

THE SUSTAINABILITY OF (CON-)FEDERAL BELGIUM

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INTRODUCTION

Since the aftermath of the June 10 2007 general elections, Belgium seemed to be moving into a crucial, and maybe final, phase of its community conflict. In 2007 it took 193 days to form an (interim) government. In the following 12 months, three new governments were formed. At the June 13 2010 general elections, nearly half of the Flemish voted for independist parties and the N-VA became the largest party of the country, while all Francophone parties generally defended the federal status quo. Eventually it took 541 days to form a new federal government, breaking the Dutch European record (208 days in 1977) and Cambodia's world record (353 days in 2003).

The reasons for these long formations are due to profound differences between Dutch and French speakers on the future shape of the Belgian state. Apart from the three independist Flemish parties, some mainstream Flemish parties also threatened to blow Belgium up if the Francophones would not abandon their defence of the status quo, and these threats were widely endorsed by the Flemish media. In the Francophone media and parties, strategies were discussed as to how the Francophones should react in such a regime crisis, and whether a "residual" Belgium (Wallonia and Brussels) would be viable.

The 2011 Di Rupo government agreement envisages another great reform of the federal state, misleadingly called by some the arrival of confederalism. The success of this new mega *compomis des Belges* will not really depend on its inherent institutional logic and efficacy, but mainly on the size of the success of the main Flemish-Nationalist party, the independist *Nieuw-Vlaamse Alliantie*, at 2012 September local elections, and more importantly, at the June 2014 federal and regional elections.

For some long-term observers, this huge escalation of the Belgian community conflict comes somehow as a surprise. This was certainly not the first major clash between north and south, but past crises had been quite successfully accommodated in the

traditional consociational way.¹ The unitary state was transformed comparatively rapidly into a fully fledged federal state. This radical transformation was achieved by entirely peaceful and constitutional means, in spite of some periods of heated mass mobilization by both camps. So what happened to the almost “inborn” sense of compromise of the Belgians, so much appreciated in EU circles as to promote Belgians to top EU positions (Van Rompuy, Dehaene, Tindemans)? Second, in spite of the fact that the centre – periphery cleavage between Flemish and Francophones had been reversed by the 1960s, the Flemish conquest of the Belgian state did not deradicalise Flemish calls for further self-government. This challenges the hypotheses that devolution may reduce calls for further self-government.² Finally, the deep community conflict in the “heart of Europe”, in an interface zone between “Latin” and “Germanic” cultures³, seems anachronistic given the dominant “post nation-state *Zeitgeist*” induced by European integration and globalization. The heated conflict currently driven by socio-economic differences in a prosperous area of the EU certainly challenges integrationist calls for an “ever closer union of peoples of Europe” (cfr. the preamble of the European Draft Constitution).

Given the complexity and changing nature of the community conflict in Belgium and federal adaptation, for analytical clarity we will divide our presentation into four phases, and for each phase we identify the factors that fuelled the conflict, its main actors and major accommodation policies in terms of state reforms towards federalism, and beyond. These phases are:

- 1) The period of the struggle for Flemish linguistic emancipation and the reversal of the centre-periphery relation (from Belgian independence in 1830 until the linguistic laws of 1963);
- 2) The institutionalisation of demands for cultural and economic self-government leading to the emergence of the federal state, (1963-1995);

¹ “Belgium can legitimately claim to be the most thorough example of consociational democracy, the type of democracy that is most suitable for deeply divided societies”; see Arend Lijphart (ed.), *Conflict and Coexistence in Belgium: The Dynamics of a Culturally Divided Society* (Berkeley: Institute of International studies, University of Berkeley, 1981), p. 1. Lijphart also heralds Belgium, with Switzerland, as the best real world approximation of the ideal type of a consensus democracy; see *Patterns of Democracy* (New Haven: Yale University Press, 1999).

² Frans Schrijver, *Regionalism after Regionalisation. Spain, France and the United Kingdom* (Amsterdam: Amsterdam University Press, 2006).

³ Stein Rokkan and Derek Urwin (eds), *The Politics of Territorial Identity: Studies in European Regionalism* (London: Sage, 1982).

- 3) The period of “enhanced federalism” (from 1995 → 2014);
- 4) The period after 2014: status quo, further incremental adaptation of the federal state or the final *divorce des belges*?

Finishing this paper in early June 2012, it is obvious that period four (and the end of phase three) will be some sort of “political science fiction”, a (hopefully) well-informed speculation and ‘educated guesses” about the future, on the basis of what we have learned from the past, taking into consideration the main constraints and opportunities and actors that have determined the transformation of Belgium into a federal state up until now.

FLEMISH LINGUISTIC EMANCIPATION, 1830-1963

Genesis of the Community Problem

The Belgian state was created in 1830 after breaking away from the Netherlands, with which it had been merged by the Vienna Congress in 1815. Most provinces that would constitute the new state had been governed since the late middle ages as a common *ensemble* by foreign rulers (Spanish, Austrian, and French). The linguistic fault-line between the Belgian provinces – running from east to west, separating the Germanic and Roman dialect speaking tribes – emerged around the fourth century and was consolidated by the tenth century.

From its creation, the Belgian state was ethnically mixed, with a community speaking a variety of Flemish dialects in the North (without a standardised language), and French-like Walloon dialects speaking community in the South.⁴ From the Middle Ages until the seventeenth century, Flanders was a very prosperous region, but it then declined in economic and cultural terms, and by 1830, it had practically no domestic elites that identified with Flemish culture. In fact, the Belgian independence movement resulted from an alliance between different groups of the French-speaking elites from the south as well as from the north: aristocracy, local notables and an emergent industrial bourgeoisie.

⁴ The various dialects spoken in Flanders were standardised under the label *Nederlands* in 1844 by adopting the standard of the Dutch language used in the Netherlands.

FIGURE 1 – Map of Belgium with Communities and Regions

3 Regions



3 Communities



Source: IGEAT/ULB

Hence, when Belgium gained independence in 1830 the hegemony of French culture in the new state was very strong. Flanders was mainly a poor agricultural region, while Wallonia became the first industrialised region of the European continent. In spite of the fact that the Flemish always constituted a demographic majority (ranging from 57% at independence to 60% today), the official language of the state (used in administration, military affairs, politics, the legal system, education and the media) was French, and this extended also to Flanders. Brussels was chosen as the administrative and political capital and soon became also its financial centre. As a

result of French hegemony in cultural, economic and political life, Brussels – formerly a Flemish city situated inside Flemish “territory” – slowly became a predominantly French-speaking city, and the centre of the new state.

To conclude, at the birth of the Belgian state the “centre” was French speaking, in political, administrative/military, economic and cultural terms. Flanders was clearly peripheral in all these domains, while Wallonia was associated through its industrial development and language with Brussels, the political, administrative, financial and cultural capital. Yet, this centre – periphery definition gradually changed, and by now has been almost completely reversed, due to the mobilisation of the so-called Flemish Movement, as well as socio-economic structural changes.

The Emancipation of the Flemish Periphery

In Flanders, opposition to the Francophone dominance of the Belgian state and society had grown already by the 1840s, with called for the recognition of the Flemish language by the “Flemish Movement”, mainly composed of cultural elites (intellectuals, literate middle class and lower clergy). Until the First World War, their aim was to have the Flemish community and its language fully recognised as constituent parts of the Belgian nation-state and “motherland”. Only after the First World War did some factions of the Flemish movement start to voice separatist or even irredentist demands (vis-à-vis the Netherlands).

In 1919, universal male suffrage with proportional representation was introduced, and this facilitated the emergence of new parties including the *Frontpartij* (the first genuine Flemish nationalist party) that won five seats in parliament, with 5.2% of the Flemish vote in 1919.⁵ The program of the *Frontpartij* became more radical during the 1920s and 1930s, causing the more moderate nationalists to leave this party and to advocate – with some success – the Flemish cause within the traditional political “families” (Catholics, socialists and liberals).

In the 1930s, the main Flemish nationalist party was the *Vlaams Nationaal Verbond* (VNV, Flemish National Union), a radical separatist party that was more explicitly

⁵ The name of the party referred to the war front where many Flemish soldiers had given their lives for their country while serving under francophone officers who did not understand their language. On the other hand, some Flemish nationalists had collaborated with the German occupiers, trying to achieve Flemish objectives, such as the Dutchification of the State University of Ghent.

Catholic and that also sympathised with national-socialist ideology. At the 1936 general election, it captured 10% of the Flemish vote. Eventually, the VNV collaborated with the Nazis, who recognized it as the only political representative of the Flemish population. Hence, as during WWI, German occupation was seen by a minority of Flemish nationalists as a window of opportunity to push through more demands for autonomy against the Belgian state.

This overt collaboration with the enemy, together with a revival of Belgian patriotism, led to severe legal repression, de-legitimised the Flemish movement, and would thus seriously compromise the political reemergence of the Flemish nationalist movement and parties in the postwar period. With the disappearance of relevant Flemish nationalist parties after the Second World War, the Flemish movement continued its struggle for linguistic protection mainly through the Flemish wings of the traditional state-wide parties.

Policies of accommodation

At the level of purely linguistic and cultural claims, during the 1856-98 period the Flemish language gradually earned full recognition. In the 1860s, the first Flemish-speaking MPs were elected on the lists of the two state-wide and French-dominated parties, the Catholics and Liberals. Reforms allowed the use of Flemish in court (1873), in the administration (1878), the army (1887), and the educational system (1895, except for higher education). In 1898, gave Dutch equal footing with French as a state official language.

