

Kingdom of Belgium

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Belgium is a small -- 32,500 square kilometers -- but densely populated country with 10 million inhabitants. The country was born in 1830, when the southern part of the 15-year-old United Kingdom of the Low Countries seceded from the north. There were two major reasons for the south to break away: religion and language. The southern part of the Low Countries -- which became the Belgian state in 1830 -- was homogeneously Roman Catholic, whereas the northern part was predominantly Protestant. Furthermore, the elites of the south spoke French, whereas Dutch was the dominant language of the United Kingdom of the Low Countries.

Although the Belgian elites of 1830 spoke French, this was not the language spoken by all Belgians. The division line between the southern Latin and the northern Germanic parts of Europe runs right across the Belgian territory, dividing the country into a French-speaking southern part and a Dutch-speaking northern part. The two main language groups are not of equal size; roughly 60 percent of the Belgians speak Dutch, 40 percent speak French, and 0.6 percent speak German.

The country created in 1830 was a totally new construction. Parts of the territory had been together as parts of larger entities (i.e., France, Austria, and the Holy Roman Empire), but Belgium as such has no history going further back than 1830. In the beginning, the country was not federal but a classical unitary nation-state. Federal Belgium is much younger and the result of a long, gradual process of territorialization of the relations between the two language groups.¹ The movement toward federalism started in the north. The reason for this is obvious: The Belgium of 1830 adopted French as its single official language. Requests for the right to use Dutch in public affairs and especially in education were accepted very slowly. During the First World War, linguistic tensions reached a high point. Dutch-speaking soldiers had to serve in an army in which the leading officers were Francophones. As well, Dutch-speaking elites collaborated with the German occupying forces to obtain the right to offer some courses in Dutch at the University of Ghent. The Flemish Movement² began to make clear demands for “cultural autonomy.” By 1918 it had become pretty clear that the unitary nation-state of 1830 would not survive. This is illustrated by the oft-cited letter of 1912 to King Albert from the Francophone Jules Destrée: “Sire, there are no Belgians anymore, only Flemings and Walloons.”

The years after the First World War were marked both by the granting of universal (male) suffrage, which led to the Dutch-speaking demographic majority becoming the majority in the Parliament, and by the beginning of an administrative reorganization of Belgium on the basis of language. Three language areas were defined: Dutch-speaking, French-speaking, and the bilingual area of Brussels. The latter is important. Brussels is located north of the linguistic borderline and was historically a predominantly Dutch-speaking city. After it was chosen as the capital city of Belgium, it rapidly became predominantly Francophone.

The limits of the linguistic areas were defined on the basis of a language census, to be conducted every ten years. Given the higher status of the French language and its dominance in the Brussels area, the censuses moved the linguistic borderline toward the north. The bilingual area of Brussels also expanded into territory that had been Dutch-speaking. Thus, rather than continuing to rely on the census, Dutch speakers demanded that the linguistic borderline become fixed. This was done in 1963, and it has not changed since then. The borderline between the language areas was used subsequently to define the limits of the constituent parts of the Belgian federation.³

The constitutionalization of the new organization of Belgium, and especially the move toward a federal structure, began in the 1970s. In hindsight, there seems to have been a logical progression toward federalism, but the process of change has been erratic rather than deliberately aimed at a federal outcome. It is not easy, and perhaps not even possible, to find the “point of no return,” the change that made a federal outcome for Belgium unavoidable. Among the important stages were the first demands for cultural autonomy in 1918, the language laws of the 1920s, the internal division of the Catholic Party in the 1930s, the division of public radio and television along language lines in 1960, the fixing of the linguistic borderline in 1963, the linguistic division of the Department of Education in 1965, and radical changes in the Belgian political parties in the 1960s and 1970s.

The first major reform of the Constitution came in 1970. The basic principles of the future federal country were laid down, but this was done more as an attempt to avoid further devolution than as an attempt to find a federal-type solution for the tensions between the north and south. The constitutional reform of 1980 can be considered the fundamental step toward a federal Belgium, as it gave Belgium’s constituent parts real and important powers: namely, a parliament (though not yet directly elected) and a government. Subsequent reforms were built on these foundations, and in 1993 a new Article 1 of the Belgian Constitution was introduced, stating explicitly that Belgium is a federal country. Since 1995 (1989 in Brussels), the regional parliaments have been directly elected.

Federalism in Belgium is thus the result not of a deliberate choice but of incremental conflict management. In fact, the movements that defended devolution of the unitary Belgian state were the first to use the notion of federalism. Federalism, which for these groups meant decentralization and autonomy, was originally favoured by those rejecting the existing state. The use of the term “federalism” as the official term for the Belgian system is a remarkable change.

Belgium’s federal system came into being following piecemeal reforms meant to pacify ethno-linguistic tensions. This means that the framers of the Belgian Constitution did not find their inspiration in existing models of federalist countries. The Belgian federation did not result from the implementation of a blueprint. No one invented or imagined the new Belgium. It is the product of subtle compromises between two divergent visions of how the old unitary state had to be reformed. The Belgian Constitution, therefore, is totally silent about the meaning or the goals of federalism. Federalism just happens to be the system of government that emerged, to some extent as the unwanted consequence of the search for a way to keep two increasingly divergent parts of the country together.⁴

The following description is a snapshot of federalism in Belgium in 2003, at a time when -- like at any time since the 1960s -- several proposals for reform were on the table.

A Double and Asymmetrical Federation

Probably the most striking feature of the Belgian federation is its double nature.⁵ Belgium is a federation of language *communities* and also of territorial *regions*. This double federation is the result of the different views of Dutch speakers and French speakers on the ideal configuration of the country. The first demands for devolution came from the Dutch speakers and were based on defence of their language. The Dutch speakers wanted autonomy granted to two language communities. In this scenario, Brussels -- situated north of the linguistic borderline -- would have been incorporated into, or at least intimately linked to, the Dutch-speaking, or Flemish, community. The Francophones defended granting autonomy to regions, which meant that Brussels (with a population that was 85 percent Francophone) would have become a region in the Belgian federation rather than being part of the Flemish community.

Whereas the Francophones of Brussels opted for division by regions as a way of defending their language, the Francophones of Wallonia -- the region south of the linguistic borderline -- wanted an autonomous Walloon region for economic reasons. In the nineteenth century, the southern part of Belgium was one of the first industrial areas of Europe, but since the 1950s it has faced the consequences of industrial decline. As the Flemish elites gradually came to occupy more positions of power in the Belgian state (as a result of both their demographic weight and their increasing economic weight), the Walloon elites began to fear that the Belgian state would not take into account the specific needs of the Walloon region.⁶ For this reason, they wanted a regional autonomy that would give them more control over economic matters.

