



# Like good neighbours

Flanders and the language legislation



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#### The language border and its consequences

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### Part II

#### Language legislation

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## 1 A geographical language border

On the map of Belgium, the language border is a wavy horizontal line. It runs from west to east just below the capital city of Brussels, and appears to more or less divide the country into two equal halves. The language border demarcates two language areas: a Dutch and a French-speaking area.

### An age-old border...

It is difficult to say precisely how old this language border is. It **probably** dates from the first centuries of our calendar. Since then it has undergone very little change, which is remarkable since it does not coincide with any natural border.

In the west, bordering on the North Sea, it moved north during the course of the seventeenth and eighteenth centuries, where it now corresponds roughly with the border between Belgium and France.

The border between the Dutch and French-language areas in Belgium, between Flanders and Wallonia, is a language border – not an ethnic border. So it would be wrong to assume that the Flemish are more or less direct descendants of the Germanic races, and the Walloons of the Romans or Celts. In as far as it is possible to ascertain such things after so many centuries, both the Flemish and the Walloons are ethnically mixed.

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The Germanic-Latin language border **probably** came into being during the fifth century. During this period the Roman Empire disintegrated into chaos, and large numbers of German Franks settled in our region. At that time, it was inhabited by the Gauls and Celts, both of whom had assimilated Roman culture. The north was mainly inhabited by the German Franks, who in the south were in the minority. Over the centuries the minority in both the north and the south assimilated the language and culture of the majority, giving rise to the establishment of a border between the Germans in the north and the Romans in the south.

## AND ITS CONSEQUENCES



### ...initially without political significance

For centuries the language border played a very insignificant political role. In the Middle Ages, Latin was the language of the church and of science, as well as being largely used by the authorities. Later on in the north (today's Flanders), French was spoken at court and by the upper classes. The anonymous masses, consisting of labourers, manual workers and farmers, spoke the Flemish vernacular. Cities such as Bruges, Ghent, Antwerp and Brussels were all governed in the vernacular. Most Flemish cities remained highly prosperous centres of trade until well into **the sixteenth century**, and defended their autonomy with great tenacity.

### The Frenchification of the elite

The language situation remained largely unchanged until the end of the eighteenth century. However, the prestige of French as a language of culture continued to grow over the centuries. Just as in the rest of Europe, the social elite in Flanders spoke French, the language of a powerful monarchy and an influential culture. In Flanders too, French gradually came to be used in secondary school education. Nevertheless, the administrative language was still mainly Dutch. Even the middle-classes very often spoke the vernacular within the family circle. The elite and the rest of the population lived in two

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**In the sixteenth century, Belgium and the Netherlands as we know them today were designated by an umbrella term: the Netherlands. At that time they were governed by the same Habsburg kings. This lasted until the end of the sixteenth century, when the North seceded and finally became the independent, protestant Republic of the Netherlands. The South remained in the hands of the Spanish Habsburgs. After the rebellion in Antwerp had been crushed by the Spaniards in 1585, large numbers of Flemish intellectuals and wealthy burghers moved to the free North, where they helped to build the Netherlands into an economic superpower.**

completely different language worlds with hardly any contact between the two.

In 1795, the Belgium we know today was annexed by the revolutionary French Republic. The new government used administration, law, the press and education to further the cause of Frenchification. The elite no longer regarded it as simply a matter of course that Flemish be used as the administrative language. This process of Frenchification continued for some time, even after Belgium had merged with the Netherlands, following the defeat of Napoleon in 1815. It was only after a number of years that the government of the Netherlands brought in new measures to Dutchify Flanders. However, this language policy was still too new to have had any real effect by the time Belgium seceded and became independent in 1830.

## 2 A social language border

## The age-old geographical

''' What was the language situation like in the newly formed kingdom of Belgium?

Very simple. The dialects that were spoken in the northern part of the new country, Flanders, were closely linked to Dutch. In the southern part, Wallonia, most of the population spoke Walloon dialects. The social elite in both north and south spoke French.

### Belgium 1830: French as the official language

The Belgian constitution, which was fairly progressive for its day, guaranteed a number of fundamental rights and freedoms. One of these was the freedom of language: in the new kingdom all citizens were allowed to speak the language of their choice. But at the same time, the new government unequivocally chose French as the state language. It was the language of government and parliament, of administration, the army, legislation, justice, all levels of education, diplomacy and commerce. In all these fields, positions of power accrued to French-speaking citizens. Although the texts of new laws were translated into Dutch, only the French text was regarded as official. In practice therefore, the freedom of language did not amount to very much. If you wished to speak or write Dutch, all well and good, but not in a court of law, at town council meetings or in secondary schools.

language border between Dutch and French is of great importance.

During the nineteenth century, the social language border became just as important, perhaps even more so. This social border was not a demarcation of territory, but of population groups. In Flanders it formed a dividing line between the very small but powerful French-speaking elite, and the Dutch-speaking population.