Finally, in the 1930s, the country was divided into a Flemish monolingual Dutch speaking area, a Walloon monolingual French speaking area, and a bilingual capital (until 1932 French could be used as language for official communication in Flanders). Yet, the borders between these three “language regimes” were flexible. The linguistic status of a commune was decided on the basis of the results of the most recent census, and thus a commune could switch from one language regime to another due to an influx of French or Dutch speakers. These shifts of the “language border” were especially significant in and around Brussels, which became more and more a Francophone city, a French-speaking “island” in Flanders, gradually expanding into the surrounding Flemish countryside. Since 1932, the 27 communes on the language border with a linguistic minority of at least 30% of the local population have provided linguistic-administrative “facilities” for users of the minority language.

In 1962-63 the so-called “language laws” consolidated the linguistic borders to arrive at “linguistically homogeneous territories” (Flanders and Wallonia) and the bilingual territory of the capital, Brussels. The enforcement of Dutch as the only official language in Flanders gradually extinguished pockets of the French-speaking bourgeoisie (mainly in the cities of Ghent and Antwerp), which chose either to assimilate or to internally emigrate, whether voluntarily or under strong popular pressure (as was the case of the Francophone sections of the Catholic University in the Flemish town of Leuven).

Hence, at the birth of the Belgian state the “centre” was French speaking, in political, administrative, military, economic and cultural terms. Flanders was clearly “peripheral” in all these domains. Yet, this centre – periphery pattern gradually changed, and by now has been almost completely reversed. The main linguistic demands of the Flemish Movement were gradually met. Also, by the mid-1960s, socio-economic issues have increasingly become predominant, as the growing economic North-South differences have triggered huge financial transfers from increasingly prospering Flanders to Brussels and Wallonia through different redistributive mechanisms.

Also politically the centre – periphery relationship had changed profoundly. From 1965 onwards, due to the reapportionment of parliamentary seats in that year and their growing demographic importance, the Flemish formed a majority in Parliament. In addition, the Flemish elites, which slowly “conquered” the Belgian state after the Second World War, also managed to direct economic regional development policies towards further expansion of the Flanders economy.

FROM SELF-GOVERNMENT TO FEDERATION, 1963-1995

Decline of the Classical Centre – Periphery Conflict

Yet, in spite of having reversed the centre – periphery position, the Flemish movement did not try to exploit this conquest of the Belgian state as the main instrument towards further promotion of Flemish interests (although such a “minimalist” strategy was advocated by some Flemish-nationalist Christian Democrats). As a “normal” minority nationalist movement, it sought devolution of cultural competencies (in education, culture and the media) to the Flemish cultural community (*cultuurautonomie*). Later on, demands for socio-economic self-government were added.

This widening of the self-government agenda was reinforced by the breakthrough of the Walloon movement that reacted against Flemish emancipation and the growing Flemish grip on the Belgian unitary state (*“l’Etat belgo-flamand”*). The first signs of Walloon mobilisation go back to the 1880s, but remained politically rather insignificant until the early 1960s. Triggered by the first successes of the Flemish movement, it started as a linguistic movement, defending French as Belgium’s only official language. Quickly, however, working class, republican and autonomist demands were also added. After the failure of a long and violent general strike in the winter of 1960-61, Walloon militants – especially within the Socialist trade union – started to rally for economic regionalisation.⁶ The 1963 language laws also triggered a resistance movement of the French-speaking population in Brussels, who conceived the bilingual status of their region as advantageous to the Flemish, who were more likely to be bilingual and were thus in a position to occupy disproportionately more public sector jobs in Brussels requiring the knowledge of both national languages.

The combination of three different types of self-government movements eventually led to the gradual acceptance by Belgium’s hitherto unitarist elites of a certain degree of devolution, eventually leading to a *sui generis* type of federalism (see below).

Mobilisation of Flemish, Walloon and Brussels Minorities

This acceptance of new realities was facilitated by the drastic redrawing of the party landscape, leading to a bifurcation – and record level of fragmentation – of the party system (see table 1).⁷ The “regionalisation” of the national party system occurred in several waves. First the ethno-regionalist parties broke through in the mid-1960s: the *Volksunie* (VU) in Flanders, the *Rassemblement Wallon* (RW) in Wallonia, and the *Front Démocratique des Francophones* (FDF) in the Brussels region. By the early 1970s, these were able to capture respectively 20% of the Flemish and Walloon vote, and 40% of the Francophone vote in Brussels. Second, the growing saliency of the linguistic and regional cleavage, on which their success was based, became a

⁶ Paul Delforge, Philippe Destatte and Michelline Libon (eds.), *Encyclopédie du Mouvement wallon* (Charleroi: Institut Destrée, 2000).

⁷ In 1999, the effective number of parties reached its peak at 9.1; Lieven De Winter and Patrick Dumont, “Belgium: party system(s) on the eve of disintegration?”, in David Broughton and Marc Donovan (eds.), *Changing Party Systems in Western Europe* (London and New York: Pinter, 1999), pp. 183-206). In 2003, it was down to 7, increasing again in 2007 to 7.9 and to 8.4 in 2010. Note that party system fragmentation in Flanders has always been higher than in the Francophone system.

source of deep division within the unitary Christian Democrat, Liberal and Socialist parties, and each traditional party split into two organisationally and programmatically independent Flemish and French-speaking branches (respectively in 1968, 1972 and 1978). These parties split up because increasing internal divisions between Flemings and Francophones forced them to reach internal compromises with regard to regional and linguistic issues that no longer satisfied their respective regional electorates, as the ethnoregionalist parties offered more attractive, regionally tailored programmes. Finally, at the end of the 1970s emerged the Flemish separatist and xenophobe *Vlaams Blok* and the Green parties (*Agalev* in Flanders and *Ecolo* in the Francophone areas)

Table 1: General Elections 1946-2010. Results in % of valid votes for Belgian House of Representatives

Year	PSC/CVP		PSB/BSP		PL/LP		FDF	RW	PCB	VU	AGALEV	ECOLO	VB	UDRT	FN	ROSSEM DEDECKER	Volatility
	CVP	PSC	SP	PS	VLD	PRL											
1946	42,5		31,6		8,9				12,3								
1949	43,6		29,8		15,3				7,5	2,1							8,10
1950	47,7		34,5		11,2				4,8								8,85
1954	41,1		37,3		12,1				3,6	2,2							6,85
1958	46,5		35,8		11				1,9	2							4,95
1961	41,5		36,7		12,3				3,1	3,5							4,95
1965	34,5		28,3		21,6		2,2		4,6	6,7							15,80
1968	22,3	9,4	28		20,9		5,9		3,3	9,8							5,95
1971	21,9	8,2	27,2		9,5	7,2	11,4		3	11,1							6,85
1974	23,3	9,1	26,7		10,4	6	10,9		3,2	10,2							3,25
1977	26,2	9,8	27		8,5	7,8	7,1		2,1	10							6,35
1978	26,1	10,1	12,4	13	10,4	6	7,3		3,3	7		1,4	0,9				6,20
1981	19,3	7,1	12,4	12,7	12,9	8,6	4,2		2,3	9,8	2,3	2,2	1,1	2,7			14,35
1985	21,3	8	14,6	13,8	10,7	10,2	1,2		1,2	7,9	3,7	2,5	1,4	1,2			9,75
1987	19,5	8	14,9	15,7	11,5	9,4	1,2		0,8	8	4,5	2,6	1,9	0,1			4,30
1991	16,8	7,7	12	13,5	12	8,1	1,1		0,1	5,9	4,9	5,1	6,6		1	3,2	12,35
1995	17,2	7,7	12,6	11,9	13,1	10,3				4,7	4,4	4	7,8		2,3		6,70

1999	14,1	5,9	9,5	10,2	14,3	10,1				5,6	7	7,4	9,9		1,5		10,90
2003	13,3	5,5	14,9	13	15,4	11,4				3,1	2,5	3,1	11,6		2,0		12,67
2007	18,5*	6,1	10,3	10,7	11,8	12,5					4,0	5,1	12,0		2,0	4,0	11,1
2010	10,9	5,5	9,2	13,9	8,6	9,3				17,4	4,4	4,8	7,8		0,5	2,3	14,1

Thus, since 1978 (when the last traditional party split) one can no longer strictly speak of a single party system at the Belgian level. By now, there were two distinct party systems, a Flemish and a Francophone one. In the Flemish constituencies, only Flemish parties compete for votes, and as a rule they do not present any lists in the Walloon constituencies (and vice versa). Only in the large Brussels-Halle-Vilvoorde constituency, where these two party systems overlap, do Flemish as well as Francophone parties compete, at least potentially, for the same set of voters. These two party systems differ in terms of the type of party families that are relevant, their electoral evolution and to some extent their cleavage structure.⁸

The bifurcation into two quasi-autonomous regional party systems also fuelled the centrifugal tendencies in party competition. In Sartorian terms, the current Belgian situation clearly represents a case of extreme multipartism⁹, with polarised centrifugal competition on the predominant (linguistic) cleavage between practically all the Flemish parties that are situated at the pole of defence of Flemish interests, against practically all the Francophone parties situated at the pole of the defence of Francophone or Walloon interests. Only the Flemish and Francophone Green parties have remained relatively close to the centre, as they have kept a unitary parliamentary group in the federal parliament and have generally aimed at developing a common programme on linguistic and regional problems.