These were the opposing views on Belgium's reorganization when tensions between the language groups increased in the 1960s. A complex set of tensions exists between the north and south (and Brussels) resulting from divergent views on the use of language, the different social and economic composition of the regions, and different political landscapes in the north and south. The north is dominated by a Christian-democratic party and the south by a socialist party, whereas in Brussels in the early 1970s a Francophone party concerned with defending the French language was the strongest political faction. There was consensus on the need to reform the unitary state, but fundamental disagreements remained about how this should be done. The north defended autonomy for the two main language communities and wanted to incorporate Brussels into the Flemish community. The south wanted autonomy for three regions, both to secure economic self-rule for Wallonia and to defend the French language in Brussels.

A double federation provided a way out of this deadlock. Belgium created both language communities and territorial regions. The three regions are Wallonia, Brussels, and Flanders (without Brussels). The Flemish community may exercise its powers in the Flemish region and in Brussels, and the French community may exercise its powers in the Walloon region and in Brussels. The German-speaking community also received autonomous status and may exercise its powers in the German-speaking area that is part of the region of Wallonia. Because the regions and communities overlap to a large extent, the basis for the Belgian federation is indeed territorial. But exceptions to this rule were needed to solve the problem of the status of Brussels, which is now a full-fledged region. Because of the dual nature of Belgium's federation, the Flemish community has been able to retain its presence in Brussels and the Francophones have been prevented from using their majority in the city to dominate the Dutch speakers.

There is no hierarchical relation between regions and communities in Belgium. Both are on an equal footing as constituent units of the Belgian federation. Yet how they function is asymmetrical in several respects. In the first place, the Brussels region is defined as having a different status. Its official name is the Brussels Capital Region, reflecting (at least for the Dutch speakers) that it is not the same kind of region as Flanders and Wallonia. The rules produced by the Brussels regional Parliament are called "ordinances," whereas the other regions (and communities) issue "decrees." The federal government may in principle nullify an ordinance, but this would be politically unthinkable because of the need to respect a linguistic balance in the federal government (as discussed below). Courts may rule on the constitutionality of ordinances but not of federal laws or decrees. Unlike the other two regions, Brussels has no constitutive autonomy, which means that it may not determine how its government institutions function. The reason for this is to protect the Dutch-speaking language group in Brussels. In the Brussels regional Parliament, 17 out of 89 seats, and two out of five ministerial positions, are reserved for Dutch speakers. The authority to change this requirement resides only with the federal government. By contrast, Flanders and Wallonia are free to determine the number of seats in their regional parliaments, the number of

ministers, the electoral system, and so on. Yet, in all substantial matters, the Brussels region has the same powers as Flanders and Wallonia.

Another and very important example of asymmetry is evident in the relationship between the Flemish region and the Flemish community. Because Flanders wanted to be a community and also to maintain its link with the Dutch speakers of Brussels, the government institutions of the Flemish region and the Flemish community have been merged. Both remain constitutionally defined entities but with a single parliament and a single government. The Flemish regional Parliament (118 seats) is directly elected by the inhabitants of the region. The Flemish community Parliament is composed of these 118 regional MPs and an additional six Dutch-speaking MPs elected in Brussels from a list of Dutch-speaking candidates during the election of the Brussels regional Parliament. The Flemish regional and community parliaments meet (as the “Flemish Parliament”) to deal with both regional and community matters. The members elected in Brussels vote only on community matters. There is also a single Flemish government, which deals with both regional and community matters, but a Dutch-speaking minister living in Brussels may be given responsibility only for community matters. The Flemish government needs at least one such minister living in Brussels, as this minister symbolizes the link between Flanders and Brussels through the language community.

Among Francophones, there has occasionally been some debate about the possibility of organizing the relations between the French region and the French community along the same lines, but the government institutions of the French have remained separate. There is a linguistic link between the Walloons and the Francophones of Brussels, but the linguistic identity of the French is not as strong as that shared by the Flemish. Thus the Belgian federation has five constituent units: Flanders (community and region), Wallonia (region), Brussels (region), the French community, and the German-speaking community. The Walloon regional Parliament has 75 directly elected members. The Parliament of the French community is composed of these 75 Walloon MPs and 19 Francophone MPs from the Brussels regional Parliament. The German-speaking community has a directly elected community parliament with 25 members.

The Distribution of Powers

The powers allocated to the regions and communities are not detailed in the Constitution but listed in so-called special laws. This technique was invented in 1970, when the principle of devolution toward regions and communities was first written into the Constitution. At that time, no agreement on powers for the regions was possible, especially given the ongoing debate on the status of Brussels. Therefore, the Constitution introduced the para-constitutional device of special laws. The Constitution lays down the basic principles for the powers of the regions and communities, specifying that the details may be established by special laws. These special laws must be adopted by both houses of the Parliament with a two-thirds majority that also comprises the majority of the members of each language group. This procedure is easier and faster than changing the Constitution itself, although the threshold of support required for adopting special laws is higher. The use of special laws has become very common since 1970. Not only the details of the statutes and powers of the regions and communities have been laid down in special laws, but also their fiscal arrangements.

As noted above, the Belgian federation was not deliberately formed. Rather, it represents the (provisional) end point of a set of institutional reforms intended to pacify tensions between the north and south by devolving powers to regions and communities, thereby avoiding deadlock or ongoing conflicts in the national arena. Each reform was meant to solve an immediate problem. Thus the Constitution contains no clear view on the basic

philosophy or general goals of the Belgian federation. The federation continues to evolve, but neither the next step nor the final stage is known (or agreed upon). This fact is nicely illustrated by the very confusing way in which the (remaining) residual powers of the federal state are defined. Article 35 of the Constitution says that the federal state has only those powers granted by the Constitution, but thus far the Constitution has not specified minimal federal powers because they have not been agreed upon. Article 35 also says that regions and communities have residual powers under conditions specified in a special law. However, this special law has not yet been formulated because, according to the Constitution, this special law must *follow* the inclusion of a list of minimal federal powers in the Constitution. In practice, then, the regions and communities have only those powers explicitly granted by the Constitution and by special laws, and the residual powers reside with the federal state even though the Constitution says that they do not.

The piecemeal construction of the federal polity and of its Constitution has led to some awkward ambiguities. Several times the Constitution says that a matter needs to be settled “by a law.” Strictly speaking, a law is a rule adopted by the federal Parliament because the regions and communities issue decrees or ordinances. Yet the intention of this constitutional rule is to clarify that an executive body may not settle the matter alone. Therefore, legal theory has accepted that whenever the Constitution requires a “law,” the term may also be read as “decree” or “ordinance” if the matter pertains to the powers of regions or communities and if the article requiring a law was introduced after 1980.

In general, the powers allocated to the regions and communities are fairly broad, although the federal state has retained a number of mechanisms of control, especially in fiscal matters. The existence of both regions and communities requires a clear division between the different types of powers that may be given to each of them. In principle, the distinction is easy to make: The regions receive powers that can be organized on a territorial basis, whereas the communities receive powers related to individuals (see Table 1). In matters of social and employment policy, however, there is room for interpretation. If powers related to social security were to be devolved, they might as well be given to both regions and communities.

It is interesting to note that both regions and communities have been granted far-reaching powers in international relations. Indeed, both have the right to engage in international relations and to conclude treaties and agreements of cooperation on all matters that fall within their regional or community powers, including international trade.