#### Language and social status

As the official state language, as well as that of the political economic elite, French became a status symbol. It was associated with progress, culture and universality. As the language of ordinary people, Dutch was associated with ignorance and backwardness.

For centuries Flanders had been one of the wealthiest regions of Europe. In the nineteenth century however, it underwent a period of economic decline and famine, resulting in a mass exodus of the Flemish population to areas such as Wallonia. This only served to strengthen the association of Dutch with backwardness, illiteracy and poverty. Rarely taught in schools, it had little cultural prestige and had not yet developed into a standardized language. It might be suitable for day to day communication within the family circle, but anyone who wished to better himself would be wise to learn French and at least become **bilingual**.

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And indeed, this is precisely what happened.

In 1846 3.2% of the total population in Flanders spoke French. In 1866 this rose to 4.1%. In the decades which followed, the number remained fairly constant, with the exception of the cities. What did change however, was an increase in the number of **bilingual** Flemish inhabitants, rising from 6% in 1866, to 12.3% in 1910.

### A language barrier in Flanders

In this way a new link was laid between spoken language and social position. The new Belgium was divided by two language borders: the age-old territorial language border running from east to west separating Flanders from Wallonia, and the social language border. It ran right through the entire population of Flanders (including Brussels), separating the **elite** from both the middle classes and the group consisting of labourers and farmers.

### Brussels, a Frenchified capital

The fact that French became the official state language of Belgium had far reaching consequences for its capital city, Brussels. Brussels was a Dutch-speaking city, but after 1830 it became the centre of a centrally governed unitary state where the Royal Court, government and parliament were all seated. A financial-economic elite as well as a fashionable and cultural life began to form around this political centre. The outcome was predictable: Brussels rapidly acquired a French-speaking upper and middle class, thus laying the foundation for the Frenchification of the capital.

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**This tiny group of the elite also formed the very small minority group which was politically emancipated. In 1830 the members of the interim parliament were elected by 30,000 voters, for a population of more than 4 million people. Most of the voters were unilingually French-speaking. In Flanders especially, the labourers and farmers were poor and illiterate and did not participate in public life. The legal school-leaving age of 14 would only become law in 1914.**

### 3 A century of language legislation

Flamish resistance against the French-language monopoly developed slowly. The struggle for emancipation would ultimately last for more than a century.

Every concession made by the French-speaking elite had to be fought for long and hard.

The more the Dutch language gained in power and self-assurance, the tougher the demands made by leading Flemish intellectuals became.

#### A modest start

Around 1860 the social role played by Dutch in Flanders was almost non-existent. Although spoken by 95 percent of the population, its members were without any political or economic power. When a small handful of Flemish intellectuals began to make linguistic demands, they were made on a very modest scale. Indeed, all they amounted to was the request that public life in Flanders should not be limited to French only. The Dutch-speaking population should be given the right to be governed, tried and taught in its own language.

Succeeding generations continued to demand the recognition of Dutch as a language equal to that of French. They found that Belgium should have two official languages of government, and that it should actually be governed in these two languages in both Flanders and Wallonia alike. If this did not happen, then Flanders, like Wallonia, should become a unilingual region.

## Belgium, bilingual through and through?

In the independent Belgium, the Dutch-speaking population was numerically in the majority. It would take quite some time before it was able to convert its demographic superiority into political influence. Part of the reason had to do with its limited **franchise**. Until well into the nineteenth century, the handful of supporters who wished to achieve the recognition of Dutch as an official language in Flanders, was dependent on elected French-speaking members of government. And these, of course, were utterly opposed to the idea of having two officially recognised languages in one country. Indeed, it would endanger the state and threaten the unity of the country.

Moreover, the French-speaking members of the population were apprehensive of the socio-economic consequences of such a move. With French as the official language throughout Belgium, Walloons, without being able to understand a single word of Dutch, could nevertheless be appointed in Flanders as civil servants, judges, teachers or army officers. In a bilingual Belgium, the chances of unilingual Walloons making a career for themselves would be considerably reduced.

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Before 1893, only a small socio-economic elite had the **right to vote**. However, in 1893 a system of universal suffrage was introduced: all Belgian males were given at least one vote, but the elite were given two or more votes. This resulted in an increase in the number of voters by a factor of ten, which meant that in Flanders one hundred thousand non-French speakers were able to vote for the first time. The system of "one man, one vote" was introduced in 1918. This was extended to include women in 1948. The emancipation of the Dutch language and of the Flemish people therefore coincided with the democratising of the franchise. Of course, this was no coincidence: in a fully-fledged democracy the rights of the majority of the population could no longer simply be smoothed over.