The growing fragmentation cum polarisation of the party system certainly hindered the formation of governments, and for a while led to extreme government instability (in the 1977-1981 period, there were nine governments!).

⁸ Lieven De Winter, Marc Swyngedouw and Patrick Dumont, "Party System(s) and electoral behaviour in Belgium: from stability to Balkanisation", in Marleen Brans, Lieven De Winter and Wilfried Swenden (eds.), *The Politics of Belgium* (London: Routledge, 2009), pp. 71-94.

⁹ Giovanni Sartori, *Parties and Party Systems* (Cambridge: Cambridge University Press, 1976); see Lieven De Winter, "Multi-level party competition and coordination in Belgium", in Charley Jeffery and Dan Hough (eds.), *Devolution and electoral politics* (Manchester: Manchester University Press, 2006), pp. 76-95.

Towards a New Accommodation

The demand for distinct types of self-government voiced by regionalist parties and the now autonomous branches of the three former state-wide parties were accommodated by the gradual introduction of a complex type of federal state, through a series of constitutional reforms starting in 1970. The complexity of the new institutional system is a direct consequence of the compromise made between two separate but complementary concepts. The Flemish nationalists defended the idea of a federal structure with two components – Flemish and Walloon – based on the existence of two distinct cultures, or presumably even nations. The Walloon movement in favour of autonomy supported the idea of delegating economic policy to three regions (Flanders, Wallonia, and Brussels) which would then control better their own economic development.

These two trajectories towards two types of self-government led to several major constitutional revisions (in 1971, 1980, 1988, 1993 and 2001). The first three reforms had the effect of deepening the level of regional and communal autonomy. The 1971 reform created three community assemblies in charge of cultural affairs, composed of federal representatives and senators of different language groups. It envisaged the creation of three regional assemblies (created provisionally in 1974). Within the federal government, each region and community had its minister(s) in charge of these competences.

The 1980 reform further clarified the distribution of competences and the manner in which they were financed, and installed separate executives for the regions and communities, not anymore embedded into the national government. The 1988 reforms dramatically expanded the competences and financing of the substate level (from about 10% to 30% of public expenditures), including the huge sector of education and the remaining parts of economic policy.

Finally, the 1993 constitutional revision institutionally consolidated the transformation of Belgium into a federal country based on three partially overlapping linguistic communities (Flemish, French and German, the last a tiny

minority¹⁰) and three socio-economic regions (Flanders, Brussels and Wallonia), with directly elected assemblies. However, in spite of its “double” form (three regions and three communities), the asymmetry of Belgian federalism was increased by the merger, from the start, of the Flemish community and Flemish region. More recently the Walloon region and the Francophone community have pooled some competencies, while there has also been a gradual transfer of specific Walloon regional competencies to the German-speaking community. In addition, since 2007 there has been some institutional fusion between the Walloon Region and the Frenchspeaking Community.¹¹

Federalisation created entirely new political systems at the level of the regions and communities, each of which has its own directly elected legislature, an executive headed by a minister-president and a civil service. After the 1993 reforms, regional competencies included urban planning, environment, local government, housing, as well as parts of the following sectors: agriculture, economy, energy, employment, public works, transportation, science and research, and even international relations. The communities’ competencies include nearly all educational matters, culture, parts of health policy and assistance to families, the disabled, elderly, youth, and other groups. In the most recent reform, in 2001, agriculture, developmental aid and sub-regional government (i.e. *tutelle* over communes & provinces) were added. In total the

¹⁰ After the First World War, a small territory with a German speaking population was added. This community now counts about 70,000 German-speakers, less than 1% of the Belgian population.

¹¹ Within the francophone parties, there is some tension between those that want to reinforce the power of the Walloon and Brussels region at the expense of the Francophone community, while others want to empower more the Francophone community, stressing the need of solidarity between the Brussels and Walloon francophones. But recent developments indicate that the regionalists are winning from the “communautaristes”. Since 2004, some Walloon regional ministers also hold portfolios in the French Community government (budget, education and research, foreign relations). This merger of ministerial portfolios was further enhanced after the 2009 regional elections: the Walloon minister-president now also heads the French community executive, while the two vice-PMs of the Walloon region are also vice-PM in the Community Government. In addition, several other Walloon regional ministers are now also in charge of important Community portfolios.

regions and communities control more than one third of overall public spending.¹²

Hence, with the creation of this *sui generis* form of federalism, the self-government movements in the three regions managed to transform a basic zero-sum gain into a win-win solution, a fine example of consociational arrangements previously applied with success to other major crises in Belgian politics. Other consociational rules, like government by mutual consent and veto right for minorities, were enhanced.¹³

Thus, since 1970, no Flemish demand for further autonomy can be granted unless a majority of the Francophones agrees. But other “minorities” have also been given special protection: the Flemish in the Brussels region (at the regional level, and in each of the 19 Brussels communes), the Francophones in Flemish “*facilités*” communes in the Brussels periphery (see below); and the German-speaking minority in Belgium.

¹² By 2001, regional competences include urban planning, environment, agriculture, local government, housing, developmental aid, and parts of public transportation, employment, trade, and economy. The communities' competences include nearly all education matters, culture, parts of health policy, and assistance to families, the disabled, elderly, youth, and so on. After the 1970 reform, the transfers to the community/regional entities represented 9 percent of the public expenditures. It jumped to 34 percent with the 1989 reforms, grew to 37 percent with the 1993 reforms, and finally reached 39 percent with the 2001 reforms (*vis-à-vis* 38% for the federal level and 22% to local government, excluding the social security budget). The current government agreement drastically deepens devolution of policy competence basically regarding social security policy sectors mentioned above

¹³ The 1970 constitutional revision neutralised the Flemish parliamentary majority by giving veto powers to the Francophone minority. First, the cabinet (excluding the prime minister and junior ministers) has to include as many Francophones as Dutch-speaking members. Second, linguistic groups have power to delay or block legislation threatening their interests through the use of an “alarm-bell” procedure. Third, in order to protect the rights of regional and linguistic minorities, some bills have to be approved by qualified majorities: overall support by a two-thirds majority of the valid votes, and a majority of valid votes within each linguistic group in each chamber. Since 1831, constitutional amendments have also required approval by a two-thirds majority of valid votes in each chamber.

THE PERIOD OF “ENHANCED FEDERALISM” (1995 → 2014)

Redefining the Conflict

In spite of this successful exercise in the “politics of accommodation”¹⁴ – the transformation of a unitary state into a fully fledged federal state in less than three decades – community conflicts did not disappear from the political agenda, even when the main ethnoregionalist parties have declined since the late 1980s (until the resurgence of the N-VA since 2007).

There are several reasons for this absence of pacification. First, federalisation did not solve all issues that fed into the community conflict, and once the main issues of federal institutional reform were solved, these relatively minor issues gained in importance. Amongst these “unfinished businesses”, linguistic issues regarding the Brussels region and its periphery are prominent. Yet from the mid-1990s, socio-economic issues have dominated the agenda. While nobody doubts that Belgium is by now a fully fledged federal state, there is no full elite or public consensus about the most appropriate balance in the division of labour between the federal, regional and, indeed, European levels.

The remaining linguistic problems are essentially due to a “mismatch” between the language regimes installed in certain communes, and the actual language use of the local population. The most important linguistic problem from a demographic perspective currently concerns the Francophones living in the Brussels periphery – on “Flemish soil”. Large numbers of Francophone (as well as Flemish) Bruxellois and EU-expats have left the capital to live in the greener Flemish countryside around Brussels. This suburbanisation process started long before the linguistic arrangements of 1963, which acknowledged this situation by granting the Francophones special minority rights (*facilités*, facilities) in six Flemish communes in the Brussels periphery. There, Francophone citizens may communicate with the communal administration in French, an exception to the rule that in Flanders the official administrative language is Dutch only.

¹⁴ Arend Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (Berkeley: University of California Press, 1968).

By now, in all six communes, the Francophones constitute a majority of inhabitants (ranging from 50% to 80%). Hence, Francophone politicians run the local council and executive. Formally they are obliged to conduct business in Dutch, and certainly they would prefer their commune to be given bilingual status (as in the 19 Brussels Capital Region communes). However, all Flemish parties, ethno-regionalist movements and wider Flemish public opinion are unanimously and vehemently opposed to this threat to the “unity and monolingual character of the Flemish territory”. The experience of the “loss” of Brussels to the Francophones, a city that still in the nineteenth century was predominantly Flemish, pushes all Flemish parties to call an unconditional halt to further linguistic assimilation of the Brussels periphery. In fact, most Flemish parties try pro-actively to hold back this process, by interpreting the use of *facilités* restrictively as well as by positively discriminating in favour of the Flemish, for instance in terms of access to housing and hindering the build up of infrastructure for organising French cultural events.

