

Belgium: Ambiguity and Disagreement

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Belgium became a federal country gradually, starting in the nineteen seventies and culminating in the early nineties. The motive for federalism was to manage tensions between the Dutch-speaking north of the country and the French-speaking south. Interestingly, the north and the south still have somewhat different visions of their federal system. This disagreement has made its way into the Constitution. North and south also still disagree on the very definition of language rights and minority groups, a principal reason why these are not clearly defined in the Constitution. Ongoing ambiguity and deep disagreement are basic ingredients of a federal structure that – surprisingly enough – continues to function quite effectively, without major conflicts.

Belgium's federal system officially came into being in 1993 following piecemeal reforms meant to accommodate ethno-linguistic differences. As such, the framers of the Belgian Constitution did not find their inspiration in existing models of federal countries. The Belgian federation did not result from the implementation of a blueprint; nor did anyone invent or imagine the new Belgium. Rather, it is the product of a series of subtle compromises between two divergent views of how the old unitary state had to be reformed.

Probably the most striking feature of the Belgian federation is its dual nature. Belgium is a federation of language communities and also of territorial regions. This double federation is the result of conflicting views between 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 the defence of their language. The Dutch speakers wanted autonomy granted to the two major language communities. Brussels -- situated north of the linguistic borderline -- would have been incorporated into, or at least intimately linked to, the Dutch-speaking, or Flemish, community. Alternately, 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.

A complex double federation provided a way out of this deadlock. Belgium created both the language communities suggested by the Dutch-speakers and the territorial regions preferred by the Francophones. The three regions are Francophone Wallonia, bilingual Brussels, and Dutch-speaking Flanders. The Dutch-speaking community can exercise its powers in the Flemish region and in Brussels, and the French-speaking community can exercise its powers in the Walloon region and in Brussels. This arrangement is certainly much more complicated than that of other federations, which are simply divided into territorially defined sub-states. But it has the major advantage of offering a solution to two diverging, and to a large extent incompatible, views on the very nature of the country. **The Belgian federal Constitution thus accepts and defines two visions of the country and allows them to coexist.**

Yet this coexistence is not without its problems. The city of Brussels is now a region, but one whose Dutch-speaking minority needs to be protected. The Dutch-speakers have a number of reserved seats in the regional parliament and half of the ministers in the executive of the region.

The creation of a Flemish region in the north of the country has also left some 60,000 Francophones on the ‘wrong side of the border’. The Francophones of Flanders therefore need to be protected. The practical solution for these French speakers has been to create an exception for the communities in which they live called “communes à facilités.” The Francophones who live in those communities can use French to communicate with the regional and federal public authorities.

However, controversy has emerged over the definition, interpretation, and extent of these French language rights within Flemish territory. Among many Dutch speakers, the limited French language services are seen as a temporary exception to the principle of territoriality, a means of accommodating the linguistic minorities until they learn the language of the region sufficiently to communicate with public authorities. Although the minority rights in these designated zones have been entrenched in the Constitution, Flanders regularly demands their removal because they are an exception to the rule of territorially-based language. The Dutch speakers argue that the relation between the language groups has been settled by the federal organization of the Belgian state.

Among Francophones, opinion on the language rights question is decidedly 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 reject the notion that the rights of these French speakers in Flanders should be seen as a transitional measure. On the contrary, they consider them to be fundamental and further argue that these rights should not be limited to only a small number of “communes à facilités.” For instance, in certain municipalities with significant Francophone minorities French speakers have no protection at all. This includes the 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. In short, the Dutch speakers do not agree that explicit linguistic or cultural rights should be given to minority groups living in the Dutch-speaking part of the country.

This debate is typical of the public discourse that has been ongoing for decades in Belgium. Until the 1980s these disputes and the ensuing controversy caused the early demise of quite a number of Belgian governments. It is a testament to the current model that it has been able to withstand a high degree of difference of opinion and ambiguity.