## The territorial principle: first Wallonia...

In addition to this, the French-speaking population found it unthinkable that Wallonia too would become bilingual. After all, the region was unilingual and should remain so. The French-speaking inhabitants of Wallonia therefore resolutely stuck to the territorial principle: the principle by which a single official language be used in a demarcated territory. The territorial principle focuses on language homogeneity. **Immigrants** are expected to apply themselves to learning the language of the area and to integrate in the new language region.

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The tens of thousands of Flemish **immigrants** who had settled in Wallonia between 1845 and 1930 therefore adopted the language and culture of the local population. This often occurred within the space of one generation. It is not known precisely how many Dutch-speaking inhabitants actually emigrated to Wallonia, but estimates vary between half and three-quarters of a million. The many Dutch-sounding surnames in Wallonia belie their Flemish origins.

The French-speaking population was strongly opposed to the territorial principle being applied in Flanders, even though there was every reason for doing so: just as in Wallonia, where the majority of the population spoke French, so in Flanders the majority of the population spoke Dutch.

### ...and then Flanders

When the French-speaking population steadfastly held on to the territorial principle for Wallonia, the Flemings changed tack. Their aim was no longer the recognition of French and Dutch as two equal languages in a completely bilingual Belgium. From the beginning of this century their demands for the territorial principle to apply in Flanders as well, became more insistent. In their view the motto for Wallonia, “local language = administrative language”, should also apply to Flanders. Flanders had to become purely Dutch-speaking.

They finally had their way. The language border defined in 1962 and 1963 delineates two unilingual language regions. The only exception is the bilingual city of Brussels.

### A brief account of 100 years of language legislation

It would be futile to attempt to give a step by step account of the entire evolution of language legislation in Belgium. Let it suffice to examine a few of its milestones. In 1873 a start was made on the Dutchification of the judiciary: Dutch was allowed to be used for criminal cases in Flanders. In 1878 a modest language law for the administrative authorities was passed. In 1883 Dutch was allowed to make its way into secondary education. Of course education was still entirely French-orientated, but a limited number of subjects were allowed to be taught in Dutch. In that way, **Dutch** was formally recognised as a cultural language in Flanders.

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In the meantime a start had been made on the standardization of **Dutch in Flanders**.

Although only the French-language law-text was actually valid, all law-texts nevertheless had to be translated into Dutch. In 1864 the Belgian government decided to adopt the official Dutch spelling which was used within the Netherlands. In retrospect, this proved to be an extremely important decision. It would finally lead to the re-establishment of the unity of language between the Netherlands and Belgium. Today a total of 21 million people from Flanders and the Netherlands read and write the same official language. Any decisions regarding the Dutch language are made by both the Netherlands and Flanders, within the framework of the Dutch Language Union (*Nederlandse Taalunie*). Flanders and the Netherlands both share the same rules of spelling and grammar. However, some very noticeable differences do occur in vocabulary and pronunciation.

## Dutch in higher education

The Law of Equality (1898), recognised Dutch as the official state language on a par with French. Wallonia remained unilingually French-speaking, whilst Flanders became bilingual. However, the equality of language did not apply in all fields: the army and the diplomatic corps continued to be French-speaking. Moreover, in both Flanders and Brussels French remained the language of the social elite. Nowhere was it possible to follow university courses in Dutch. This is why, during the first decade of the century, the Flemish struggle focused on the **Dutchification** of the University of Ghent. The struggle was won in 1930. But it would take until 1968 before the age-old Flemish University of Leuven became unilingually Dutch-speaking.



The **Dutchification of Ghent University** was not only symbolic. From 1883 young Flemings were able to follow part of their education in Dutch. When the first batch graduated, they found that they were only able to continue their education in French. The only university in a Dutch-speaking area was that in Ghent. But at the university, which was meant to educate Flemish students to become lawyers, doctors or engineers who would later on work in Flanders, all classes were still conducted in French. The Dutchification of the university in 1930 produced a Flemish intelligentsia which had been educated at all levels in Dutch.

## "Local language = administrative language"

In 1921 Belgium was divided into two unilingual regions, Flanders and Wallonia, and one bilingual region, Brussels. This meant that the language of the area was also supposed to be the administrative language. This resulted in a radical Dutchification of many Flemish communities. The territorial principle, which had long been a reality in Wallonia, was not implemented entirely in Flanders. The French-speaking minority could still count on far-reaching protection. So the country's political elite did recognise that Flanders had a full-blown language and culture, but still guaranteed the language rights of the French-speaking bourgeoisie in the Flemish towns and cities.

In 1932 the language legislation was adapted entirely to the territorial principle. From then on the rule in Flanders was: "local language = administrative language". Dutch became the language of education in all Flemish primary and secondary schools. By way of transitional measure special schools for French-speakers remained in a number of Flemish towns.

## Language Censuses

Even after 1932, important problems remained. The language border had not as yet been defined. Every ten years it was subject to adaptation depending on the results of the **language census**. These adjustments were nearly always made to the disadvantage of the Dutch-speaking population.