Assimilation to French is also substantial in many other Flemish communes in the Brussels periphery, where French speakers do not enjoy any linguistic facilities. Estimates are that by now well over 100,000 Francophones live in the Flemish periphery around the capital. Most Francophone local civil society organisations and parties call for changing the official monolingual status of these communes to a regime that would recognise the bilingual sociological reality, for instance by granting language facilities to these communes, or more radically by extending the regional territory of Brussels and its bilingual language regime. Belgian members of the Council of Europe have called several times for a report (1998, 2001, 2005, 2009) on potential discrimination against linguistic minorities in Belgium and the violation of the charter of local autonomy, reports that generally tend to support the Francophone theses regarding the unfair treatment of the Francophone “minority” in the Brussels periphery.

Linked to these linguistic problems in the periphery is the issue of “BHV” – the proposed division of the electoral constituency of Brussels-Halle-Vilvoorde. The

issue is highly symbolic but technically too complex to present in this article.¹⁵ It is more important symbolically than in substance: it is by no means clear that concession of the Flemish demand for partition of BHV would in practice result in any significant change in parliamentary seats between Flemish and Francophone parties.

While these linguistic issues remain salient and difficult to resolve due to their zero-sum nature, socio-economic issues have increasingly become predominant. The large economic North-South differences have triggered huge financial transfers from Flanders to Brussels and Wallonia through the redistributive mechanism of the social security system (still a federal competence), of federal block grants to regions and communities, and general federal policies. While these solidarity transfers are based on objective differences (for instance, the higher degree of unemployment and professional health hazards, or the number of students), many Flemish parties and media would like to reduce them. They are not considered as a normal consequence of interpersonal solidarity, but attributed to Walloon abuses of the social security system. Populist interpretations of “lazy Walloons living on the rents of hardworking Flemish”, and of an inefficient, clientelist, and even corrupt Walloon and Brussels public management, are widely voiced by Flemish parties and media.

Mainstreaming and institutionalising ethnic entrepreneurship

Compared to the first phase, the main actors in the Belgian community conflict have gradually changed. First, the capacity of the Flemish movement to mobilise hundreds of thousands of demonstrators to endorse its demands has vanished (the last mass mobilisation was in 1978). The regionalist parties have also lost appeal since the mid-1980s. The *Rassemblement Wallon* had lost its last MPs by 1985 (many joined the francophone Liberals or the Socialists), while the FDF managed to keep a few seats by forming a federation with the Francophone Liberals since 1993 until their break up in septembre 2011, a

¹⁵ See Lieven De Winter and Pierre Baudewyns, “Belgium: Towards the Breakdown of a Nation-State in the Heart of Europe?”, in *Pathways from Ethnic Conflict. Institutional Redesign in Divided Societies*, ed. John Coakley (London: Routledge, 2010), 280-304.

consequence of the Francophone liberals subscribing to the Di Rupo proto-agreement on state reform..

Although the VU lost about two-thirds of its 1981 voters over the next 20 years, this decline led – contrary to the shrinking of the Francophone party system – to extreme fragmentation. First there was the breakthrough of the separatist *Vlaams Blok*, a splinter from the VU dating from 1978. This has boomed since the early 1990s, mainly through anti-immigrant and anti-establishment stands. The VU's struggle for survival in the 1990s (including the search for collaboration with a large Flemish party) radicalised the traditional Flemish parties, whose electoral scores tended to converge in the 20-25% range. With the VU's 10% of the votes potentially “up for grabs” and given a general trend of growing volatility (see table 1), whichever party would manage to get the biggest slice of the VU electorate could claim political leadership in the Flemish political system, and thus also at the federal level. Thus political competition focused on seducing the drifting VU voters, by offering a credible Flemish nationalist programme.¹⁶

In 2001, the VU split into the “post-nationalist” left-liberal *SPIRIT* (which formed an electoral cartel with the Flemish Socialists in 2003), while the traditional supporters of independence formed the *Nieuw-Vlaamse Alliantie* (N-VA), which eventually entered an electoral cartel with the Flemish Christian Democrats in 2004.¹⁷ Hence, by 2004, the regional branches of the mainstream Flemish parties had become the main protagonists in the post-federalisation phase, each party counting a considerable number of former VU Flemish-nationalists in its ranks, and these further radicalised the respective parties' positions on the community question.

¹⁶ This new focus of the traditional parties on competition with the Volksunie occurred also at the level of political personnel. Already in the 1990s, several leading VU MPs had joined other parties, mainly the liberals.

¹⁷ Both cartels were triggered by the implementation of a provincial threshold of 5% in 2001 for regional and federal elections.

Also, ethnic entrepreneurship has shifted towards institutional actors. The creation of directly elected regional parliaments (since 1995), and democratically legitimized regional governments, created a new class of Flemish political entrepreneurs who exploited their institutional position as members of the Flemish executive or parliament to push the “Flemish agenda” further. In 1999 the Flemish parliament voted quasi-unanimously five radical resolutions that have remained up until now the “yardstick” of Flemish demands (some have been already implemented by the 2001 constitutional reform). The most contentious resolutions call for the current “3+3” federal state structure (Flanders, Wallonia and Brussels as regions; Dutch, French and German speakers as linguistic communities) to be transformed into a “2+2” formula, with two strong *deelstaten* or substate entities (Flanders and Wallonia) responsible for the management of the Belgian state and of “second order” regions (Brussels and the German-speaking community respectively). Second, it calls for fiscal and financial autonomy, the exclusive attribution of residuary competencies to the regions. In terms of competences, it calls for full transfer from the centre of health and family policy, science and technology, rail infrastructure, communication, agriculture and fisheries, foreign trade, developmental aid and parts of labour market policy. But the main calls for larger Flemish autonomy are voiced by the Flemish executive, and especially by the various Flemish Christian Democratic minister-presidents.

While the resolutions were mainly legitimated by references to the principles of subsidiarity, good governance, fiscal accountability, efficiency (with demands for more coherent policy packages tailored to diverging regional needs) and the Flemish “general interest”, the Francophones perceived them as a road map to full Flemish independence and that they resonates alarmingly with the more primitive calls of the racist *Vlaams Blok* (VB), a party that does not hide its clear separatist goals, *Eigen volk eerst* (Our own people first). Hence, the VB’s growing success (until 2006) serves as a democratic legitimation (and a kind of alibi) for Francophone resistance to what they perceive as “VB-driven” Flemish demands – though the Flemish consider these as democratically fully legitimate.

Finally, these institutionally based calls for more autonomy have been reinforced recently by the decoupling of federal and regional elections and the

occurrence of asymmetrical majorities. Until 2003, the seat distributions within the national and regional parliaments within each region tended to coincide. Up to 1995, the regional and community parliaments were composed of national MPs, while the first two direct elections of the regional parliaments were organised on the same day as the federal elections (1995 and 1999). Hence, symmetrical coalitions were formed at the federal and regional level (with the exception of the Brussels region). However, the 2004 regional elections, which for the first time did not coincide with federal elections, were won by the Flemish Christian Democrats, a party in opposition at the federal level since 1999. The Christian Democrat minister-president used this legitimate power base to vehemently attack the federal Liberal-Socialist government, reproaching its neglect of Flemish interests and lack of good governance. The federal prime minister, preoccupied with keeping his “unnatural” coalition of (Flemish and Francophone) Liberals and Socialists together, tried as much as possible to downplay community conflicts. Hence, asymmetrical coalitions between the federal and regional level tend to enhance competition between government levels and between parties, especially on community issues.

In addition the desynchronisation of regional and federal elections led to a large degree of fusion (and for the voters’ “con-fusion”) between both types of elections. Often party manifestos for the federal elections contain policy proposals that concern regional/community competences and vice versa. As the voters are little aware of the division of competencies between levels, parties tend to formulate programs “fitting all levels”. Also, regarding candidates most parties use an “all hands on deck” strategy, with most regional and federal MPs and ministers participating in both elections in order to maximise their party’s score, but that have no intention to hop level.¹⁸

By now most parties have learned that asymmetry renders coordination between and within parties very difficult, leading to numerous interlevel conflicts and blockage of decision-making at both levels. Therefore, there is a growing

¹⁸ At the June 2010 general elections, three quarters of the members of the Flemish Parliament were candidate for the federal elections!

consensus that regional and federal elections should be synchronised again, in order to produce again symmetrical governments (see below).

Thus, the completion of a federal state in 1993 did not lead to accommodation at the elite level, rather the contrary. At the level of the citizens, however, we do find significant indications of diminishing saliency of community issues. First, all longitudinal surveys indicate that since the early 1990s, community issues are very low in salience vis-à-vis mainstream issues such as unemployment, security and migration. Neither do Flemish citizens seem to follow the radicalisation pattern found amongst elites. While in the late 1970s Flemish citizens identified more with the Flemish community than with Belgium, from the late 1980s this situation was reversed, and by now about twice as many Flemish identify with Belgium than with Flanders. The so-called “Moreno question” shows a “normal” and stable distribution around the centre position “I feel as much Flemish as Belgian”, with systematically less than 10% opting for the position “I feel Flemish only”. As regards constitutional options, a majority still opts for more power to the Belgian level rather than for more power to the regions. Finally, when asked to choose between the regional, national and European level as the most appropriate decision making level to solve problems in a variety of policy sectors, the regional level is always overshadowed by the Belgian (or European) level.¹⁹ However, Flemish MPs clearly prefer the region over Belgium in all policy sectors (apart from issues of crime control). Hence, at the Flemish level there seems to be a serious gap between elite and mass opinion, while on the Francophone side there is a strong mass identification with Belgium, shared by the elites.

