Wars still 70% of all the interventions in the House of Representatives were in French. The official reports of the debates were always first published in French, and the translation into Dutch was often criticized for its very poor quality.

In 1936 simultaneous translation was introduced both in the House of Representatives and in the Senate. That was a major step that actually suited both language groups. The Dutch-speakers could use Dutch and be sure that they would be understood, and the Francophones were not obliged to use or to understand Dutch. The fear that Dutch would become the first and dominant language also disappeared. Until the early 1960s some Dutch-speakers still preferred to use French once in a while (mainly Ministers responding to questions in the language they had been posed), but since then everybody uses his or her own language, thanks to the simultaneous translation that is always present, even in very small committee meetings.

Like we already mentioned above, this period after 1960 is the period during which the Belgian state was thoroughly reformed, and the Belgian level became formally the federal level. The logic of separation on the basis of the territorially defined language groups has also been translated in the functioning of the federal Parliament. Since 1970 the MPs are clearly divided into language groups. Those elected in the Dutch-speaking area belong automatically (whatever their first language is) to the Dutch-speaking groups, and those elected in the French-speaking area belong to the Francophone group. MP's elected in the bilingual area of Brussels, can decide to which group they belong. The language in which they take their oath as a member of Parliament is decisive.

The normal rule is that the Parliament decides with a 'simple' majority of 50% of the votes. Given the fact that both houses are elected with a proportional system and with a number of seats per constituency related to the number of inhabitants, the Francophone MPs are now clearly a minority. In order to avoid this minority to be discriminated against, the Constitution has introduced in 1970 a number of protective devices. The first is the logic of so-called 'Special Laws' These are laws requiring in both Houses a two-thirds majority and a 'double' majority, which means a majority of the MPs of each language group. These Special Laws have been used (increasingly) to lay down the basic organizational structures of the Belgian federation. Not only the details of the statutes of the regions and communities and of their competences have been laid down in Special Laws, but also the fiscal and financial arrangements.

The second protective device is the so-called 'Alarm bell procedure'. It has until now never been used, but its existence is nonetheless important. It also used the division of the Parliament in language groups. If three quarter of a language group agrees that a proposal in the House or in the Senate is likely to disturb the relations between the language communities (i.e. when one group feels that the proposal is harming its interests), the proposal is sent to the federal Government. The Government then has 30 days to give an advice on the way in which the proposal could be improved. Since the Government is always (since 1970 – see also below) composed of an equal number of Dutch-speaking and Francophone Ministers, the solution has to be a well-balanced compromise.

French and Dutch are today really on an equal footing in the Belgian Parliament. All proposals are translated and distributed in both languages at the same time. MPs can introduce proposals in the language of their choice, but the chairman makes sure that they are translated before they are distributed. Both versions are printed on the same page, in two separate columns. The Dutch and French language is put alternately in the left and in the right column, to make sure that neither language has the status of the first one. As already said before, there is always a simultaneous translation for any kind of debate. The day after a parliamentary meeting, a short summary of it is published in both languages. A few weeks later the full text of the meetings are published, in the language that was used by the participants. For the publication of laws in the State Monitor, the logic is again full translation and the use of two columns.

We have again – for the sake of clarity – not said anything about the German language. Yet is does have to a certain extent a protected status. The Constitution of 1970 recognized formally the existence of a German-speaking community and of the German language as a national Belgian language, it is not recognized as a parliamentary language at the federal level. There is no German-speaking group in the Parliament, and therefore no majority of it needed for Special Laws and no alarm bell procedure. Yet the use of language is free, and German can certainly be used in the federal Parliament. In practice however, a German-speaker will prefer to use French or Dutch to make sure that he or she will be understood. There is no translation from and to German in de federal Parliament. Only exceptionally a law is translated in German. That is for instance the case with the Special Law describing the statute and the competencies of the German-speaking community.

The Belgian Senate (after its reform in 1995) has become a Senate of the communities and as such it takes in its composition explicitly the presence of the two language groups into account, and gives each a fixed number of seats. There are 41 Dutch speakers (25 directly elected, 10 from the Flemish Parliament and 6 co-opted), 29 French speakers (15 directly elected, 10 from the French Community Parliament and 4 co-opted) and 1 German speaker (from the German Community Parliament). For the direct election of the members of the language groups, the territorial logic is followed again. The 25 Dutch speakers are elected by the inhabitants of the Flemish Region and by those inhabitants of Brussels who prefer to elect Dutch-speaking Senators. The 15 French speakers are elected by the inhabitants of the Walloon Region and by those inhabitants of Brussels who prefer to elect French-speaking Senators. Once again we see that the inhabitants of Brussels are free to chose. Both communities offer their services (in this case their electoral lists) and the citizens chose every time again on which side they want to be.