..... The **language census** formed a fixed part of the ten-yearly general census in the Brussels conurbation and the municipalities along the language border. If results showed that a language minority had now become a majority, the local council was empowered to adapt the administrative language to the new situation. The effect of this was that the language census now became a politically motivated language referendum, which was able to endlessly change the position of the language border. Moreover, the language censuses were not infrequently subject to manipulation. For example, members of the Dutch-speaking population claiming to be bilingual were also added to the total numbers of French-speaking Belgians. In addition to all this, very little distinction was made between language used privately or for business purposes. Moreover, in many cases the people assigned by the council to carry out the language census, were barely able to speak Flemish themselves...

## Language legislation acquires a definite form

After the Second World War, language legislation acquired a more definite form. Flanders was gradually able to translate its demographic superiority into political power, which Flemish politicians then used to introduce a strict unilingualism into Flanders. In order to safeguard this unilingualism, the language border had to be fixed permanently. After all, the system of the language census opened the door to Frenchification, especially adjacent to the language border and around Brussels. If the language border were to become fixed, it would prevent conflicts.

After negotiations between French-speaking and Dutch-speaking politicians had taken place, the language border was given definite form in 1962. The language censuses had already been abolished in 1961.

From now on, any changes to the border could only be made by means of a majority vote in parliament. Belgium was divided into four language areas: a Dutch-speaking area (Flanders), a French-speaking area (Wallonia), a **German-language** area (near the German border), and a bilingual French-Dutch area (the 19 municipalities of Brussels). On both sides of the language border local municipalities which so far had been regarded as bilingual, were now given a unilingual statute. During negotiations a few changes had been made to the border, which meant that Komen and Moeskroen moved to Wallonia and six local municipalities in the Voeren area moved to Flanders.

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**The German-language area included that of Eupen-Sankt Vith, which had belonged to Germany until 1919. After the First World War the area was annexed by Belgium as a form of compensation for losses incurred by the war. At present the area has a population of more than 68,000, who form the German-language Community. Since 1973, the German-language Community has a Council of 25 elected members and a government made up of three ministers.**

### Language facilities

The territorial principle suddenly seemed to have been realised in every way. The integration classes for French-speaking Belgians in Flanders were discontinued: from now on, all lessons were conducted in Dutch. It was compulsory for all business concerns to use the official language of the area in their dealings with clients, employees and local government.

However, one exception to the strict application of the territorial principle remained. A number of municipalities on both sides of the language border and in the Flemish periphery around Brussels were given a special language statute. Inhabitants who do not speak the language of the area enjoy so-called language facilities. If they wish, they can use their own language when dealing with local government. This means that French-speaking inhabitants of the Flemish periphery around Brussels may request various documents to be sent to them in French. Primary education can also be arranged for them.

4 The 4 language areas in Belgium



-  Dutch-speaking
-  French-speaking
-  German-speaking
-  bilingual French-Dutch



## 4 From language legislation to federalisation

### After the sixties, language legis-

The 1962-1963 language legislation defined both the language areas and the language border. They have not been altered in any way since that time. And yet that did not put an end to the conflict between Dutch and French-speaking Belgians, between Flanders and Wallonia. The structure of the unitary state did not prove adequate in solving problems between the communities. It had not been able to sufficiently take into account the peculiarities, wants and needs of the various regions and communities. This is why, during the period from 1970 to 1993, the unitary state of Belgium underwent a step by step reconstruction to form a federation, i.e. a combination of region states. The whole operation took place democratically and without violence.

#### A quarter of a century of state reforms

In actual fact, the delineation of language areas in 1962 laid the foundations for federalisation. After all a federal system can only be adopted when there are internal borders between the potential region states.



lation remained largely unchanged.

**However, it did lay the foundations for the federalisation of Belgium. This was expanded in the period between 1970 and 1993. In the new, federal Belgium, Flanders is a unilingual Dutch region state.**

» In 1970, the language legislation was embedded in the Constitution. Based on the territorial principle, language communities and language areas were clearly defined from that time onwards. The language border therefore became a sort of internal border. At the same time the Dutch and French Communities acquired cultural independence. To this end, they were given their own parliaments, which initially, however, were not directly elected. This was the first step towards the dismantling of the unitary state of Belgium.

When it became increasingly clear that the Dutch and French-speaking communities wanted even greater independence, the linguistically homogenous areas – Flanders and Wallonia – were gradually extended to form region states. During the process they were awarded more and more power and financial resources. Since the last State reform in 1993, the Constitution has declared that Belgium is a federal state. This means the formal recognition of Flanders as a region state within a country with a federal structure. It can now decide on its own future in a wide range of fields.