Thus, the “divorce des Belges” is mainly situated at the elite level, rather than at the mass level, in spite of the existence of two distinct “public spheres”. In fact, Belgium has two media landscapes segregated by language, with very little

¹⁹ André-Paul Frogner and Lieven De Winter, “Les Belges et le Fédéralisme. Les leçons des enquêtes de 1970 à 2007”, in Régis Dandoy, Geoffroy Matagne, Caroline Van Wynsberghe, *Le fédéralisme belge* (Bruxelles: Academia Bruylant, 2012, forthcoming).

interaction between them.²⁰ Since the media only cater for the information needs of their own community, they have no interest in paying much attention to presenting an objective picture of what happens in the other community. In addition, the Flemish media always consider themselves as watchdogs of the “Flemish cause”, and tend to focus on news that seems to confirm the large north-south differences, whether in cultural, economic, political, societal values, or lifestyle matters. The European Values Studies and European Social Surveys, however, systematically indicate that while value differences between Flemish and Walloons do exist, they tend to be smaller than those between Flemish and Dutch, or between Walloons and French.²¹

The 2011 arrangement

Until the completion of a federal state in 1993, the institutional structure of Belgium has changed little, apart from a minor expansion of regional competences during the last state reform of 2001. This relative institutional inertia created a huge potential for a major (and perhaps lethal) community conflict between Flemish demands for a “huge” state reform, and Francophone preferences for the institutional status quo.

Traditional consociational strategies had lost a good part of their traditional bridge building potential, for a variety of reasons. First, intercommunity pacification in Belgium was often achieved by turning conflicts into a win-win situation which usually included granting large subsidies to the conflicting camps. However, since the budgetary crisis of the 1990s (with a record public debt of 139% of the GNP in 1993), there have been few financial resources left to distribute. The recent financial and banking crisis of 2008 (Fortis) and 2011 (Dexia) further diminished the budgetary possibilities of buying off conflicting communities.

²⁰ For instance, during the campaign for federal elections, no debates are organised between Flemish and Francophone politicians. French newspapers are hardly read in the Flemish side of the country and vice versa. The same applies to radio and television news.

²¹ Jaak Billiet, Bart Maddens and André-Paul Frogner, “Does Belgium (still) Exist? Differences in Political Culture between Flemings and Walloons, in Marleen Brans, Lieven De Winter and Wilfried Swenden (eds.), *The Politics of Belgium* (London, Routledge, 2009), pp. 50-70.

Second, there is the breakdown of communication between political elites from different sides of the conflict, especially between Flemish and Francophone Christian Democrats, the backbone of most post-war federal governments. However, socio-economic elites tend to remain on better speaking terms (the trade unions and mutual health associations, the backbones of the Socialist and Christian Democratic pillars, are still organised in a national, though federalised, structure) and call for moderation of Flemish demands.²²

Third, due to the contest for political leadership in Flanders between the three traditional parties, there is considerable irresponsible outbidding in respect of Flemish demands, which could never be realised through normal interparty bargaining with the Francophones, who defend the status quo. This outbidding has increased since the spectacular electoral rise of the N-VA (see table 1 and figure 2²³), turning it into the first Flemish party at the federal 2010 elections (with 27 seats, against 8 in 2007 and only one in 2003!), turning all other former “state building” parties into junior partners (17 Christian-democrats, 13 liberals, 13 socialists) (see figure 4).²⁴

²² Lieven De Winter and Carolyne Van Wynsberghe, “Political Parties and Civil Society in the Belgian Federation”, in Wolfgang Rensch and Klaus Detterbeck, *Political Parties and Civil Society in Federal Countries*, Ottawa: Forum of Federations, 2012, (forthcoming).

²³ The score of the CD&V and the N-VA, in cartel at the 2007 federal elections, was calculated on the basis of a question in the post-electoral survey, showing a 4 to 1 ratio (Swyngedouw, M. Frogner, A-P, Abts, K, Baudewyns, P, Rink, N.(2008). *2007 General Election Study Belgium. Codebook: Questions and Frequency tables*, Leuven / Louvain-la-Neuve, ISPO-KU Leuven / PIOP UCL, 2008). At the 2009 Flemish regional elections, the N-VA scored 13.1%.

²⁴ *Vlaams Belang* 12 seats, *Groen!* 5.

Figure 2: Electoral evolution in Flanders at the federal elections (1946-2010)

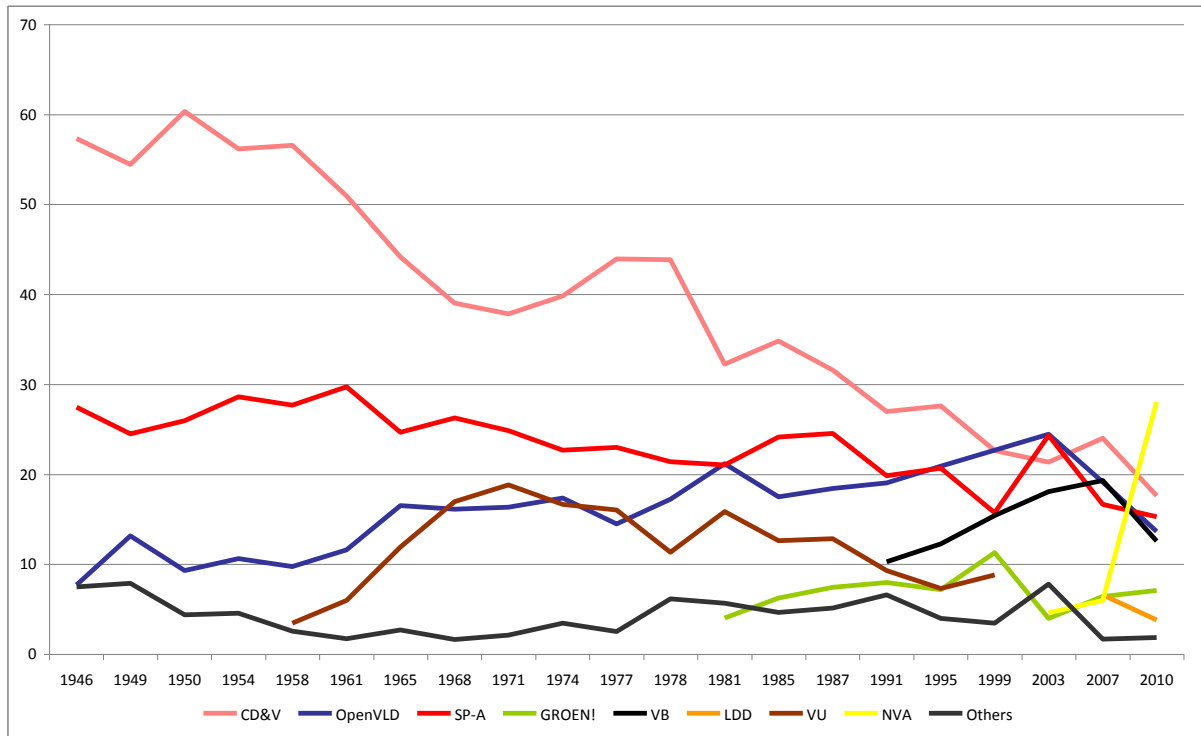


Figure 3: Electoral evolution in Wallonia at the federal elections (1978-2010)