Although both exercise powers related to persons rather than to territory, the powers of the communities are territorially bounded. Thus the Flemish and French communities of Belgium are not composed of all the speakers of each language irrespective of where they live. The Flemish community may not, for instance, open schools outside the Flemish and Brussels regions, and the French community may not operate in Flanders. These restrictions are a result of Belgium’s division -- since the 1920s -- into language areas. These areas have consequences for the use of language by public authorities but not by individuals. The Constitution clearly ensures the free use of language. However, the Constitution and the language laws oblige government institutions to use the language (or languages) of a region in their communications with its citizens. Individuals may be required to use a specific language only if they hold a public position; for example, civil servants in local government must be bilingual if they have contact with the public in Brussels. There is no regulation, for instance, governing how shop owners may erect public signs.

The overlapping of the two language communities in Brussels is a very peculiar example of nonterritorial federalism. Individuals do not officially belong to one of the two language communities. There is no subnationality based on language-community identity. In Brussels both language communities offer services (e.g., schools, cultural events, and social programs), and the citizens have the right to choose among them. They may make mixed

choices, and they may always change their choices. For the election of the Brussels regional Parliament, voters must choose from lists of either Flemish or Francophone candidates, but they are always free to choose which list to vote from.

There remains considerable disagreement about the imposition of a territorial (and thus strongly regional) organization on Belgium's linguistic communities. The Dutch speakers defend this strict division into linguistic areas because they have experienced the dominant power of the French language and the "frenchification" of Brussels and its surrounding areas. The Francophones would prefer a more "personal" interpretation because there are Francophones living in Flanders (especially in the Brussels periphery) who cannot be served by the French community. That Francophones in Flanders define themselves as a meaningful minority reinforces the fear among the Flemish that they will lose control of the use of language in Flanders. By comparison, Flemings living in Wallonia do not regard themselves as a linguistic minority, reflecting a tradition of the Dutch adapting themselves to the French. The division of the Belgian state into both regions and communities is thus clearly a compromise but not one that has served to fully reconcile the divergent views of the country's linguistic communities.

Conflicts and Cooperation

The Belgian federation is the result of numerous (and often failed) attempts to avoid ongoing conflict. The decentralization of powers came about in response to the demand of the constituent parts that they be permitted to develop their own policies without having to take into account the will of the other linguistic communities. Yet, even though the federal structure has reduced tensions between the language groups, the potential for conflict remains high. In addition to linguistic tensions, Belgium also faces conflicts typically occurring in federal states: conflicts of power and conflicts of interest.

Conflicts over the distribution of powers are settled in a judicial way. This may take two forms. First, such conflicts may be prevented by the legislative section of the Council of State (Raad van State/Conseil d'État), which renders an initial opinion on all proposed legislation, whether it emanates from the federal or the federated entities. Although the Council of State is a federal court (as justice is still a federal matter), it has separate linguistic chambers.⁷ It verifies that all proposed laws, decrees, and ordinances comply with higher legal rules, including, of course, those laid down in the Constitution. The advice of the Council of State is not binding, but it is an important warning and does have a political impact. Second, if a conflict over distribution of powers arises after a law, decree, or ordinance has been issued, it is settled by the Court of Arbitration (Arbitragehof/Cour d'Arbitrage). This court is composed of 12 judges (6 Dutch-speaking and 6 French-speaking), all of whom are appointed by the federal government on the Senate's recommendation. Half of the judges are former politicians, and half 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 because they require that a political solution be reached in an institutional setting that is complex, subject to the maintenance of subtle equilibriums, and replete with divergent interpretations. These conflicts are most likely to occur between the Dutch and French poles of Belgium's bipolar federation and, in practice, have to be solved by means of an agreement between them.⁸ The typical cause of such conflicts is a proposed law or regulation by one entity or by the federal government that another entity fears will affect it negatively. In order "officially" to deal with conflicts of interest, the Concertation Committee was created. This committee, which must be perfectly balanced linguistically, is composed of the federal prime minister, five ministers of the federal government, and six members of the regional and community governments. Either the federal

government or the government of one of the federated entities may bring a potential conflict to the committee, a move that suspends the debated decision for 60 days. If the committee is unable to reach a solution by consensus during this time, the suspension is lifted and the conflict remains unsolved.

Although appealing to the Concertation Committee is the only official way to deal with conflicts of interest, this method is rarely used. In practice, the presidents of the governing parties, who meet regularly with the prime minister, deal with the prevention of such conflicts. Indeed, the absence of federal parties in Belgium obliges the governing parties to be active in two arenas (the regional and the federal) and to resolve the potential conflicts between the arenas among themselves.

The bipolar character of the Belgian federation often blurs the difference between conflicts of power and conflicts of interest. If the language communities disagree on how the Constitution, a law, a decree, or an ordinance should be interpreted, a ruling by a court may not settle the disagreement. As a divergence of views, and hence a conflict of interest, the disagreement is a political problem. If the interpretation of a regulation remains contested, it needs to be reformulated and thus renegotiated. It needs a political solution.

The division of powers has produced fairly homogeneous sets of powers for the communities and regions because the aim of state reform was not to foster cooperation but to avoid the obligation of having to find a common solution for both sides of the country. Thus there are very few concurrent powers and no hierarchy of regulations. Federal laws and regional and community decrees have the same status. Belgium is clearly a dual federalist system. Yet the implementation of this system is different from that of other dual systems. Given that important powers have been decentralized to fairly small territories within a small country, the need for coordination is high. The existence of two types of constituent units -- linguistic communities and territorial regions -- also reinforces the need for cooperation. That some powers are clearly concurrent also makes cooperation unavoidable. Health policy, for instance, is a community responsibility, whereas social security (including health care insurance) is a federal responsibility. Social security also includes unemployment insurance, but employment policy is regional. Transportation is regional, but the railway system is federal. Public transport is regional, but many people commute -- by public transport -- from Flanders and Wallonia to Brussels.

Given that maintaining federal control of all powers was not an option, other techniques and strategies for cooperation have been established.⁹ The most common form of cooperation is the conclusion of a cooperation agreement between one or more entities. The Special Law of 1988 allows the regions, the communities, and the federal state to draft such agreements of cooperation “notably in view of the creation and common management of common services and institutions, the joint exercise of powers or the development of joint ventures.”¹⁰ Agreements may be horizontal or vertical, and they may be optional or compulsory. The latter might seem strange, but the technique has often been used to ensure that the transfer of powers to regions or communities does not lead to major discontinuities. Once agreed upon, a transfer becomes effective only when the regions and/or communities have concluded an agreement of cooperation to deal with the details of the transfer and how the task will be performed in the future. This was done, for instance, when responsibility for public transport was transferred from the state to the regions.