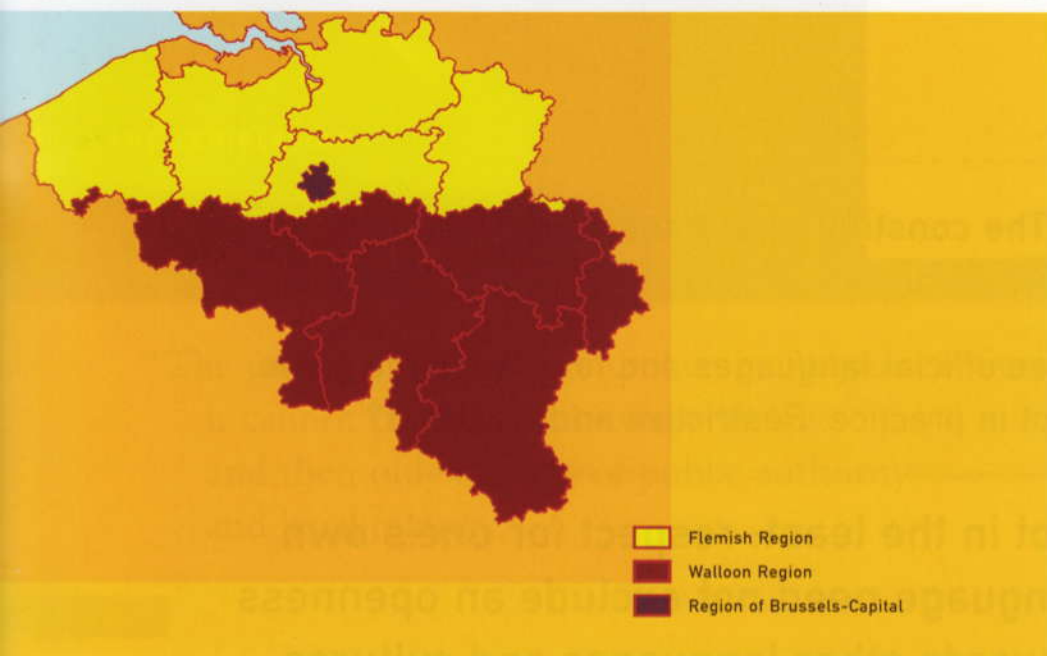


### Regions and communities

The results of federalisation are fairly intricate. Here, we can do no more than give a brief outline of its most important aspects. Federal Belgium has two types of region state: the Communities and the Regions. There are three Communities – the Flemish, the French and the German-language Communities, and three Regions – the Flemish Region, the Walloon Region and the Region of Brussels-Capital.

The territory of the Flemish Region (*Vlaams gewest*) coincides with the Dutch language area. The Walloon Region includes the French and German-language areas. The Region of Brussels-Capital (*Brussels Hoofdstedelijk Gewest*) has authority in the bilingual Brussels-Capital area. Each region has authority in the fields of economy, employment, infrastructure, town & country planning and the environment, among other things, on its own territory.

The Communities have authority in such areas as culture, education and so-called 'personal matters'. Very generally, these include 'care for the needy' – the ill, the handicapped, minors, the elderly and so on. The Flemish Community (*Vlaamse Gemeenschap*) has authority in the Dutch-language area, the French Community in the French-language area and the German Community in the German-language area. In addition to this, the Flemish and French Communities exercise authority in the bilingual Brussels-Capital area.



## Government and Parliament of Flanders

Thus there is a Flemish Region and a Flemish Community. In Flanders, it was decided to combine the governments and parliaments of these two unitary states to form one Parliament and one Government of Flanders.

Flanders is governed by means of *Parliament of Flanders Acts* which are on an equal footing with the acts passed by the federal government. This equality is fairly unusual. In many federal states, federal law has precedence over that of the region states. In Belgium it is different: a Flemish Act can never be negated by a federal law.

The Government of Flanders has had the authority to implement language legislation within the Flemish Community since 1970. During the 70s and 80s, it made a few changes to certain aspects of the language legislation. In 1973 it issued the *September Act* stating that all businesses in Flanders were to use Dutch as the language of communication.

## 1 The constitutional freedom of language

Belgium has three official languages and four language areas.  
Complicated? Not in practice. Restrictive and cramped?

**Not in the least: respect for one's own language need not exclude an openness towards other languages and cultures.**

### Freedom of language

This constitutional article lays down one of the basic principles of Belgian language legislation: the freedom of language of the individual. In private anyone can use the language of his or her choice. The language people use in their relations with others, in the media, in their cultural, economic, commercial and religious lives, is free. Anyone living in Flanders is free to publish novels in French, to order his bread rolls from the baker in English, to speak to his fellow tennis players in Italian, and so on.

The freedom of language therefore also applies to the world of **commerce**. Anyone with a business in Flanders may address his customer in any language he pleases, including Dutch. Moreover, anyone can advertise in the language of his choice.

