

The New Challenges of Belgian Federalism: a Historical Approach

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I. Introduction

In October 2008, the historian and journalist Alexandre Adler wrote: “Like Helmut Kohl in 1990, Nicolas Sarkozy is very likely to govern a larger France, [...] that has indeed been deprived of its most Parisian elites but that has been redefined on the old popular basis of the Borinage (a coalmining area) and the valley of the Meuse river; and that is not to mention the sores of Brussels which are ours as well”. As he further adds, “Who said that History wouldn’t have many big surprises in store for us, especially where we are not expecting them?”¹. The Belgian state seems to be particularly prone to surprises and to speculations. To the question asked by the *Revue Générale* in January 2007, “Will there be a Belgian war?”², *Le Nouvel Observateur* later replied in its headlines: “The Belgian war” (without question mark)³. Similarly, “Belgium’s separatist crisis” was *Newsweek*’s title on the 24th September 2007⁴.

II. Historical overview

In autumn 2007, international newspapers were continuously questioning the future of Belgium. From Washington to Seoul, from Vienna to London, a split-up of the Belgian state was seriously considered. It is however worth mentioning that such thoughts are hardly new. On 19th January 1980, while Belgium was celebrating its 150th anniversary, *The Economist* already wrote that it was “the most unnatural country in Europe. It has neither a common language, nor natural frontiers, nor traditions to give its people a sense of national identity. (...) Although Belgium is a small country (...) there is a risk that it will break up into two semi-independent states in this decade (...)”⁵. It is only true that during this period, some disruptive events were about to weaken the Belgian state. Between 1978 and 1981, Belgium went through eight governments and between 1965 and 1981, seven legislative elections took place. In June 1983, King Baudouin wrote to his father: “The country seems to be more divided than ever. Yesterday, it was the Royal Question, today, national solidarity together with State’s structures are questioned (...) The Prime Minister spares no pains to save and rebuild our country”⁶. That kind of concern was already evoked on 22th July 1966 by French Ambassador to Belgium. According to him “Belgium (...) [is] progressively disappearing...”⁷. Even earlier, in 1962, the future Prime Minister Pierre Harmel already stated that a new agreement on the Belgian union had to be found for the following twenty years, until political Europe is implemented⁸. In reality, the precarious Belgian situation was already referred to as soon as in the 19th century. In 1866, Bismarck said: “I believe Belgium will not be a viable State in the long run” and Leopold I himself reckoned in a letter to his son in 1860 that “there is no national feeling in Belgium”.

Admittedly, until 1914, the legitimacy of the Belgian State is not obvious abroad. But then, with the war, the Belgian national feeling is probably at its height although, at the same time, the first cracks occurred with the emergence of the Flemish national feeling that had become, for a minority, anti-

¹ A. ADLER, *Le Figaro*, 14 Oct. 2008. My translation.

² F. DELPÉRE, “La guerre des Belges aura-t-elle lieu ?”, in : *La Revue Générale*, Jan. 2007, pp. 5-14. My translation.

³ C. Askolovitch, “Et si Bruxelles devenait française? La guerre des Belges”, in : *Le Nouvel Observateur*, 7 Aug. 2008. My translation.

⁴ “Belgium’s separatist crisis”, in: *Newsweek*, 24 Sept. 2007.

⁵ *The Economist*, 19 Jan. 1980. My translation.

⁶ *Ibid.*

⁷ *Ibid.* My translation.

⁸ In a speech he delivered to the Chamber on 31 Oct. 1962.

Belgian. In reality, as soon as Belgium's birth, times have been difficult though with variable intensity depending on periods and contexts that I cannot picture here. Trouble times are surely not exceptional but this should not lead to over-optimism. Borders are not unchangeable and everything can evolve. On 11th March 1882, Ernest Renan claimed: "Nations are not everlasting: they emerged, they will vanish"⁹.

Unarguably, the Belgian context is quite complex and may be better explained when related to some specific historical developments. The following section provides an overview of some Belgium's historical particularities.

III. Belgium's Characteristics

1. Belgian Federalism

First, Belgian federalism is above all a "distancing federalism" that did not introduce any centripetal force. As a consequence, collaboration and cooperation agreements between the different levels of power require the use of positive law. Those agreements, which are therefore not spontaneously reached, come out of negotiation strategies. This means that tensions may result from those negotiations.