The Belgian seats in the European Parliament are elected in the same way. There are 24 seats, 14 for the Flemish Community and 10 for the French Community.

4.2.2. Regions and Communities

The regions and communities of the Belgian federal state are based on the use of language, which means that most of them are unilingual and do not have (or need) devices to protect linguistic minorities. The Flemish Parliament – acting both as the parliamentary assembly of the Flemish region and of the Flemish Community – is obviously unilingual. All documents and publications are in Dutch, and Dutch is the only language used in the debates. The decrees accepted by the Flemish Parliament are published both in Dutch and in French.

In principle it is possible that a Francophone is elected in the Flemish Parliament. Actually that has been the case in 1995 and 1999. There is a Francophone minority living in Flanders (around Brussels) and for the election of the Flemish Parliament there has been twice a list of ‘Francophone Union’. The list had enough votes to secure one of the 124 seats in the Flemish

Parliament. Yet this person has to speak Dutch, which he does. There is no device to protect this linguistic minority in the Flemish Parliament.

In the parliaments of the French Community and of the German-speaking Community the only language used is the language of the community itself. The publication of their laws is done in French and Dutch for the French Community Parliament and in German, French and Dutch for the German Community Parliament.

In the parliament of the Walloon Region however, where French is the normal language, the German speakers do have some rights. As we said above: the German speakers in Belgium live on the territory of the Walloon Region. German-speaking members have the right to use their language, and if they do so their speech will be translated into French. They can prepare documents in German, and again these will be translated into French.

The Brussels Region is officially bilingual, which means that here we find a lot of techniques and devices to protect the linguistic minority. Although the city is historically predominantly Dutch speaking, it has gradually become a very Francophone city. When in 1989 the Brussels regional Parliament was directly elected for he first time, the Dutch-speakers obtained 15% of the votes, which meant 10 out of 75 seats. From 2004 on the electoral system has been changed, in order to give even ore guarantees for the Dutch-speakers. In the first place the number of available seats in the Brussels Parliament is very high: 89. That is more than the 75 seats of the Walloon regional Parliament, while the number of inhabitants in Wallonia is three times the number of the Brussels inhabitants. In the second place there are 17 of these seats reserved for the Dutch-speakers. It means that the lists presented at the elections have to be unilingual. Each party has to choose clearly for which language group it wants to run. The choice is however obvious, since all the political parties are or have become unilingual anyway. When a candidate is present on a list of one the language groups, he or she has to prove his or her membership of that community. This is done by checking the first language on the identity card. Belgian identity cards are bilingual, but everybody has the choice of the language that is used first (actually the choice only exists in Brussels – in other regions the language of the regions is always the first). Furthermore, a candidate that has been on a list for one of the language groups can never again be a candidate for a list competing in the other language group.

For the use of languages in the parliamentary activities, the logic of the federal Parliament is used: everybody can use his or her language, all documents are translated before they are distributed, oral debates are translated simultaneously, accepted laws are published in both languages in two alternating columns of the same page. Like at the federal level there is also an Alarm Bell Procedure available. At the federal level it actually protects the French-speakers, in Brussels it protects the Dutch-speakers. Normally the Brussels Parliament accepts laws with a simple 50% majority. No special majorities (like for the federal Special Laws) are required. Yet for the election of the Brussels Prime Minister a double majority – a majority of each language group – is needed.

In the Brussels Region there are also three so-called 'Community Commissions', dealing with community matters in the region. The Flemish Community Commission is composed of all the Dutch-speaking members of the Brussels Parliament, and the French Community Council of all the Francophone members. Obviously, these two institutions are unilingual. The Common Community Council is composed of all the member of the Brussels Parliament. It is therefore bilingual and functions just like the Brussels Parliament, except for the fact that here all the laws have to be accepted by a majority in each language group.