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**In the Canadian province of Quebec, the French-speaking community has taken measures to ensure the preservation of the language. Many of these measures go much further than does the Belgian language legislation. The *Charte de la langue française* for example, is very interfering when it comes to the worlds of **commerce and business**. This law forbids all advertisements in any language but French. Even menus and wine lists should preferably be in French.**

Article 30 of the Belgian Constitution states —

“The use of the languages spoken in Belgium is free;  
it cannot be regulated except by law  
and then only for acts of public authority  
and legal matters.”

### From sports clubs to private schools

Another constitutional right is that to form clubs. The Flemish have always used this right with great enthusiasm: the enormous number of Flemish clubs is legendary. However, many of those who speak other languages and live in Flanders establish associations all over the place: clubs, societies for expatriates, private schools, cultural societies, religious communities and so on. They usually carry on the activities of these associations in their own language. And even that is permissible. Americans, French-speaking Belgians, Italians, Swedes, Germans: all have a right to experience their own particular culture in Flanders.

### Open to the world

This constitutionally guaranteed freedom of language really speaks for itself. And yet there are certain aspects which need explaining. Foreigners who have heard about Belgian language legislation tend to have the strangest ideas about our language situation. They immediately see a Kafkaesque labyrinth loom up ahead of them, a maze in which you would be wise to think deeply before saying anything. Or they see it as a world full of interference, wilfulness and misunderstanding, in which everyone stubbornly refuses to speak any language but his own.

The reality is quite different. Besides Dutch, many Belgians in Flanders understand and speak French, English and German. Of course this has everything to do with the excellent foreign language education on offer in Flemish schools.

As far as the world of the media is concerned, Flanders also has the whole world on its doorstep. In the news agencies you will find newspapers and magazines published in most of the European languages. Cinemas show the latest American and European **films** which are not dubbed, but expertly subtitled.

#### **A legislation for clearly defined fields**

Does the language legislation then mean nothing at all? It certainly does. The Flemish population is greatly interested in other cultures. But like everyone, they think it very important to be governed and educated in their own language. Language legislation has seen to that. It has arranged the use of language into a number of clearly defined fields.

A simple principle applies to all these fields: the official language is that of the language area.

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**The same can be said for foreign **films**,**

**serials or news reports on Flemish television – which is all very useful for people who wish to learn Dutch. Most homes in Flanders have cable television with a choice of about 30 different channels in 7 different languages.**

#### **These fields are:**

- public authorities and local government;
- legal matters;
- education in institutions founded, recognised or subsidised by local government. Anyone has the right to found a school in Flanders in whichever language they please. However, schools wishing to be recognised or subsidised by the Government of Flanders must organize their education in Dutch;
- social relations between employers and their employees and the relations between businesses and local government.

## 2 Language border and language areas

Language legislation prescribes which language is used in administration, education, law and business. This is in accordance with the territorial principle:

**the law has defined language areas in which one specific language is regarded as the official language.**

The language border in Belgium was defined by law on November 8th, 1962. This law was based on a democratic Dutch and French-speaking majority. A year later the language legislation for government affairs underwent radical reforms. In the government language legislation, the concept of the *language border* was linked to that of *language area*. Belgium was then split up into four language areas: the Dutch-language area, the French-language area, the German-language area and the bilingual Brussels-Capital area. Every Belgian borough belongs quite unambiguously to one, and only one, of these four language areas.

### Grounded in the Constitution

The language areas which had been defined by the government language legislation in 1963, were also embedded in the Constitution. This too was based on a democratic Dutch and French-speaking majority.

At the same time final agreement was reached on how language borders and language areas might be changed in the future. The idea was to prevent any changes from being made too frequently. If every new government also introduced a new

language border, it would make any form of coexistence between the language communities in Belgium quite impossible. In addition to this no single language community should have the power to alter the language border **on its own initiative**.

### Stringent conditions

The language border can therefore only be amended through a *special majority* vote in the federal parliament. This means that the proposed amendment must find a two thirds majority in both houses of the federal parliament, and that in each of the language groups a majority of parliamentary members must stand behind the law.

The language border can therefore only be amended if it is backed by a majority of both Dutch-speaking and French-speaking members of parliament. The language border can never be amended unilaterally by either party. One could say that the language border is defined *de facto*.

### Language area

It is very important to understand that the term “language area” is not merely a descriptive one. It is also a legal term. “Dutch-language area” does not simply imply an area in which only Dutch is spoken. It is in fact an area where Dutch *must* be used in a number of fields prescribed by law, namely administration, education, justice and business.

The Dutch-language area – Flanders – is unilingually Dutch. Naturally this in no way affects the freedom of language guaranteed in the Constitution. Whoever lives in the Dutch-language area is free to use whatever language he or she pleases in his private life. However, in ‘acts of public authority and legal matters’, Dutch is compulsory.