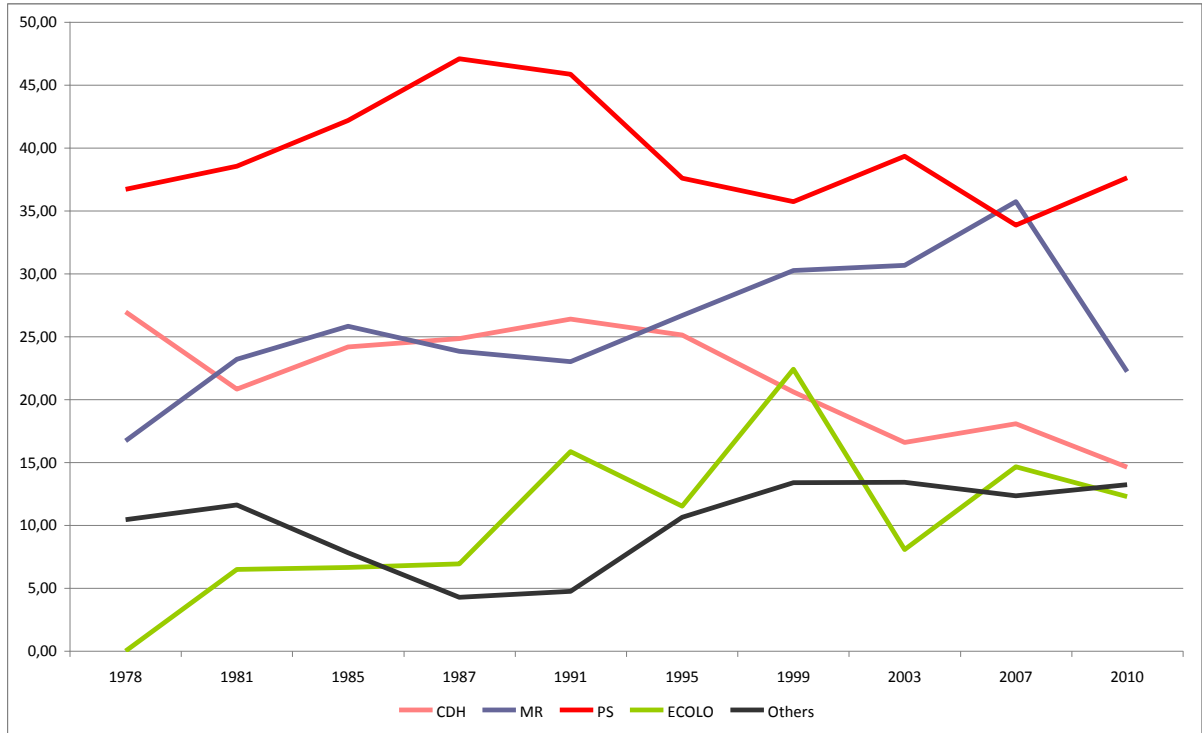
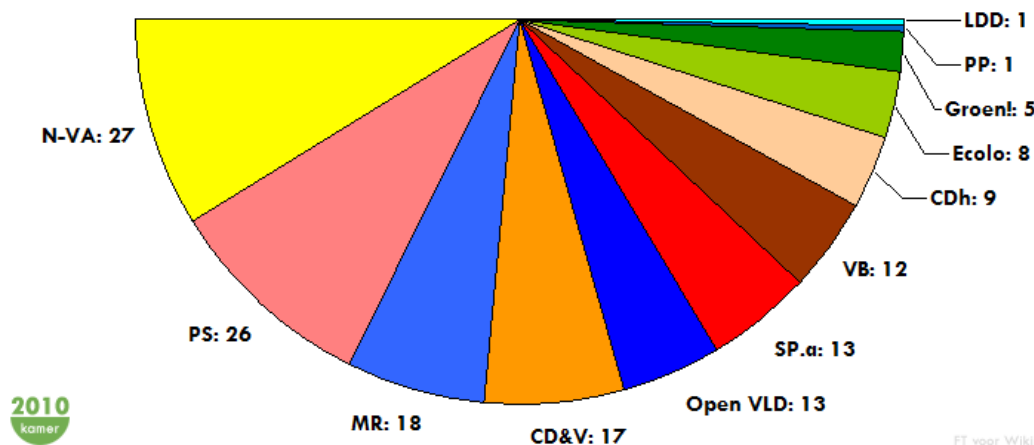


Figure 4: Party composition in the Belgian House of Representatives after the 2010 federal elections



The results of the June 2010 elections produces several teachings: the overwhelming success of the N-VA signalled that the francophone parties had to agree to search for a major state reform. Still, the winner of the 2010 elections in the francophone party subsystem was the *Parti Socialiste*, traditionally the most fervent defender of Walloon interests (figure 3), with 26 seats.

Hence, even when the outcome of government formation in Belgium in terms of party composition is generally quite unresponsive to the electoral gains and losses of parties (De Winter & Dumont, 1999²⁵), it was clear that the main initiators of the first phase of government formation would have to be the strongest Flemish and Francophone party. Although they lead the dance, together they only controlled 53 seats (out of 150) while state reforms require a two-third majority. So the two party leaders had to solve two major questions: how comprehensive should the state reform be -- taken into account the opposite positions of Flemish and francophone parties-- , and second, with which coalition partners could this state reform be possibly achieved? The N-VA faced an tactical *embarras de choix* challenge, i.e. that of two opposite but equally winning strategies. Either it would manage by tedious negotiations to arrive at a major breakthrough of the federal status quo, it's core business, even when this would entail some compromises with the Francophones. Or, it could play the formation game for some time, securing that the N-VA's concessions to the francophones would be covered by the other Flemish parties to be invited to the formation talks; and then, after some months, blow up the negotiations on grounds that the francophones were still not lenient enough, while the other Flemish parties would have appeared eager to make a deal with the francophones, mainly for office rewards. Both strategies seemed to be winning. Given the fact that after an eventual state reform agreement, the parties involved in the formation would also have to agree on a major budgetary austerity plan, the N-VA wanted to include the Flemish Christian democrats and right-wing liberals in order to pursue a more liberal socio-economic policy, while

²⁵ P. DUMONT, L. DE WINTER, "La formation et le maintien des gouvernements belges (1946-1999)", *Courrier Hebdomadaire du CRISP*, N° 1664, 1999.

the PS preferred the Francophone Christian democrats and Greens, for the opposite reason.

In comparison to the previous difficult puzzles of government formation (Andeweg, Dumont & De Winter, 2011), this one broke all records of complexity. Never was the policy distance regarding state reform between francophone and Flemish parties larger. The necessity for major budgetary cuts added another huge policy sector on which to find a compromise, although policy divisions were more traditional and thus more manageable “left-right” type of issues. At least eight parties had to be included in order to control a two-third majority needed for a state reform. Apart from the “can not loose” situation of the N-VA, amongst the potential coalition partners it had the least experience with governing and government formation, had less information on the technicalities of many dossiers, and thus was suspicious of the technical and implementational pitfalls into which the other parties could lure them.²⁶ It did not have at its disposal a large and **experience** party research centre, flanked by party allied civil servants and academics. Finally, this “can not loose” situation of the N-VA was enforced by the fact that the N-VA, contrary to the traditional parties, is not an office-seeking party in the pure sense (Müller & Strom 1999)²⁷. It does not have to serve a large following looking for promotion into the public service or executive offices. Government participation is only considered legitimate when clear policy (and eventually electoral) gains are to be expected.

This extreme complex puzzle explains the record duration of the formation, the shifts in parties taking the leadership of those being invited around the formation table, the shifting agenda of state reform sectors to be dealt with, the numerous

²⁶ A strategy that worked well before with the RW, VU & FDF; (De Winter L. (2006) “In Memoriam: The Volksunie 1954-2001. Death by overdose of success” in L. De Winter, M. Gomez & P. Lynch (eds.) *Autonomist parties in Europe: identity politics and the revival of the territorial cleavage*, Barcelona: ICPS, Vol. II., 11-46). Note also that all Flemish party leaders participating in the negotiations were in their thirties or early forties, while most francophone leaders were in their fifties, with a long career as party leader or vice-PM behind them. They certainly had more experience in government formation as their junior Flemish partners.

²⁷ Müller, W.C., Strøm, K. (eds) (1999) *Policy, Office, Or Votes? How Political Parties in Western Europe Make Hard Decisions*, Cambridge, Cambridge University Press

attempts of informateurs, various types of royal negotiators (usually “elderly statesmen”) to deblock the numerous deadlocks.

The Flemish traditional parties, given their historical electoral defeat in 2010, followed for more than one year the tactical guideline that they would join a government unless it would include the N-VA. Finally they gave up this strategy as they perceived that the N-VA was not willing to conclude a compromise (opting therefore the its “win strategy”), while at the same time the francophone parties seemed to be willing to make the largest concessions to the Flemish demands they ever made. In fact, after more than one year, formateur Elio Di Rupo managed to conclude an eight party agreement on constitutional reform amongst Flemish and francophone socialists, liberals, Christian-democrats and ecologists. Once this “mega issue” was on the negotiation table, the second huge mega issue had to be solved, i.e. socio-economic budgetary reform (i.e. an austerity plan of 16.9 billion euro for which only a simple majority is needed). In the end, an agreement was reached amongst the three traditional party families, excluding the greens that were so generous to continue their support for the constitutional reform package while rejecting the tripartite proto-coalition’s socio-economic and budgetary reforms which they considered too liberal.

Eventually, after 541 days a new government was installed, chaired by the socialist PM Elio Di Rupo, president of the largest francophone party. Its government agreement counted 180 pages (or 53236 words), breaking the previous European record held by the 1988 Martens VIII government (43550 words, Müller & Strom, 2000:576)²⁸.

This comprehensive and detailed agreement, that will steer government action until the federal and regional elections of 2014, and maybe beyond (as many agreements envisage objectives to be reached beyond 2014) includes the following main elements.

²⁸ W. Müller & K. Strom, “Conclusion” in K. Strom, W. Müller (eds.), *Coalition Government in Western Europe*, Oxford, Oxford University Press, 2000, 559-592

1) The splitting of the Brussels- Halle-Vilvoorde electoral constituency into a Brussels and Halle-Vilvoorde constituency. This highly symbolic matter divided Flemish and Francophones since 40 years. It was split in a relatively simple, “clean way”, with clearly less complicated compromises, concessions and exceptions than the previous attempts at compromise made in 2005, 2007 and 2009, basically with the francophones given into Flemish demands in exchange of a refinancing of the Brussels region, and some guarantees regarding the francophones in the six *facilités* communes in the Flemish periphery around Brussels. Linked to this dossier, but less symbolically loaded, was the splitting of the Brussels- Halle-Vilvoorde judicial arrondissement. Both solutions represent a clear victory of the Flemish parties, that obtained more than what the francophones were willing to yield in the 2005, 2007 and 2010 failed negotiations.

2) A major transfer of competencies from the federal level to the regional/community level, especially in the field of labour market, health care and family policy. This increases the income from regions and communities from 42,7 to 59 billion euro. The latter policy transfer is part of the Social Security Budget, a separate sector government by the federal government, trade unions and employers organisations, and is considered as one of the pillars of the Belgian welfare-state, providing a comprehensive social security system with a budget of 75.5 M euro in 2010. Note that in 2010, the federal budget (excluding social security, transfers to subnational authorities and public debt repayments) represented only 29 M euro!