4.2.3. The local level

All the local municipalities in Belgium belong to one of the regions and thus to one of the linguistic areas. This defines the language used in the local council. This is a very strict rule. It means that only what is being said in the language of the region can be registered and can be valid. When a member of a local council is asked to cast a vote, the yes or no needs to be pronounced in the right language to be valid. That is also the case in municipalities where the inhabitants have received linguistic facilities (mainly around Brussels). These facilities give the inhabitants the possibility to communicate with the public authorities in another language than the language of the region, but these facilities are not present in the activities of the local council. This leads in some of them to rather strange situations. Indeed, a number of these municipalities around Brussels offering facilities for the Francophones have a majority of Francophones living there. Most of the members of the local council are thus Francophones representing Francophone voters. But they have to do it in Dutch.

Local municipalities in Brussels are bilingual. At that level however, nothing much is present to achieve real bilinguism. Everybody can use his or her language, but not all local municipalities (can afford to) have simultaneous translation. Dutch-speakers will then eventually speak French to make sure that they are well understood.

4.3. The executives

4.3.1. The federal level

It goes without saying that throughout the 19th century the language of the Belgian Government was French. Even if Ministers coming form the north of the country would be included in the Cabinet, they would be part of the Francophone elite. Actually, until the late 1950s the only language ever spoken in the Cabinet was French (McRae 1986). The main reason for that was that none of the Francophone Ministers was able to speak Dutch. In 1961, twenty-five years later than in the Parliament, simultaneous translation was introduced for the Cabinet meetings. From then on the Dutch speakers could use their own language and be understood. Gradually the passive knowledge of Dutch amongst the Francophone elites increased, and since the late 1990s most (but

not all) Francophone members of the federal government can actually also express themselves in Dutch. There is no formal obligation for a federal Minister to be bilingual, but one can say that it would be out of the question to have now a unilingual Prime Minister.

The demographic and parliamentary dominance of the Dutch-speakers has thus not lead to a domination of the executive level. One of the reasons for that is that one became a bit more sensitive to the language issue and tried to have more or less an equal number of Ministers from both language groups. The Constitution of 1970 has formalized that rule. From then on, the federal government has to be composed of an equal number of Dutch-speaking and French-speaking Ministers. The Prime Minister is not counted in that total, and is thus supposed to be 'linguistically asexual'. This parity in the federal government is now clearly a protection of the Francophone minority in Belgium, although it originally guaranteed that the Dutch speakers would have at least an equal number of cabinet positions. The parity and the Alarm Bell Procedure and the requirement of a double majority for some of the laws actually put a solid bolt on the demographic majority of the Dutch speakers in Belgium. It is a very clear illustration of the consociational logic of the Belgian federation: power sharing is the rule and is built formally into the institutions.

There is one little relaxation of the parity rule. It does refer to the Ministers, but not to the Secretaries of State (junior Ministers). Actually this is used to give the Dutch-speakers a few extra positions. The number of Secretaries of State is never very high (three or four), but the majority of them are Dutch speakers. The parity rule is further reinforced by the fact that the federal Government always decides by consensus, and never by voting. It means that the federal Government is really the most important institution for problem solving in Belgium. The federal Government is the place where both groups are present and are absolutely needed. Members of the federal Government therefore tend to behave in a fairly moderate way, contrary to the members of the executives at the level of the Regions or the Communities.

The minutes of the federal Government are kept by the Secretary of the Council of Ministers, and in the language of that person. These minutes are not published. All decisions of the Government and all proposals sent to the Parliament are published in both languages, again by using the format of two columns and an alternation of the position of French and Dutch.

4.3.2. The Regions and the Communities

The situation at the level of the Regions and Communities is – except for Brussels – fairly easy. Again the territorial logic plays fully. In the Government of the Flemish Region and Community, the only language used, both orally and written, is Dutch. In the French Community Government it is French and in the German Community Government it is German. Since there is no German-speaking Minister in the Walloon Government, it can also function exclusively in French.

Brussels is once more functioning more or less like the federal level, with of course different and more skewed relations between the two language groups. The Brussels Government is composed of five Ministers. Two of them have to be Dutch speakers and two of them have to be French speakers. The regional Prime Minister is supposed to be 'linguistically asexual', but is of course always a Francophone. To the five Ministers three regional Secretaries of State can be added. In practice two of them are Francophones, which allows accounting for the (very large) demographic majority of the French speakers in Brussels. The rule for decision-making in the Brussels Region Government is consensus. Again we see how the majority of one group cannot be used against the other. It is either power sharing or total gridlock of the institutions.