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**There are more Dutch-speaking than French-speaking inhabitants in Belgium. This proportion is also reflected in the federal parliament. It would therefore be quite possible for all Dutch-speaking members of parliament to make some sort of a bargain and change the language border on their own initiative. This was precisely what they wished to avoid. The Flemish agreed not to convert their numerical majority into a dominant position.**

## The territorial principle

The language laws of the thirties had provided fairly clearly defined language areas for the first time. This had the effect of embedding unilingualism in Flanders and Wallonia, and was therefore based on the territorial principle. This principle links the use of a certain language to a specific territory. In education, justice and government, the valid official language is that of the language area.

The **territorial principle** was shaped by both French and Dutch-speaking inhabitants. It is carved in stone in the Belgian Constitution and is recognised by the highest national and international judicial authorities.

## Not just in Belgium

The building of a federal structure based on the territorial principle is not something which is peculiar to Belgium alone. This has also taken place in **Switzerland** and Canada for the selfsame reasons. A living language is irrevocably linked to a territory and to the people who live there. A language can only survive if it is spoken by a community; a community can only survive if it has a territory to live in.

## Federal states

Belgium has in the meantime been converted into a federal state. The federalisation was based on the territorial principle and has embedded the principle even more deeply. The region states are expected to respect the territorial division of power. This division is exclusive. This means that the Flemish Community cannot exercise any cultural authority in Wallonia. The only authority there, is that of the French Community. The principle of non-intervention of course also applies the other way round.

.....

In Belgium the Court of Arbitration ensures that the constitutional territorial principle is respected. It has never regarded the **territorial principle** as a source of discrimination. The country's highest administrative court, the Council of State, has already affirmed the territorial principle several times. As far back as 1968, the European Court of Human Rights ruled that the striving for a unity of language within a unilingual area – the territorial principle – was not only justifiable but also in the common interest. The Court confirmed this view in 1987. In 1997 the European Commission of Human Rights endorsed these findings.

.....

**Switzerland** offers its various language communities certain guarantees based on the territorial principle. French is the official language in the French-speaking area, German in the German-speaking area and so on. However, this also means that German-speaking Swiss who settle in French-speaking territory send their children to French-speaking schools and vice versa. In this way the territorial principle is a safeguard for harmony between the various language groups.

### 3 Brussels, a bilingual area

In Flanders, the language legislation of 1962-1963 was quickly implemented.

In accordance with the territorial principle Flanders became a unilingual area without any difficulty.

Long before that, Wallonia had become unilingually French. As far as Brussels was concerned, agreement was reached over a bilingual statute.

#### A Dutch-language city

From a historical viewpoint Brussels is a Dutch-language city. For centuries it had been a Dutch-language city or a city with a large Dutch-speaking majority. Even today, Brussels is situated in the Dutch-language area. In the meanwhile it has developed into the only bilingual area in Belgium. In addition to this, more than 30% of the population of Brussels is of foreign origin and this is still increasing. In fact, Brussels has become a city populated exclusively by minorities. One of them is the Dutch-speaking minority. This evolution has to do with the history of the kingdom of Belgium – and especially with the inferior treatment of Dutch over several decades.

.....

For centuries Brussels was part of the Duchy of Brabant. The city continued to use the Brabant vernacular (a Dutch dialect) as an administrative language until the end of the eighteenth century. Belgium as we know it today was then incorporated into the French republic. It is true that there was a royal court in eighteenth century Brussels, and, as was the custom in all royal courts from Moscow to Vienna and The Hague, the language spoken there was French. But the city council and the inhabitants continued to use the Brabant vernacular. In 1815 at least 85% of the inhabitants still spoke this dialect.

### Frenchification: its depth...

In 1830 Brussels became the capital city of the new kingdom of Belgium. The administrative language was French. Following the French model the new Belgium was centrally governed. This had enormous consequences for the number of inhabitants of the brand new capital. In 1830 Brussels had 50.000 inhabitants. This rose to 250.000 in 1875 and 750.000 in 1914. During this period there was a gradual Frenchification of the upper and middle classes. Primary and secondary **education** were almost entirely French. The result was that French gradually began to trickle through to the working classes.

### ...and its breadth

Frenchification also took place horizontally. The city, bursting at the seams, began to absorb surrounding local municipalities: villages with old Flemish names such as Elsene, Schaarbeek, Molenbeek and Anderlecht. Gradually these municipalities too became Frenchified. Ambitious Dutch-speaking inhabitants found themselves constricted by a language barrier. The outcome was predictable: Flemish parents who wanted to ensure a prosperous future for their children, made sure that they were able to speak French. This gradually became the **classical pattern**. The children of Flemish parents became bilingual, and their grandchildren often unilingually French.

.....