One cooperative agreement deserves extra attention. This agreement organizes how Belgium and its regions and communities are represented in the European Union (EU). Within the European Union, Belgium is a member state and may be represented only in the Council of Ministers. Yet numerous matters regulated by the EU are the responsibility of the regions and communities. An agreement of cooperation, however, allows Belgium to be represented in EU decision making by a regional or community minister rather than by a

federal minister. Once the regions and communities have agreed on the view that will be defended, one of the regional or community ministers (they alternate) may sit in the Belgian chair in Europe. When Belgium chairs the Council of Ministers, a regional or community minister may also be the chairperson. If the federated entities cannot reach consensus on an issue, Belgium abstains from voting.

This mechanism of cooperation functions very well. Regions and communities tend to readily agree on the views to be defended in Europe. Indeed, the EU plays a very important role in obliging the Belgian regions and communities to work together in a constructive way. Although the EU did not play an active role in settling Belgium's conflicts and in creating a federal state, its mere presence now fosters cooperation between regions and communities that wanted, and still want, to conduct their own policies freely.

Although the regions and communities possess a high degree of constitutional autonomy, paradoxically their political autonomy remains limited. One reason for this situation is explained above: the continuous need, and sometimes the obligation, to cooperate. Another reason is the absence of federal political parties. All the Belgian parties are community-based and thus seek votes only in their own language communities. Belgium has two party systems, and the balance of power in these two systems is different. However, the absence of federal parties obliges the regions and communities to form governmental coalitions that are *congruent* with the federal coalition. It is very unlikely that a major political party will govern in one arena yet be the opposition party in another arena because in both arenas it is dealing with exactly the same community parties rather than with the community or regional sections of those parties. Indeed, governmental coalitions have always been (with some minor exceptions) congruent in all arenas. As well, the federal government has always been *symmetrical*, in the sense that parties of the north and south belonging to the same ideological family have always been together either in government or in opposition. For these reasons, the political autonomy of the regions and communities is limited. They may not go in wholly different directions because their governing parties also have to govern in the federal arena and thus to maintain the federal consensus.¹¹

Since 1993 the Constitution has included the principle of "federal loyalty." This principle is not detailed in the Constitution, and there are no formal obligations to comply with it. In fact, the notion enters Belgian debates only when one of the constituent entities feels that the other is exceeding the limits of its powers (i.e., when a conflict of interest arises). This is typically the case when Flanders pushes for more autonomy, testing the limits of its designated powers, or when the Francophones try to circumvent their obligation to limit the actions of the French community to Wallonia and Brussels or try to avoid the requirement for bilingualism. The federal government never refers to federal loyalty, although federal loyalty, or at least federal cohesion, is secured at that level (yet always by politicians elected only by the voters of their own communities).

Born of conflict, the Belgian system of government comprises a very complex and symmetrical set of federated entities with a wide range of powers. Making the system work requires a high degree of mutual cooperation. Both communities have numerous veto powers and may veto proposed changes whenever they want. Built on mutual goodwill, the system provides greater incentives to work together than to act unilaterally. The latter does occur regularly, however, as a consequence of the divided-party system, in which all politicians represent only their own communities and thus only one of the two sides of public opinion. Yet, in the absence of federal parties, the combination of regional governments, community governments, and the federal government necessitates a willingness to continue working together. However, because of the communities' veto powers, there is the risk that if one player refuses to cooperate, the system will rapidly move toward conflict. Nevertheless, if one level of government is locked in conflict, the whole system ceases to function, and the

price must be paid by all the partners. This explains why Belgium, despite sometimes experiencing deep crises, always finds (indeed, has to find) a negotiated solution.

Structure of the Federal Government

Since 1830 Belgium has been a bicameral parliamentary monarchy. The parliamentary system was changed in 1993 to adapt the composition and role of the Senate to the new federal features of the country. The House of Representatives now has 150 members, elected in 11 constituencies. The number of seats per constituency depends on the number of inhabitants and is adjusted every ten years. The maximum term of the House is four years, but it may be dissolved earlier by the king (i.e., by the federal government).

The Senate has a fairly complex composition. Forty senators are elected directly: 25 Dutch speakers and 15 French speakers. Inhabitants of Flanders and Wallonia have to vote for candidates from Flemish or French lists respectively, while the inhabitants of Brussels and its peripheral areas may choose which of the two lists they will use.¹² An additional twenty-one senators are members of the community parliaments: ten from the Flemish community Parliament, ten from the French community Parliament, and one from the German community Parliament. The numbers per party depend on the distribution of votes for the directly elected senators. The third category of senators are the coopted senators: six Dutch speakers and four French speakers. They are selected by the directly elected senators and the community senators (still based on the electoral results per party). Finally, the heir to the throne may be a member of the Senate. In its composition (excepting the membership of the royal princes), the Senate reflects the division of the country into language communities. The regions are not directly represented in the Senate.

Belgium's federal structure, however, is reflected in the House of Representatives. Each member of the House (and the Senate) clearly belongs to one of the language groups. This group is defined by the location of the constituency in which a member has been elected (again the territorial principle). Each member elected in the Brussels constituency indicates a chosen language group by taking his or her oath in that language. There is no possibility of remaining neutral. The division into language groups is necessary to ensure the double majorities required for the acceptance of special laws. It also serves as a protective device: If three-quarters of the members of a language group demand it, consideration of a proposed bill may be suspended. The federal government then has 30 days to propose an alternative text. Called the "alarm bell procedure," this measure was introduced in 1970 but has never been used.

Belgium's bicameralism is not symmetrical: The powers of the Senate are specified and therefore limited. Only on matters related to fundamental state structures, international treaties, and the monarchy does the Senate have the same powers as the House of Representatives. The Senate's powers in the first of these three areas are especially important, as the Senate is required to approve any reform of the Constitution, any special laws altering the status or the powers of regions or communities, and any laws dealing with the organization of the judicial system. The Constitution clearly indicates that only the House is responsible for granting Belgian nationality, for laws regulating the responsibility of ministers, for the budget, for fixing the number of personnel in the military, and importantly, for granting or rescinding confidence in the federal government. In all other matters, the House has final responsibility. Although the Senate may ask (with the support of at least 15 members) to have a second look at any bill that the House has accepted, the House retains the last word.

The Belgian federal government exercises both executive power and, with the Parliament, legislative power. The government's composition, which reflects the desire to balance the relationship between the two main language groups, is described in some detail in

the Constitution. The maximum number of ministers in the federal government is fifteen. Seven of these have to be Dutch speakers and seven French speakers. This arrangement allows for perfect parity, as the prime minister is considered to be linguistically neutral. In practice, however -- although the prime minister plays the role of go-between and needs the full acceptance of both language groups -- he (or she) comes from Flanders. This reflects the larger size of the Flemish population and the fact that (so far) the largest political party of the country has been Flemish. To the 15 ministers, a number of secretaries of state (junior ministers) may be added. The rule of linguistic parity does not apply to them. Usually there are two or three secretaries of state and generally a higher number of Dutch speakers than French speakers.

The (quasi) parity of the federal government is an important device, although not the only device, obliging the two language groups to cooperate in government. Even more important is the unwritten rule that government decisions be made by consensus, never by voting. As long as the parties of the two language groups that together hold a majority of the seats in the House are able to work together, the government can function. If one of the parties (language groups) explicitly refuses to accept a proposal, the government can no longer function. The only option is to negotiate until there is agreement again.