2. Flemish Demands

Second, some key political personalities are today demanding a state reform in order to quieten Flemish demands. Nevertheless, it is very daring to believe that a state reform will calm separatist thoughts in the long term. It does not mean that this reform should not be realized: it would actually be a mistake not to take these demands into account. Flemish are the majority of the Belgian population and they deeply wish an evolution on that subject. Bearing this in mind, it seems however essential to draw some lessons from history.

Generally speaking, when the political world did not mind considering Flemish requests, the linguistic matter was then revived with much more strength. It was already the case with the Commission des Griefs in 1857. For Charles Rogier, the Flemish question was "closed". The same feeling also prevailed after the first linguistic laws in 1870s. In August 1893, Minister Vandenpeereboom even said to the Chamber: « we don't need to broach the Flemish matters, they are ended". It will also be true in 1966 with the Vanden Boeynants (VDB) cabinet which wanted to push aside the issues about the language and about Leuven, and which eventually collapsed... with the Leuven story in 1968. The Francophone's lack of concern for the Dutch language will deepen the tensions. The use of Dutch however increases in official texts and circles. For the first time in 1960, there are more speeches to the Chamber in Dutch than in French. In 1967 the Dutch version of the Constitution eventually acquires the same legal value as its French counterpart¹⁰. The Flemish representation as well has become much stronger in the last decades. For instance, since 1954 (that is for more than 50 years), there have only been three French-speaking Prime Ministers who governed in total... 43 months all together (abstracting from the vacancy period called "affaires courantes")! And the last time was in 1973...¹¹

Conversely, when Flemish demands were taken into account, we must unfortunately admit that it was to no avail. Each time we thought the linguistic (or "communitarian") question was solved, new claims immediately cropped up. Did we not make lots of linguistic reforms saying that Belgian unity was at stake? Minister Arthur Gilson¹² already said in 1961 that an agreement on the linguistic border had to be found in order to keep Belgian unity. For the purpose of saving Belgium, the former Prime Minister van Zeeland advocated the idea of a provincial federalism in a folder entitled: "SOS help us break the deadlock". We can find some similar statements among those who have crafted state reforms since 1970 up to now. However none of the successive reforms were able to soothe Flemish

⁹ E. RENAN "Qu'est-ce qu'une Nation ? ", conference 11 Mar. 1882. My translation.

¹⁰ As a matter of fact, although the Dutch version of the Constitution had been official since its publication in the *Moniteur belge* in 1925, it is only in 1967 that it finally acquires the same legal value as its French counterpart.

¹¹ We just have to mention the VDB cabinet which governed from 20th October until 18th December 1978

¹² Arthur Gilson was a Belgian politician and member of the PSC (Parti Social-Chrétien).

nationalism. A new state reform seems to be essential nowadays but more federalism might not be enough to damp communitarian tensions. As a matter of fact, in 1970, while cultural federalism had just been achieved in Flanders, even more claims for economic federalism arose on Dutch-speaking side and particularly regarding the development of economic capacities. The devolution of power was already on the agenda, especially on the side of the Flemish employers' association VEV.

Today, after five state reforms, the Flemish movement seems to be politically more powerful than ever. The Volksunie (VU), for instance, has never been so strong as since it broke up. From the Meeting Partij of 1862 to the VU, every party in favour of the Flemish movement's ideas has disappeared. Nevertheless their principles were taken up by others and often used more radically. Unlike protest marches in Brussels or during the 'Walen Buiten' phenomenon, the Flemish movement takes only very occasionally to the streets. But it is politically more powerful than ever. Many observers agree that separatists account for 9-10% of the Flemish population. It is exactly the same result as ten years ago. This should lead us to question the voters' deeper motives.

3. A Particular Situation

Third, the Czechoslovakian case is often brought up. However, the comparison with Belgium is not relevant for several reasons. The country existed for a bit more than 70 years, about 40 of which under Soviet domination. The collective public debt was low and the commercial relations between Czech Republic and Slovakia were weak. Even more, the social security was split between both parts of the former country. The Slovakian "economic miracle" that followed independence should be put back in its historical context and especially in its European one. Finally, whether in geographic, economic, politic, or linguistic terms, Brussels is not to be compared with Bratislava or Prague. Brussels is four times a capital: of the federal state, of Flanders, of the Wallonia-Brussels Community and of the European Union. Brussels is probably the most powerful cement of today's Belgium and can play a go-between role. The journalist Paul Lévy wrote in 1960 that the capital was the « grave of Flanders and Wallonia », because it turns Flemings into Francophones and Walloons into Belgians. Brussels has therefore become the separatists' and the Union federalists' nightmare. It is from there that several "storms" have emerged¹³. Besides, Flemish parties were opposed to the establishment of the Brussels-Capital Region. They actually feared of being twice in the minority: firstly in the Brussels-Capital Region that counts a huge majority of French-speaking people, and secondly within the Belgian state where the Flemish Region should therefore face the Walloon and the Brussels-Capital Regions. When the Region of Brussels was eventually created (1989), the Dutch-speaking leaders did not fail to emphasize every single difference with the other regions (bilingualism, executive parity, international vocation...).