3) Fiscal autonomy, i.e. the taxes that regions can levy themselves, are more than doubled from 8.8 to 19.6 M euro.

4) Other reforms included the (conditional) resynchronisation of regional and federal elections (that will coincide from 2014 on with the European elections) and the prohibition for a candidate to run for several electoral levels at the same moment; the reform of the 71-member Senate (abolishing its current composition by direct elections cum cooptation by community senators),

into a upper house composed solely of 60 senators nominated by the regions/communities, further loosing competences vis-à-vis the House²⁹; a recalculation, i.e. reduction, of the donations to the royal family (another “Belgicist” pillar).

5) finally, the government agreement included measures for budgetary cuts of 16 M euro by 2014 to respect EU imposed norms, including the politically “delicate” pension reforms.

All in all, this overview suggests that the Flemish demands for a “great” state reform, asked since 1999, had largely been met. There are however a number of elements that constrain this “Copernican revolution”. In spite of the massive devolution of competences, in many instances setting of basic norms remains federal. In addition, several solidarity and transitory measures will not enhance Flanders’ control over its fiscal riches in this decade. The Brussels institutional complexity has not been reduced. “Responsabilisation” (in terms of bonus/malus dotations) of regions/communities financially rewarding the efficacy of their policy remains limited. Finally, one can loose in the decision-making phase, but win in the implementation phase. While the BHV solutions may become effective before the local elections of October 2012, and most other state reform measures voted before the 2014 regional and federal elections, the implementation of these measures will take a lot a time (involving transfer of administrations, setting up and coordinating of subfederal norms, etc.) and may take at least another legislative term (until June 2019), incur many transaction costs, and delaying manoeuvres from the (francophone) parties that will be part of the government succeeding Di Rupo I.

The pledges of the current government that all state reform constitutional and legal changes will be voted before the next federal elections of June 2014, can be expected to boost the scores of the Flemish parties in the Di Rupo I

²⁹ The current government agreement envisages the new senate to be composed by 50 indirectly elected senators (29 Flemish, 20 Francophones and one Germanspeaker) to be nominated by the regional parliaments, which will coopt another ten senators (six Flemish, four Francophones).

government, and undermine the expected further successes of the N-VA at those elections.

Yet, in spite of this great state reform being about to be realised, without the NV-A, this party has managed well to sell both of its strategies. When it was still involved in the negotiation, opinion polls gave it 35%, while once it opted for the second option it score soured up to 38.4%! (Le Soir, March 2012 poll, figure 5), further undermining mainly the scores of Flemish Liberals, Christian-democrats, and the Vlaams Belang.

Figure 5: Vote intentions in Flanders after the 2010 federal election

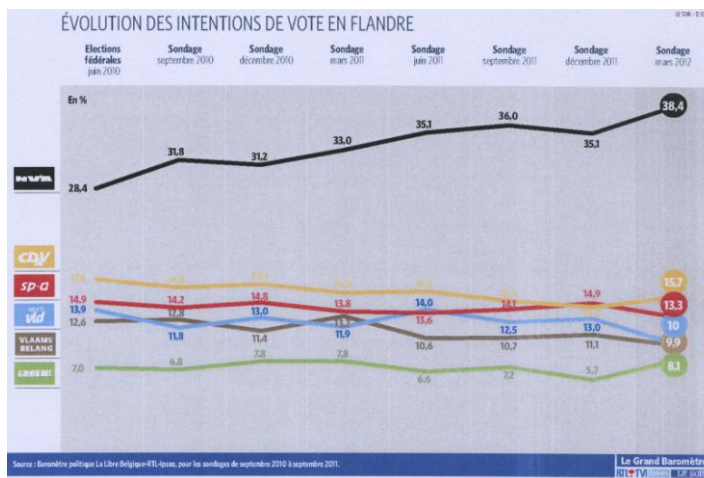


Figure 6: Vote intentions in Wallonia after the 2010 federal election

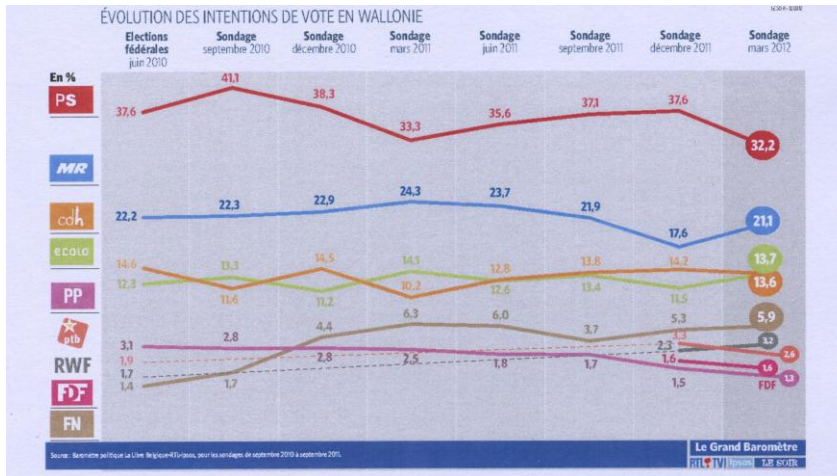
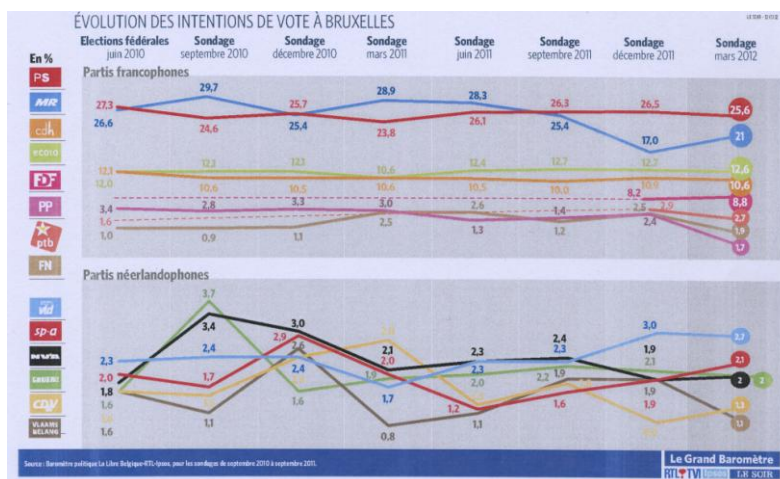


Figure 7: Vote intentions in Brussels after the 2010 federal election



OUTLOOK

The September 2012 local elections represent obviously a first “real-world” test for the spectacular progress of the N-VA predicted by the polls, feared by the present coalition parties, especially the Flemish ones.

However, while it seems clear that the N-VA will win, it will be difficult to seize the size of the victory, as at the previous local elections of 2006, the N-VA ran in most communes a cartel list with the Christian-democrats, a cartel that has broken up by now in most communes. Hence, lacking objective yardsticks for the N-VA progress, the subjective interpretation of the N-VA success and losses of the other Flemish parties, will determine whether the present coalition can go on and implement the government agreement. The government has been rushing through parliament the B-H-V reforms in order to give the Flemish coalition parties a trophy before the local elections on a very symbolic issue. The other state reform issues will obviously take more time, but the strategy of the current government is to implement these well before the 2014 June federal and regional elections. Still, the unavoidable defeat of the Flemish coalition parties at the 2012 communal elections may put such pressure on these parties that they may not want to implement the remainders of the current agreement, which is still a grand compromise between Flemish and Francophones, and thus can be easily denounced by the N-VA during the 2012 and 2014 election campaigns as a “high treason” to the “Flemish cause”.

Still one can expect that the Flemish coalition parties will bite through the bitter pill that is awaiting them at the 2012 local elections, as simply there is no alternative to form another government or to call early federal elections empty handed. Yet, getting under the 10% level may for any traditional party (and especially the liberals that still scored 24% in 2003), may cause a trauma leading to erratic vote-recovering behaviour. But also the Christian-democrats and socialists are at a historical low score (see table 1 and figure 2 and 5).

So even when the 2012 local elections are an important hurdle to take for the present government, the main challenge will be the results of the 2014 federal

and regional elections, and the strategies parties will pursue given these results.

One can envisage several scenarios:

- the N-VA obtains an absolute majority of seats in the Flemish parliament (and within the seats allotted the Flemish parties in the federal parliament): most other Flemish parties will yield leadership to the N-VA to negotiate a “final solution” with the francophones. With an absolute majority in the Flemish parliament, the N-VA can also pass a vote calling for confederalism, or even independence, and constitute a Flemish government to implement it. The francophone parties, that at the federal level will maintain their veto power whatever the result of the N-VA may turn out to be, will stick their heels in the ground and try to manage to get as much out of this *divorce des belges*, a divorce that probably will take years, and will turn into a loose-loose game for all. Not only due to the transaction costs involved in such a unilateral separation, but one can expect markets and leading EU-members to react negatively, because some have the same problems with their peripheries. Also the status of Brussels as European capital could depend on the outcome of the Belgian divorce.
- the N-VA obtains a much larger but still relative majority of seats in the Flemish parliament (and amongst the seats allotted the Flemish parties in the federal parliament, as it already did in 2010): most other Flemish parties will yield again leadership to the N-VA to negotiate a new deal with the francophones, towards disempowering even further the federal state, hence seeming to achieve its intermediary aim of confederalism.
- the N-VA does not make spectacular gains vis-à-vis its 2010 peak, while still maintaining a relative majority of seats in the Flemish parliament (and amongst the seats allotted the Flemish parties in the federal parliament): in this case it is likely that the current triparti coalition may continue, eventual enlarged with the greens parties, and complete and complement the 2011 government agreement towards further federalisation in other policy sectors during the 2014-2019 legislature..