4.3.3. The local level

At the local level the territorial logic is fully followed. Yet in a number of municipalities with language facilities for the inhabitants, some special devices have been introduced in 1989. The executive (the aldermen) are directly elected, and not – like in all other municipalities – elected by the local council. This actually guarantees that both language groups (if the smallest is large enough) are present in the local executive, and that the local linguistic majority cannot be used against the minority. By being elected, the aldermen are automatically considered as persons knowing the language of their region. That is not the case for the mayor, the leader of the local executive. The mayor is not elected but appointed by the regional Minister of Home Affairs. The person to be appointed is normally suggested by the majority of the local council, but the Ministers remains free to chose. He or she can ask the candidate to prove his or her working knowledge of the regional language. That is important because the executive has to function in the regional language only, even if the local majority in the population and in the council and in the executive speaks the other language.

4.4. The Public Administration

4.4.1. The Federal Level

The use of language in administrative matters has always been a very sensitive issue in Belgium. While the use of language in the Parliament or in the Government only affects a fairly small number of people, the public administration deals with the population. The way in which it communicates to the population and the way in which the population can contact the public authorities are therefore crucial issues in a country where the use of language is perceived as important and even as the most crucial bearer of social identity. Along with the gradual territorilaization of the Belgian ethno-linguistic conflict (and its solution), the use of language in and by the public administration moved towards unilinguism per language territory, and towards complex checks and balances in the federal administration and in Brussels.

The federal civil servants are divided into two so-called language 'frames' or groups. The language spoken by the civil servant is the indicator for the classification. If no exam was needed for the appointment, the language of the secondary school degree defines the administrative language group. He or she can however chose to be classified into the other group, but then needs to pass a language test. If an exam is required for the position, the candidate should in principle take the exam in the language of the secondary school degree, but is free to try the exam in the other language. In principle there is thus freedom of choice, but the language test is very severe, actually testing full active knowledge of a language. German speakers are automatically supposed to belong to the Francophone group, but can ask to be put (after again an exam) into the Dutch-speaking group.

This strict division was introduced to guarantee each language group a faire representation in the public administration. Obviously the civil servants in the early days of the Belgian State used to be all Francophones, or had to be able to function actively in French in order to qualify for the public administration. The size of each group should reflect the number of cases treated by the department for which it is set. That means in practice that the total numbers more or less reflect the size of the population speaking each of the two major Belgian languages.

This logic is however only followed for all the positions below that of 'director'. From the level of director on, there is a strict parity to be respected, and there is also a bilingual group. That means in practice that 40% of the leading civil servants belong to the Dutch-speaking group, 40% to the French-speaking group and 20% to the bilingual group. In order to qualify for the bilingual group one has to pass the language test of the other language. Yet the bilingual group is also neatly divided into 10% Francophones having passed the Dutch exam en 10% Dutch speakers having passed the French exam.

The central federal administration that is located in Brussels has to be organized in such a way that the citizens can always be helped in the language of their choice. While on the one hand the civil servants are (except for 20% of the top level) unilingual, the service provided needs to be bilingual, i.e. able to help everybody in his or her own language. That also goes for the federal services that are located in the Dutch-speaking or French-speaking regions. The internal language of the service needs to be the language of the region, but the civil servants having contact with the public should have a minimal knowledge of the other language.

4.4.2. The level of regions and communities

At the lower level of regions and communities, the situation is more straightforward. Here we see again the principle of full separation and thus of unilinguism. The French Community, the Dutch Region and Community, the Walloon Region and the German-speaking Community all function in their own language only. In order to qualify as a civil servant in one of these sub-national

authorities, one needs a degree in its language or one has to pass an exam to prove the full knowledge of the language.

The situation in Brussels is more complicated, and remains until today conflictual. Actually the federal rule is followed here: a division in language groups per department, with the size of each group reflecting the amount of work in each language for the department. That is often a matter of discussion. The Dutch-speaking population of Brussels is more or less 15% of the total. Yet the proportion of cases dealt with in that language can be higher. One of the reasons for that is that a number of services of the Brussels Region (like for instance public transport or the fire brigade) are not only offered to inhabitants, but to the people being (i.e. working) in Brussels. Given the presence of large numbers of Dutch-speaking civil servants in the *federal* administration located in Brussels, the proportion of Dutch speakers present in Brussels during the day is much higher than the proportion of Dutch-speaking inhabitants. This leads regularly to discussions about the size of the language groups, which has of course consequences for the number of jobs available for each language group. Francophones – being by far the largest group in Brussels – prefer to see the size of their language group in the public administration to be as close as possible to 85%, while the Dutch speakers, defending the logic of the number of cases to be dealt with, prefer their size to be substantially higher than 15%. This has lead during the past decade to endless discussion about – among others – the number of Francophone, Dutch speaking and bilingual judges in Brussels.