According to the Constitution, the king appoints the members of the federal government. When the Constitution deals with the role of the government, it refers to “the King.” Yet the king has a constitutionally limited role, as no act of the king has any value unless it is cosigned by a member of the government. The role of the king has gradually declined to make way for the domination of the political game by the political parties and their elected members. The political composition of the government is not the choice of the king but the result of negotiations between the political parties. In practice, the party leaders choose their own ministers, and they make sure in the first place that these are acceptable to the other parties. There have been a few instances of proposed ministers being refused by the king, but if views are truly divergent, the political party seeking to place one of its members in government will be able to do so.

Although the ministers of the regions and communities are not appointed by the king, but formally elected by the respective parliaments, the prime ministers of these governments take an oath before the king. The political procedure for the formation of regional and community governments is similar to the procedure used by the federal state. In the case of the federal government, the king first appoints an *informateur* to determine what can be done to form a government with the elected parties and to suggest the name of a prime minister. The proposed prime minister is agreed upon by a number of parties who hold a majority in the Parliament and want to form a coalition. Subsequently, the king will appoint this potential prime minister as *formateur* and ask him or her to form a new government.¹³ The role of the king in this government-formation process is largely ceremonial. In the case of regional and community governments, the parties agree among themselves, without this ceremonial appointment of an *informateur* or *formateur* by the king.

In 1990 the refusal of King Beaudoin I to sign a bill on the liberalization of abortion -- accepted by a majority of the federal Parliament -- further reduced the king’s political influence. Because the bill was an initiative of the Parliament, rather than of the government, the proposal had not been cosigned by King Beaudoin I. When the law was passed, he told the prime minister that his conscience would not allow him to sign the bill and that a solution had to be found. Use was then made of an article in the Constitution that allows the Parliament to state that the king is unable to govern. (To guarantee continuity, the federal government takes over the powers of the head of state in such cases.) Thus all federal ministers signed the bill, including the Christian-Democrats who had opposed the bill in the Parliament, thereby allowing the law to be enacted. One day later, the Parliament stated that

King Beaudoin I was able to govern again. The problem was solved, but at the same time, it was proven that the king no longer has substantial political power. In his private communications with members of the government, he might be able to make suggestions or voice discontent, but final decisions are made by the government and thus determined by agreements between the coalition partners. Yet, because the relations between the ministers and the king are private, it is very difficult to assess, and to verify, the king's real role.

In a divided country like Belgium, one might expect the king to play a unifying role. Yet keeping the country together by building a complex federal state based on subtle compromises and built-in obligations to cooperate was the work of the political elites of the second half of the twentieth century, not of the King. In fact, for a very long time the king was extremely reluctant to support devolution, fearing that it could eventually mean the termination of the Belgian state. But the political elites convinced him that devolving powers to communities and regions was the best way to keep the country united.

The king's role as a symbol of the monarchy, one of the only remaining truly Belgian institutions, is also difficult to sustain. The monarchy is widely accepted by the people, but the Francophone background of the royal family has led to increased criticism from the Flemish, who were more supportive of the monarchy in the past. Demands that the (already-very-limited) role of the king be reduced are perceived by the Francophones as one more attempt to further erode Belgian unity, and there is an extreme reluctance to open this debate. Given that no agreement can be reached on the issue of formally changing the king's role, the status quo seems to be the best solution for all.

Clearly, the cornerstone of Belgian unity, and that which guarantees the relatively smooth functioning of the federal system, is the federal government and, more specifically, the leadership of the parties in the federal coalition. These parties are also (with minor exceptions) the parties ruling in the regional and community arenas. Since the introduction of substantial reforms in 1988 that gave real powers to the federated entities, the level of tension between the language communities has clearly declined, and the stability of the federal government has been remarkable. However, because of the communities' numerous veto powers and the obligation for all parties to work together, the potential for deep and intractable conflict remains high.

Both the stability and the daily functioning of the Belgian system are thus determined by the elite. The role of the population is limited. Indeed, the Constitution makes no provision for holding referendums. The Constitution states that all powers emanate from the nation and that the nation is represented in the Parliament. Only the Parliament, therefore, is the voice of the sovereign people. Thus a referendum could never be binding. Besides the constitutional limits on a referendum, there is a major political impediment. A referendum is a device favouring majority rule, whereas the decision-making processes in Belgium rely on negotiations, common agreements, and mutual vetoes. The use of a majority-based device would be disruptive, bypassing all the built-in protections for Francophones at the federal level. A system in which decisions required the approval not only of a majority of the people, but also of a majority of the federated entities, would be extremely complex given the existence of both regions and communities and would still be at odds with the basic principle of elitist consensus seeking. There has, however, been one (nonbinding) referendum: In 1950 the population was asked whether King Leopold III could return to the throne. The majority of respondents voted "yes," except in Wallonia and in Brussels. The King finally had to resign. This experience with a referendum that did not offer a solution but rather a clear illustration of the disruptiveness of a majority-based approach in a bipolar nation explains the reluctance to organize referendums, even if they are nonbinding.¹⁴

Despite the devolution of major powers to the regions and communities, the role of the federal government and its political parties remains crucial. This is one of the ironies of the

Belgian system. The federal government has retained its authority because a number of important powers still reside with the federal state. The judicial system has remained completely federal, which means that federal courts enforce all the laws, including the decrees and ordinances of the regions and communities. The federal government has maintained responsibility for important economic tools, such as labour-market policy and price regulation. The social-security system is also entirely federal. Flanders has voiced demands for further devolution of federal authority, but the Francophones do not wish to move in that direction, especially when it comes to social and fiscal powers.

Fiscal Powers

How fiscal powers are exercised in the Belgian federation clearly reflects its organization as a double federation of regions and communities and its reliance on an open-ended and constantly adjusted process of piecemeal changes in light of the tense relations between the north and south. Because the devolution of fiscal powers did not occur at the same pace as the devolution of policy-making powers, until 2002 centrally collected taxes were redistributed to the regions and communities. In 2002 a reform of the special law regulating financial measures introduced a higher level of fiscal autonomy for the regions. Inspired by the stronger fiscal capacity of Flanders and its better economic situation, the Flemish demanded even further autonomy. But Francophones are very reluctant to see an additional increase in subnational fiscal autonomy because they fear that the resulting fiscal competition would put Flanders -- the only region able to reduce taxes -- in an even stronger position.

The double federation and its asymmetrical organization have a number of direct consequences for Belgium's fiscal organization.¹⁵ Both the French and the Flemish communities are present in the Brussels region, but the inhabitants of Brussels are not required to choose a community identity. The communities, therefore, do not know who their own citizens are. The total population of the Brussels region is known but not the number of members of each of the communities. Thus, in Brussels, taxes are regarded as coming from each community in proportion to its approximate weight: 20 percent from Dutch speakers and 80 percent from French speakers. Powers of taxation are transferred to territorial regions rather than to linguistic communities precisely to avoid the problems occasioned by the dual linguistic make-up of Brussels. If one community decides to introduce a tax, it may do so only in cooperation with the other community, which means that the communities do not really have autonomous taxation powers.