4. The Split-up of National Parties

Fourth, the "Walen buiten" period (1968) shattered the political chessboard with the proliferation of communitarian parties and the progressive break-up of national parties. It eventually led to the transformation of national elections into regional elections, which helped creating two distinct public opinions. Since 1970, no state reform has addressed the problem caused by the separation of the political parties that started from this period onwards.

5. A Dual Federalism

Fifth, we created a dual federalism as the reform plan of 1970 clearly indicates. The alarm bell, the parity within the government and the double majority, are protections that were considered on the basis of two linguistic groups and not of three regions.

6. Various levels of power

Sixth, the multiplication of elections at the various levels of power these last twenty years has lowered the possibilities for political leaders to achieve bold state reforms (like in 70, 80 or 88, or 93). As a matter of fact, there is always some kind of pressure caused by the proximity of the next elections.

¹³ Prime Minister Gaston Eyskens already mentioned these storms just after the first state reform (1970).

After the June 2007 elections, politicians and observers stressed the fact that it was difficult to enter into real negotiations on state reform, because it was so close to the regional and European elections of 2009. We are today told that some progress has been made and that many things can be settled “in one weekend”. We shall see. But in June 2009, it was two years from the legislative elections of 2011, except in the case of anticipated elections. Moreover, we know that the five state reforms were all carried out at the beginning of a legislative term, and in any case, without any electoral deadline for the legislative being planned in the near future. It is true for 1970, 1980 as well as 1989, 1993 and 2001. It seems therefore essential to bring regional and federal elections together.

7. Two Belgian States

Seventh, I hardly mentioned the Walloon movement so far. Actually, there are two nations in Belgium that are meant to coexist. I am not referring to the Flemish nation and the French-speaking nation, or Walloon nation, as it is pictured abroad, but to the Flemish nation and the Belgian nation. The last one is supposed to include the former as the Flemish nation is a by-product of Belgian nationalism. As a matter of fact, Flanders as it is today would not exist without Belgium. Can Flanders live on within a Belgian context? It is rather ambiguous: a nation can become a state but the opposite is also true. If the Flemish nation is really going to develop into a new nation-state, there will never be any solution to the communitarian problems. Conversely, if the Flemish nation keeps existing within the Belgian State, a balance will have to be found, but History has already shown us many times that accidents may result from an incoherent institutional system. As for a Walloon nation or a French-speaking nation, it is still missing, which probably also largely explains the limited political representation of the French-speaking communitarian parties in the History of Belgium, with the prominent exception of the RW (Rassemblement Wallon) and the FDF (Front démocratique des francophones) after Gilson's laws and the “Walen buiten” movement. Unlike the Flemish movement, the Walloon movement does not have any homogeneous geographical framework, which leads to a Walloon regionalism independent of Brussels, as can be seen from Destrée's letter in 1912 and his comments about people of Brussels. Walloon regionalism remains exceptional.

IV. An impact on the whole European group?

In a newspaper article published in *La Presse* (daily newspaper of Montréal) on the 19th November 2007 entitled “Pauvre Belgique” (“Poor Belgium”), former Canadian Ambassador to the Netherlands and to Germany, Mrs Marie-Bernard Meunier, wrote: “Flemish people don't want to pay for Walloons anymore, just as the Northern League in Italy doesn't want to pay for the Mezzogiorno or Catalans for the rest of Spain. Czechs didn't want to keep on paying for Slovaks too. Everywhere there is the same wish of the rich to get rid of the poor. This attitude bears the seeds of destruction of the social consensus in many European countries, and it is potentially a drain on European construction. Up to now, the European Union has always enabled its new members to catch up economically in a spectacular way. The word “Solidarity” was meaningful and, at the end, there was something in it for everybody”¹⁴. And the Ambassador concluded « the way Belgians will get out of today's crisis will certainly have an impact on the whole European group ». The Belgian problem is not only a financial matter, but it must certainly be put in a European context and the questions this issue raises should definitely be further deepened.

¹⁴ M.-B. MEUNIER, “Pauvre Belgique”, in : *La Presse*, 19 Nov. 2007.