All communications of the Brussels Region to the population has to be provided in both languages and the citizens always have the right to speak to a civil servant knowing his or her language. The same goes for the services of the Common Community Commission in Brussels. The French and the Flemish Community Commissions obviously function in their own language alone. This is however also not without problems and tension. The Flemish Community Commission is responsible for one of the two school systems in Brussels and offers thus education in Dutch. The last few decades a growing number of children from French-speaking or mixed families are sent to the Dutch-speaking schools. Today indeed the pressure is on the side of the Francophones. Bilinguism is required for quite a number of jobs (and good English is also often required for jobs in Brussels). While the parents were generally educated in French and did not feel the need to learn good Dutch, they prefer their children to be at least bilingual. In practice however, that means that in the Dutch-speaking schools many parents of the children do not speak or sometimes not even understand the language of the school. Individual teachers and school directions will then in practice (have to) communicate with them in French. There is no movement in the other direction, i.e. there are hardly any Dutch-speaking parents sending their children to a Francophone school to make sure that they become bilingual. The level of French offered and required in the Dutch-speaking schools is and remains very high (paradoxically also as a result of the presence of many Francophone children).

Education in Brussels is offered by the two language communities and is thus strictly unilingual, with the obligation to take the other language as one's second language. There is some discussion going on about the possibility to organize

genuine bilingual education, but that is (at least psychologically) very difficult. There has a been a long struggle to allow the Dutch-speakers to have education in their own language, and it is probably too early top leave that for a bilingual education. The Brussels environment is and remains of course very Francophone, and that explains this rather defensive attitude of the Dutch-speakers.

4.4.3. The local level

Although this is the smallest level, it does not mean that the rules are less detailed and complicated. The use of language by public authorities is in Belgium never a matter of fact. At the local level we have three types of local municipalities. The first are those belonging fully to either the Dutch-speaking or the French-speaking territory. They are the easiest: the language used is the language of the region. That language is the internal language of all the services, and knowledge of that language is thus required to be a local civil servant. All the communication to the public is provided in one language only, and documents (attestations, passports, etcetera) are provided in one language. This does not created major problems, although there are a number of unilingual Dutch-speaking municipalities around Brussels with a fairly high number of Francophone inhabitants (and since the presence of the EU also speakers of other languages). They have to use and accept Dutch as the only official language.

The second kind of local municipalities are those with so-called language facilities. Like we already mentioned above, these facilities are not given to the members of the local council or to the members of the local executive. The facilities are for the inhabitants. It means that they can ask to be helped in the other language and to receive communications from the local authorities in the other language. The facilities are also not for the civil servants: the internal language of the service is the language of the region. Yet since the other language has to be available, there a number of special rules. The top level of the local civil service in these municipalities with facilities has to be bilingual, i.e. they have to pass an exam to prove their knowledge of the other language. All civil servants having contact with the public also need to be bilingual. It goes without saying that a civil servant only knowing the other language and not the language of the region can never be appointed.

Brussels finally is the third category. The local municipalities there are officially bilingual, but in a societal environment that is predominantly Francophone. That means that the requirement to be bilingual is difficult and leads to ongoing tensions and discussions. The 15% of Dutch-speakers in Brussels are fairly well spread over the territory, but there is quite some variation. While some local municipalities can have up to 30% Dutch-speakers, their number is almost zero in a few others. The law regulating the use of languages in the Brussels local municipalities is extremely detailed and complex, and is the same for all of them, irrespective of the number of Dutch-speakers living there (since the abolishment of the language census it is not even possible to have exact figures in this respect).