TOWARDS CONFEDERALISM?

Some (usually Flemish) constitutional scholars and political scientists have argued that Belgium is moving towards a confederalist model, or at least displays some features or dynamics of this model. The Flemish Christian-democrats explicitly call for this model, while recently also the N-VA claims to aim for a confederal Belgium, although Flemish independence is still mentioned in the first article of the N-VA's basic charter.³⁰ Both parties use the concept of confederalism for tactical reasons. The Christian-democrats want to signal that they want to go beyond the federal model, by now also widely accepted even by francophone parties.³¹ The N-VA switched to the (intermediary) objective of confederalism³² after the 2010 electoral victory, in order not to scare off the large number of non-independist voters (in 2010 only 17% of the N-VA voters endorsed Flemish independence).³³

Certainly the Belgian federal "model" is highly complex, but to call it (moving to) a confederal model is clearly conceptually erroneous, a typical example of conceptual stretching (Sartori, 1970)³⁴ whatever standard definition of confederalism one uses. The current shape of the Belgian state, as well as its intended shape after the implementation of the 2011 government agreement, is not confederal. It is not based on a treaty between independent states to co-decide by consensus on a number of policies of common interest. The Belgian

³⁰ The Vlaams Belang is clearly separatist while the ailing Lijst De Decker embraced confederalism (De Winter, L., Gomez, M., Buelens, J., (2006) "The extreme-right Flemish-nationalist Vlaams Blok" in L. De Winter, M. Gomez & P. Lynch (eds.), *Autonomist parties in Europe: identity politics and the revival of the territorial cleavage*, Barcelona: ICPS. Vol. II., 47-78.

³¹ But even elderly leaders like Dehaene and Van Rompuy do not comprehend what their party means by this objective.

³² « In haar streven naar een beter bestuur en meer democratie, kiest de Nieuw-Vlaamse Alliantie logischerwijs voor een **onafhankelijk Vlaanderen, lidstaat van een democratisch Europa**". N-VA *Beginselverklaring*, 2001 (http://www.n-va.be/files/default/nva_images/documenten/beginselverklaring0.1.pdf)

³³ Swyngedouw, M., Abts, K., *De kiezers van de N-VA op 13 juni 2010. Structurele posities, attitudes, beleidskwesities en opvattingen. Analyse op basis van postelektorale verkiezingsonderzoek 2010*, K.U.Leuven, CESO/ISPO, 2011(13)

³⁴ Sartori Giovanni, "Concept Misformation in Comparative Politics", *American Political Science Review*, Vol. 64, No. 4, 1970, pp. 1033-1053

'model' is still federal, with an increasingly strong "bias" towards the constituents units (regions & communities).

Belgium is certainly not an "exemplary case" or "ideal type" of a federation, although in the previous decades some Belgian scholars and politicians have been promoting the Belgian model for multi-ethnic societies like Yugoslavia, Israel/Palestine, South-Africa, etc.

Deschouwer (2009) presents an exhaustive list of its peculiarities. It differs from textbook "come together" federations. It is a federation labelled "by default", *sui generis* or *à la carte*.³⁵ The current shape of Belgian federalism is the result of a long series of compromises between conflicting views about the territorial organisation of the state, intended to cool down community conflict, and not the result of a well designed beforehand road map to establish federalism.

Hence, as the result of compromises between contradicting views on the ideal final form of cohabitation between Flemish and Francophones Belgians (and crucial aspects like the boundaries and the competences of the substate entities), it is unfinished and still evolving, where nobody knows what will be the end point, given shifting institutional preferences of the main political parties. In fact, several Flemish parties (representing 45% at the 2010 federal elections) opt for simple independence.

Belgian federalism is bipolar, not multipolar, based on the basic opposition between Flemish and francophone views and interests. This opposition is reflected in the boundaries and competences of the substate entities, and on the dual form of party system, parliamentary groups, federal government, media, and different minority protection mechanisms. Hence, according to Deschouwer, the model follows more a confederal logic, based on an agreement between the two linguistic building blocks, rather than a multipolar federal one. The "model" is also "drifting apart" rather than "come together", as

³⁵ The founding father of Belgian federalism, PM Martens, always used the term « fédéralisme d'union »

all reforms empower the substate level and weaken the federal level. This polarised dynamics are due to the splitting of the party system into antagonistic Flemish and Francophone autonomous party systems.

The model is also a very fine example of a consociational arrangement of a segmented society, with power sharing at the federal level, and a variety of veto powers for the different substate entities. Its structure represents a unique “double” federation (regions as well as communities) and also “asymmetric” (as the three regions are not empowered in the same way, nor are the three communities). This turns the Belgian “model” into a highly complex example of federalism. It is also conceived as an application of dual (“layer cake”) federalism, with clear division of power between the central and substate entities, and few shared competencies. Still in some policy sectors, some subsectors are run by the federal, but another by the substate entity. Yet a clear definition of the federal powers is still lacking. In addition, in case of competence conflict between levels, there is no constitutional hierarchy between federal laws and regional/community decrees.

CONCLUSION

The Belgian ‘model’ is still federal, with an increasingly strong “bias” towards the constituents units (regions & communities).

Since the long government formation of 2007, and the even longer one of 2010, to many observers, this unique federal model has moved into a final stage of disintegration. The original community conflict on language issues has become predominantly one over socio-economic policy and autonomy, essentially opposing on the one hand the Francophones in Wallonia and Brussels unanimously defending the institutional status quo of the current federal state, and on the other hand most Flemish political elites calling for radical autonomy, and some even for independence. This in spite of the fact that the main socio-economic civil society organisations call for moderation, for a modernised federal state, first of all focusing on the economic and budgetary challenges.

Fear of further radicalization and support for independence in Flanders (as confirmed by the N-VA landslide in 2010) convinced the Francophones to accept Flemish demands for a “great” state reform, in exchange for a guarantee that in the short term, no region/community would suffer from these reforms, and a few measures that could improve the functioning of the federal state as well.

But will this “lighter but fitter Belgium” outcome satisfy Flemish elites in the near future? Is a win-win option financially still affordable, given the structural budgetary problems enhanced by the current economic and financial crisis? If the answer is no, the breakup option will gain further momentum in Flanders. In any case, in both camps various think-tanks prepare road maps in case such a breakdown becomes unavoidable.

Hence, it is quite hazardous to make predictions about the evolution of the community conflict in the near future. However, there are several factors that make such a final breakup solution unrealistic. First, there is the issue of Brussels, representing the economic and diplomatic crown jewels of the Kingdom of Belgium. An independent Flanders would certainly have to

surrender Brussels, given the large majority of Francophones living in that region (85% francophones -- at least -- vs. 15% Flemish). Second, there is the problem of the division of the enormous public debt, still around 100% of the GDP. Third, many large EU countries which themselves face independence movements are unlikely to support Flemish independence. Neither would the EU be enthusiastic about the breakup along ethnic lines of a state in the heart of Europe where slatin and Germanic European cultures meet. Fourth, the Flemish economy, which is highly export oriented, may suffer from the loss of the label “Made in Belgium”, as Flanders still lacks a strong brand name on international markets. Fifth, the high transaction costs incurred from transforming the existing state into a new Flemish state and the remaining “Wallo-Brux” part of the Belgian federation would be enormous, and would create a lose-lose situation for all. A state in flux may discourage foreign investors and undermine the countries credit ratings on financial markets. Note that most rating bureaus have downgraded Belgium from it traditional AA+ to AA to “AA with negative outlook” at the end of the formation process, which in fact urged the negotiating parties to conclude an agreement regarding the socio-economic reforms of the Di Rupo government to form. In addition to threat of negative market reaction in case of a fundamental and prolonged constitutional crisis, another “Sword of Damocles” is hanging above Belgium, i.e. the Dexia banking crisis. The federal government had to save in 2008 the BNP-Fortis bank, which costs 15M euro. Also the saving of Dexia,³⁶ since 2008 included the splitting into a “good bank” Belfius, and a “bad bank” Dexia. For the latter, the federal government gave guarantees of 45 M euro, increased on June 6 2012, to 55 M. This is about the double of the yearly federal government budget *in sensu strictu* (see above). In the worst case scenario, a total loss of the bad bank could cost each Belgian citizen up to 5000 euro.

Finally the international community will only allow the inheritor states of Belgium to rejoin international organisations vital for the survival of small countries (like the EU and NATO), if these inheritor states first manage to negotiate peacefully

³⁶ A merger of on the one hand the former *Crédit Communal* (i.e. bank of Belgian local and regional authorities) and ARCO (the holding of the Belgian Christian workers movement, the main sector of organised civil society), and on the other hand the French *Caisse des Dépôts*.

amongst themselves a detailed arrangement about the splitting of Belgium. Finding a compromise on an all encompassing set of contentious issues will even be more difficult to solve than the longlasting deadlock regarding the devolution of some competencies and petty symbolic issue of the splitting of “B-H-V” ...