The communities, therefore, are predominantly financed by federal funds composed of three elements: financial transfers, a compensation for the formerly shared radio-and-television tax, and a fund related to the number of foreign students in each community's education system. This mixed and very ad hoc arrangement nicely illustrates how Belgium's financial organization is the result of political compromises rather than of well-defined principles.

The financial transfers comprise value-added-tax (VAT) transfers and a personal-income-tax transfer. Each year an amount to be transferred to the communities is determined based on the level of the transfer in 1989 and adapted to the consumer price index. In 2002 it was agreed that beginning in 2012, the amount of the transfer would also be adapted to growth in gross national income. Until 2012 an annually increasing transfer payment will compensate the communities for the difference between the amounts transferred under the old system and under the (more generous) new system. The amount transferred to each community is also adapted to changes in the size of their student populations, as the communities' major expense is the organization of their school systems. There is no need for a mechanism to ensure consensus in the distribution of these funds because they are based on the needs (number of students) of each community. Nor did the 2002 reform introduce such a

mechanism. Rather, the amount transferred to each community was substantially increased and linked not only to the communities' needs but also to their taxation capacities. The first measure was clearly a response to a demand from the French community, and the latter to a demand from the Flemish community.

The amount of personal-income-tax revenue transferred to the communities was fixed by the Special Law of 1989 and is adapted yearly to growth in national revenue. The proportion given to each community is based on its personal-income-tax contributions, with the distribution of taxes collected in the Brussels region fixed at 80 percent for the Francophone community and 20 percent for the Flemish community. The VAT and personal-income-tax transfers constitute the bulk (approximately 90 percent) of the communities' financial means. Of less significance are payments to compensate for the radio-and-television tax that used to be transferred to the communities and funds provided in proportion to the number of foreign students in each community (higher numbers in the French community).

The regions also receive transfer payments from the federal state, but since 2002 they have had greater fiscal autonomy than the communities. The federal income taxes transferred to the regions are handled similarly to the personal income taxes given to the communities. The amount of the transfer was fixed in 1989 and is adapted yearly to the consumer price index and to growth in gross national income. The distribution of federal income taxes among the regions is based on each region's fiscal capacity. Regions with a personal-income-tax revenue below the national per capita average receive an equalization transfer. The amount, fixed in 1989 and indexed accordingly, is multiplied by the number of inhabitants in a region and by the percentage of difference between the per capita personal-income-tax revenue of the region and that of the country as a whole.

The regional autonomy introduced in 2002 permits the regions to introduce lump-sum reductions or increases in the amount of personal income taxes collected. Regions also have the right to reduce taxes in matters related to regional powers. This means, for instance, that they may introduce their own fiscal measures to implement environmental policy. The fiscal autonomy of the regions, however, is bound by measures that seek to prevent too much fiscal competition between the regions. The tax reductions or increases introduced by the regions are set at 6.75 percent of the personal income tax collected in each region. The Special Law of 2002 also states that regions must refrain from unfair tax competition but fails to define exactly what this means. Obviously, any interpretation will be a matter of ad hoc political negotiations.

Regions also control a number of their own taxes: on gambling and betting, the opening of drinking establishments, automatic betting devices, gifts, registration of real property, automobile registration, and possession of radio and television sets. Because these taxes used to be federally administered, the federal state deducts the lost tax revenues from the personal income taxes transferred to the regions. The regions are also free to set the base amount for real estate taxes (also collected by the federal state and by municipalities). These measures allow the regions to conduct a fiscal policy of their own but only within the strict limits set by the Special Law of 2002.

All the regulations governing the Belgian federation's fiscal organization are recorded in special laws rather than in the Constitution. The Constitution does not even include a general principle or guideline for enacting fiscal policy. Nor do the special laws implement any such principle. Rather, they reflect temporary agreements between economically distinct regions and communities that have voiced different fiscal demands. The north pushes for more autonomy, and the south for more solidarity. The only possible outcome in a dual federation whose constituents have mutual veto powers is a detailed agreement reflecting a middle ground.

Protection of Minority Rights

It goes without saying that the position and protection of minorities is a crucial issue in Belgium. It is also a very sensitive issue. Although creation of the federal system was based on mutual agreement following numerous negotiations, each of the two major language groups has a different view on the legitimacy of the current situation and on its position and future in the system.

The gradual transformation of the unitary state into a federal-type state was an answer -- or rather a set of answers -- to the tensions resulting from the new Belgian state's choice of French as its single official language in 1830. Because of this measure, the Dutch speakers can be considered Belgium's first minority. They were not a demographic but a political, sociological, and psychological minority.¹⁶ In turn, the Dutch speakers requested protection against their political marginalization under the new language policy. The protection was instated gradually, first by recognizing Dutch as the second official language and, beginning in the 1920s, by delimiting the geographical areas in which Dutch or French would be the only official language. An obvious territorial organization was thus used to give the secondary language a secure area. The fixing of the linguistic borderline in 1963 reinforced protection of the Dutch against a sociologically dominant language, and this arrangement was subsequently preserved by the formation of a federal state comprised of both regions (avoiding further expansion of the Brussels region into Flanders) and communities (allowing the Flemish a formal link with the Dutch speakers of Brussels).

The second minority is formed by the French speakers. They are a demographic minority, who gradually became -- as a result of extending the suffrage and implementing measures to protect the Dutch speakers -- also a political minority. In 1971 when the Belgian Constitution created three regions and three language communities, protective measures for the French minority were written into the Constitution. These measures stipulate that half of the Belgian federal government (except the prime minister) must be composed of Francophone ministers. They also give the Francophone group in the federal Parliament the power to veto (the "alarm bell procedure") any bill considered harmful to them. "Parity," or a 50-50 distribution of administrative positions between the two main language groups, has also been used as a protective device in selecting judges for the Court of Arbitration and in appointing the members of the Concertation Committee. Reforming the special laws that are the basis of the Belgian federation requires a double majority: two-thirds of the votes in both houses of the Parliament and a simple majority in each language group in the Parliament. Again this prevents political domination by the Dutch-speaking demographic majority. The obligation of both language groups to cooperate and their possession of mutual veto powers are the key protections for the French-speaking minority.

The establishment of two main language communities and three regions in 1971 created a third minority group as well: the Dutch speakers of Brussels. As a region, Brussels is predominantly Francophone, and deciding on an equitable organization of its government institutions took a long time. Only in 1988 was an agreement reached on Brussels.¹⁷ The agreement accepts the status of Brussels as a full-fledged region, with only symbolic exceptions to that principle, as discussed above. 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 the Brussels regional Parliament but with guarantees for fair representation of the Dutch-speaking parties (since 2002, this has meant reserving 17 seats out of 89 for the Dutch). It also guarantees the Dutch-speakers an equal number of ministers (except for the prime minister) in the Brussels regional government.