We will concentrate on the main principles. The first is that the formal internal communication in the services needs to be bilingual. If the people or the service concerned is unilingual, the communication can eventually be unilingual (informal and oral communication does of course reflect the Francophone dominance of the city or of the local municipality). The second is that the external communication to the population has to be bilingual. Francophones complain about this rigid rule that obliges the local administration to make translations for a very small number of inhabitants (who in general do understand French). The third principle is that all top level positions and all positions in the local civil service involving direct contact with the public need to be filled by bilinguals. This has lead to fierce discussions. The introduction of that principle in 1963 even lead to the creation of a political party of Francophone defence in Brussels. This rule actually means that a lot of local civil servants have to be bilingual, and in practice it meant and still means that the Dutch speakers – because they are more often bilingual – have more chances of getting these jobs. Local municipalities have been trying to avoid this strict rule by organizing a number of local services in the form of 'quango's' that have legally a private status and for which the language rules are not valid.

In the last two decades there have especially been discussions about the use of language in a number of hospitals run by the local municipalities in Brussels. Dutch-speakers complain that they are not helped in Dutch. The ambulance people picking them up do not speak Dutch, the reception at the hospital does not speak Dutch and the medical personnel is often unilingual French. Finding good bilingual people seems to be a problem, and therefore temporary solutions are found, where people are engaged for a limited period, during which they are supposed to learn Dutch. In practice these terms are being renewed without proof of a better knowledge of Dutch.

The Brussels regional Government controls the respect of the language laws by the Brussels municipalities. A large number of complaints arrive there, but the Francophones and the Dutch-speakers in the Brussels Government do not agree on what to do: tolerate the lack of bilinguism or not. And since the Government needs consensus to move, the real practice is tolerance for the non-abiding to the very strict language laws at the local level in Brussels. This is one of the very sensitive and ongoing matters of disagreement between the two language groups.

Conclusion

This report has been dealing with the relations between French speakers and Dutch speakers in Belgium. We have described the history of the conflict between the two groups and especially the way in which the conflict was pacified. We have stressed the fact that this pacification can not be analysed in isolation. Belgium had been confronted with other dividing conflicts before the linguistic tensions made it to the first place on the agenda. The techniques and skills developed when these older conflicts were pacified – the logic of

consociational democracy – were used subsequently to find a way out of the many deadlocks of the ethno-linguistic conflict.

In a sense, this is a success story. There was indeed never any violence, and both groups (actually their elites) have found after long and often difficult conflicts a negotiated institutional solution for living together in the same country. The solution has been a federal one, a division of the Belgian territory into linguistically homogeneous parts and the granting of far-reaching political autonomy to these subdivisions of the state. Where the two language groups still have to live and decide together, the Belgian system is full of mutual vetoes and thus of the obligation to decide together. National or regional majorities can thus not be used. On this strict territorial logic, a number of significant exceptions have been added: the sharing of the territory of Brussels by the two language communities and their authorities, the granting of language facilities in a number of local municipalities where there were – back in 1963 – significant minorities ending up at the wrong side of the fixed linguistic borderline.

On the other hand, the question remains open whether the Belgian solution can be viable in the long run. There are indeed a number of problems that remain on the table. The first one is the sheer complexity of the system. The division of the country in both Regions and Communities, the overlapping of the two major Communities in the Brussels Region, the multiple checks and balances and exceptions to the general rules has produced a political system that is extremely opaque. Combined with the fact that it is – in the good old consociational tradition – relying very much on elites and the elite willingness to compromise, the Belgian federal state lacks legitimacy. It lacks legitimacy because it is for the ordinary citizens far too difficult to understand. Belgian politics is a game played very much at the top, among the fairly limited circles that know the ins and the outs of the system.

The lack of legitimacy is also the consequence of the fact that not only the country is territorially divided, but also its political debate and its public opinion. There are no Belgian political parties. All parties are regional and are only accountable to their own part of the country. Nobody runs for support in the country as a whole. Nobody defends the centre. The centre is where the other is. Actually, Belgium functions very much like a confederation, like an international organisation in which the agreement of all partners is needed to move along. But Belgium is – with its bipolar logic – a very strange confederation, in which the other is always the same. That is a strong recipe for deep and lasting frustrations on both sides. There has been a workable solution for the linguistic tension, but it means to a large extent that there is hardly any Belgium any more.

We have mentioned the fact that – although there is a solution for the linguistic tensions – the meaning of that solution differs between the two language communities. The Belgian solution is pragmatic and piecemeal, and has to be like that because there is not even the beginning of an agreement on the general principles. What is the future of Belgium? Which competencies should remain federal? What is minority? How does it have to be protected? All these crucial questions will receive different answers in the north and in the south of

Belgium. And maybe that is the miracle: the country goes on living with these ambiguities without bothering too much.

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