Each language group perceives and interprets these institutional devices differently. The Dutch speakers insist that the arrangements regulating Brussels must be seen as mirroring

the devices for protecting the French speakers in Belgium. Indeed, the basic protective principles are the same: parity and veto power. The Francophones generally insist that Brussels cannot be seen as mirroring Belgium because the balance of power between the two language groups in Brussels is much more unequal (15 percent Dutch and 85 percent French) than the balance in Belgium as a whole (40 percent French and 60 percent Dutch). They prefer to speak of protection of the Dutch-speaking *minority*, whereas the Dutch speakers prefer to speak of fair compensation for having constitutionally relinquished their majority status within the Belgian state. Francophones also often complain that obligating large numbers of civil servants in Brussels (e.g., judges and police officers) to be bilingual amounts to unfair and excessive discrimination in favour of the Dutch speakers.

Until 1963 movement of the linguistic borderline according to the language censuses reflected 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. Under the old system, six municipalities would have been added to the bilingual area of Brussels. To compensate for the new arrangement, “language facilities” were introduced for the inhabitants of these six municipalities and for the inhabitants of ten more municipalities with significant linguistic minorities along the language border. These minorities would remain once and for all on one side of the border and thus, beginning in 1971, clearly belong to one of the three regions. Some of these municipalities are located on the Francophone side of the border and offer facilities for the Dutch speakers. The request for facilities, however, first came from Francophones in Flanders, particularly those living in the Brussels periphery. The facilities ensure individual inhabitants the right to communicate in their own language with a public authority, even if this is not the authority’s official language. If a minimum number of parents request it, the local municipality must offer primary education in the other language. These are clearly exceptions to the rule of territoriality in determining the official use of language and can be seen as special devices protecting linguistic minorities.

Here again there is controversy over the definition, interpretation, and extent of these rights. Among the Flemish, the language facilities are seen as a temporary exception to the principle of territoriality, a means of accommodating the linguistic minorities until they learn the language of a region sufficiently to be able to communicate with the public authorities. Because the use of language is constitutionally free, the language laws regulate only 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 demands their removal because they are an exception to the general rule. The Flemish argue that the relation between the language groups has been settled by the federal organization of the Belgian state. Indeed, within the existing system, the Francophone minority is protected at the federal level, and Dutch-speaking minorities are protected within French-dominated areas.

Among the Francophones, opinion on the language facilities is fundamentally different. They regard the French speakers in Flanders as a minority in need of the same formal protection that the very small Dutch-speaking minority in Brussels has received. They absolutely reject the idea that the facilities should be seen as a transitional measure. On the contrary, they see the facilities as protecting fundamental rights that should not be limited to the minority groups that received them prior to 1963 on the basis of the last linguistic census. Today the six municipalities in the Brussels periphery have a Francophone majority but are officially governed in Dutch. Furthermore, there are other municipalities with significant Francophone minorities that receive no protection at all. There are also (still) Francophones living in the major Flemish cities of Antwerp and Ghent. Belgium’s Francophones refer to international law -- particularly the Council of Europe’s Framework Convention for the

Protection of National Minorities -- in demanding better protection in general for the Francophones in Flanders. They define the French speakers of Flanders as a minority that deserves proper cultural protection, whereas the Dutch speakers argue that linguistic rights should be based on a clear link between territory and the use of language. The Dutch speakers, therefore, do not agree that explicit linguistic or cultural rights should be given to minority groups living in the Dutch-speaking part of the country. The Francophone position on granting such rights would also mean better protection for Dutch speakers in the Walloon region, but this group does not present or organize itself as a minority and does not claim this protection.

In 2002 the Council of Europe adopted a motion urging Belgium to accept the idea of language minorities in the regions but added that this should be done in a manner consistent with the existing principles and constitutional spirit of minority protection in Belgium. However, because there is no commonly accepted definition of “national minority” in Belgium, the issue remains unsettled. This is why Belgium has not yet ratified the Framework Convention for the Protection of National Minorities.

Meanwhile, tensions persist between the Francophones and the Flemish over the interpretation of the language facilities. In the only municipality where Flemish parents have requested primary education in Dutch, the French community has refused, meaning that the Flemish community must finance the school. In the Brussels periphery, the Flemish community finances Francophone primary schools but insists on retaining control of the pedagogical inspection of these schools. The Flemish government, which has administrative control of the municipalities with facilities for Francophones, prefers to grant linguistic rights in a very restricted way, which leads to continual conflicts between the Flemish regional government and the Francophone executives of these municipalities. The French community government offers subsidies to Francophone publications distributed in the Brussels periphery, although the Court of Arbitration has ruled that this goes beyond the powers (actually beyond the territory) of the French community. The Flemish government has launched ambitious plans to promote the Flemish character of the periphery and has officially declared that there is no linguistic minority in Flanders. These never-ending conflicts will not be resolved as long as both language groups have a fundamentally different interpretation of the standing of language groups and language minorities in Belgium.

One additional minority must be mentioned: the German speakers of Belgium. Comprising a fairly small community (0.6 percent of the Belgian population), the German speakers are concentrated in a few municipalities in the Walloon region. They have received constitutional status as a community within the Belgian federation and possess the same powers as the two larger communities. The German community has a directly elected parliament and its own government, and one of the community’s MPs sits in the Belgian Senate. This community is very small, but its rights are not contested. The community leaders themselves, however, regularly voice their ambition to be granted more autonomy and also to receive the regional powers that now reside with the Walloon region.

Constitutional Change and Future Prospects

Since the early 1960s, the Belgian Constitution has been the object of proposals for change, and it has indeed been changed often since then. There were major leaps in institutional reforms in 1970, 1980, 1988, 1993, and 2002, plus many minor changes in between. Yet it is not easy to change the Constitution. To do so, one first needs a list of articles that may be changed. When the houses of both the Parliament and the federal government accept the same list of articles for revision, the Parliament is automatically dissolved. The newly elected Parliament may then change the Constitution, but changes are restricted to only the articles that were listed for revision before the election. A constitutional change requires a two-thirds

majority in both the House of Representatives and the Senate. The search for a two-thirds majority, either when forming a new government or when trying to introduce constitutional changes, has become a constant theme in Belgian politics.

This procedure for changing the Constitution was established in 1830. It is clearly not a federal procedure because approval from the constituent entities is not formally needed for a constitutional change. Only the federal houses of Parliament need to approve. Yet in practice, federal principles have been built into the procedure of constitutional change by the wide use of special laws, which are introduced and changed according to a different procedure than that used for constitutional changes. In one respect, the threshold for changes to special laws is lower than for constitutional changes because dissolution and reelection of the federal Parliament is not required. Special laws may be changed, sometimes eventually several times, by a single legislature. However, in another respect, the threshold is higher because changing a special law requires not only a two-thirds majority in both the House of Representatives and the Senate but also a majority in each language group. In practice, this means that the governments of the regions and communities must accept the proposal. Consensus on changing a special law is sought in the federal government among the political parties governing in all arenas. The reforms of 2002 -- involving changes both to the Constitution and to special laws -- marked the first time that the governments of the regions and communities, together with the party presidents, had played an active role in the negotiations.

The reforms of 2002 were definitely not the last. In the future, one can expect more alterations both in the distribution of powers and in fiscal arrangements. There are plans to reform the Senate again, but the bulk of these reforms will be achieved by changing the special laws rather than the Constitution. It is hardly possible, however, to predict the future direction of changes because of the fairly long list of issues on which there is strong divergence with respect to the future evolution, and even perception, of the present situation. Flanders is economically the strongest region and has a longer tradition of claiming (a larger degree of) autonomy. At present, Flanders is demanding more fiscal autonomy, decentralization of parts of the (still completely federal) social-security system, decentralization of all powers related to traffic (e.g., speed regulations and railways), more powers related to employment policy, greater constitutional autonomy for the regions and communities, and abolishment of the linguistic facilities for the Francophone minority in the Flemish municipalities of the Brussels periphery. The two largest Flemish political parties officially defend the idea that Brussels should not be a fully-fledged region but governed by the Flemish and French communities of Belgium. Far-reaching autonomy for Flanders as a region in Europe seems to be the ideal outcome, and further devolution and reduction of the federal state's powers are steps toward this end.

Among Francophones, the ideal future looks very different. Further devolution of powers is not seen as important. The Francophone political elite defend maintaining the status quo in the distribution of powers and in fiscal regulations (especially those governing the federal social-security system). Attempts by Flanders to become more economically autonomous are seen as efforts to undermine the basic solidarity between the north and south. Yet, when it comes to defending the rights of linguistic minorities, the Francophones would like to see protection of the Dutch speakers in Brussels reduced and protection of the French speakers in Flanders increased. The Francophones would also like Brussels to remain a full-fledged region and its territory eventually to be expanded to its peripheral areas, which presently belong to the Flemish region.

In the future, the Belgian federation will continue to be a complex compromise, the result of divergent, and even incompatible, views of the future and divergent interpretations of the current situation. There is no such thing as “the Belgian federation.” There are two ideas

of Belgium's present and of its future. Today it survives by combining these ideas in a complex compromise. Whatever the future brings, one can be almost certain that any changes will involve a Belgian constitutional compromise.

¹Alexander Murphy, "Linguistic Regionalism and the Social Construction of Space in Belgium," *The International Journal of the Sociology of Language*, no. 104 (1993): 49-64; Alexander Murphy, "Belgium's Regional Divergence: Along the Road to Federation," *Federalism: The Multi-ethnic Challenge*, ed. Graham Smith (London: Longman, 1995), pp. 73-100.

²The label "Flemish" refers to the language and the area north of Belgium's linguistic division line. Historically, the term "Flanders" referred to the western part of the region, but it was gradually used to refer also to the provinces of Antwerp and Brabant (originally the County of Brabant) and to the province of Limburg (the Dutch-speaking part of the former Princebishopry of Liège).

³More details on the history of Belgium and on the evolution of its linguistic tensions and solutions can be found in Els Witte, Jan Craeybeckx, and Alain Meynen, *Politieke Geschiedenis van België van 1830 tot heden* (Brussels: VUB Press, 1997); Xavier Mabilie, *Histoire politique de la Belgique: facteurs et acteurs de changement* (Brussels: Crisp, 1986); Kenneth McRae, *Conflict and Compromise in Multilingual Societies: Belgium* (Ontario: Wilfrid Laurier University Press, 1986).

⁴Maureen Covell, "Political Conflict and Constitutional Engineering in Belgium," *International Journal of the Sociology of Language*, no. 104 (1993): 65-86; Kris Deschouwer, "Falling apart Together: The Changing Nature of Belgian Consociationalism, 1961-2000," *Acta Politica* 37, special issue on "Consociationalism and Corporatism in Western Europe: Still the Politics of Accommodation?" (Summer 2002): 68-85.

⁵For a more detailed overview of the Belgian political institutions, see André Alen and Rusen Ergec, *La Belgique fédérale après la quatrième réforme de l'Etat de 1993* (Brussels: Department of Foreign Affairs, Trade and International Development, 1998); Guido Craenen, ed., *The Institutions of Federal Belgium: An Introduction to Belgian Public Law* (Leuven: Acco, 1996); Marc Uyttendaele, *Regards sur un système institutionnel paradoxal: Précis de droit constitutionnel belge* (Brussels: Bruylant, 2001).

⁶Michel Quévrit, *Les causes du déclin wallon* (Brussels: Vie Ouvrière, 1978).

⁷Jérôme Sohier, "Chambres flamandes et chambres francophones: Divergences et dissonances," *Le Conseil d'Etat de Belgique: Cinquante ans après sa création*, ed. Bernard Blero (Brussels: Bruylant, 1999), pp. 699-731.

⁸André Alen et al., *Les conflits d'intérêt: Quelle solution pour la Belgique de demain?* (Namur: Faculté de Droit, 1990).

⁹Johanne Poirier, "Formal Mechanisms of Intergovernmental Relations in Belgium," *Regional and Federal Studies* 12 (Autumn 2002): 24-54; Maarten Theo Jans and Herbert Tombeur, "Living apart Together: The Belgian Intergovernmental Cooperation in the Domains of Environment and Economy," *Public Policy and Federalism*, ed. Diermar Braun (Aldershot: Ashgate, 2000), pp. 142-76.

¹⁰Translated in Poirier, "Formal Mechanisms," 36.

¹¹Kris Deschouwer, "Waiting for 'the Big One': The Uncertain Survival of the Belgian Parties and Party Systems," *Res Publica*, no. 2 (1996): 295-306.

¹²This is an exception to the rule that the French community cannot be present in Flanders. The constituency of Brussels does indeed contain a part of Flanders outside Brussels, and the Francophone voters can vote for a Francophone representative in the Senate. Dutch speakers living in Wallonia cannot do so.

¹³The general rule is indeed that the *formateur* becomes the prime minister, although there have been two *formateurs* (in 1980 and 1987) who finally let someone else become the prime minister.

¹⁴Mark Van den Wijngaert, "De volksraadpleging van 12 maart 1950," *De Re Ferenda: Een meta-juridische conflictanalyse van het referendum*, ed. F. Fleerackers (Gent: Larcier, 2001), pp. 131-44.

¹⁵Magali Verdonck and Kris Deschouwer, "Patterns and Principles of Fiscal and Financial Federalism in Belgium," *Regional and Federal Studies* 13, no. 4 (2003): 91-110.

¹⁶Val Lorwin, "Belgium: Conflict and Compromise," *Consociational Democracy: Political Accommodation in Segmented Societies*, ed. Kenneth McRae (Toronto: McLellan and Stewart, 1974), pp. 175-94; Aristide Zolberg, "The Making of Fleings and Walloons, Belgium, 1830-1914," *The Journal of Interdisciplinary History* 5, no. 2 (1974): 180-235.

¹⁷Els Witte, André Alen, Hugues Dumont, and Rusen Ergec, *Het statuut van Brussel: Bruxelles et son statut* (Gent: Larcier, 1999).