In 1914 there were no more than 6 Dutch-speaking classes in urban primary **education** compared to 405 French-speaking classes. The situation appeared not to have been any better in Catholic schools. And yet more than 56 percent of all the pupils spoke mainly Dutch at home. Even if they spoke no more than a few words of French, they were recorded as being bilingual in the language count. These figures were then used to justify the increasingly dominant role played by the French-speaking inhabitants of Brussels.

.....

In sociolinguistics this **classical pattern** is referred to as a *language shift*. This occurs when two language cultures with an unequal social status coincide. Until the middle of this century at least, Dutch was a low status language; an inferior language for inferior citizens. It gradually came to be more and more associated with social inferiority. Only those who became bilingual managed to escape stigmatisation and social humiliation. It is a sociolinguistic law that a dominant language group – in this case French-speaking Belgians – never adapts itself to the low-status language. The language shift always moves from low to high, even when the low-status language is numerically in the majority.

### Brussels continues to expand

Under the influence of administration, school and social pressure, Frenchification continued to expand. While Dutch continued to gain ground in Flanders, it visibly lost ground in Brussels. Indeed the language laws offered no safeguards to the Dutch-speaking population. And if there were any at all, they were rarely implemented. In this way, Brussels expanded to include 19 municipalities in 1954. Each of these municipalities had once been Dutch-speaking. It was perfectly clear that without protective measures, even more Flemish municipalities would become Frenchified.

The French-speaking majority in Brussels refused to even consider any such protective measures. They appealed to the principle of the freedom of language. If more and more of the Dutch-speaking population ultimately chose to speak French, be it under pressure or not, then that was that. Increasing Frenchification was simply a sociological phenomenon, and there could be no question of trying to curb it.

### Bilingual country, bilingual capital

On their side, the Flemish population no longer accepted the idea that the capital of a bilingual Belgium would eventually develop into a unilingual French-speaking city. Brussels should therefore be limited to 19 municipalities. It must be given official bilingual status, not only in writing but also in practice. Moreover Dutch-speaking inhabitants should get fair representation in government and administration, and a **balance** between Dutch and French-speaking citizens should be maintained at an executive level.

.....

**In Belgium, the Dutch-speaking population is numerically in the majority. There are also more Dutch than French-speaking members of parliament. And yet the number of Dutch and French-speaking ministers in the Belgian government is equal. In other words, the Flemish have agreed to a balance of power. This balance is also present in the federal administration and in a number of important courts of law. The reverse is true for Brussels. There the French-speaking population is numerically in the majority. In exchange for the balance of power on a federal level, the Flemish requested equal representation in all public and political institutions. The equal representation of Dutch and French-speaking inhabitants in the Brussels local government organisations proved to be a matter of considerable difficulty. Equal representation had been granted in 1963. However, a transitional period of ten years was allocated for its realisation. In 1973 the imbalance between French and Dutch-speaking representation remained noticeably great. Many local authorities openly declared that they would not enforce the law.**



- 1 Brussels
- 2 Sint-Joost ten Node
- 3 Schaarbeek
- 4 Evere
- 5 Sint-Lambrechts Woluwe
- 6 Sint-Pieters Woluwe
- 7 Oudergem
- 8 Etterbeek
- 9 Watermaal-Bosvoorde
- 10 Elsene
- 11 Ukkel
- 12 Vorst
- 13 Sint-Gillis
- 14 Anderlecht
- 15 Sint-Jans Molenbeek
- 16 Koekelberg
- 17 Sint-Agatha Berchem
- 18 Ganshoren
- 19 Jette

↑ The 19 municipalities of the Region of Brussels-Capital.

## Brussels defined

In 1963 Belgium was divided into four language areas. Brussels was officially declared a bilingual area and was limited to 19 municipalities. In spite of this, French-speaking politicians would make a number of attempts to extend the territory of the city. In 1989 the limits of Brussels and its bilingual statute were re-confirmed. This occurred with a special parliamentary majority. In both chambers of the federal parliament, two thirds of the members approved the law, which also gained a majority in both Dutch and French-language groups.

## The Region of Brussels-Capital

In federal Belgium, the nineteen Brussels municipalities together form the Region of Brussels-Capital. Because the Region of Brussels-Capital is bilingual and both Dutch and French-speaking groups live there, the structure of the legislative and executive bodies is highly intricate.

An important fact is that the governing authority of the Region of Brussels-Capital is made up of a chairman and four ministers, two of whom are Dutch-speaking and two French-speaking. This governing authority exercises its regional authority together with the Council



of the Region of Brussels-Capital (its parliament), in the fields of economy, employment, infrastructure and environment. Community affairs such as education, culture and health, are handled by the **Community Commissions**.

### Brussels, capital of Flanders

Standing on the threshold of the new millennium, Brussels is a multicultural metropolis. Thirty percent of its inhabitants, which number close to one million, are non-Belgian. Officially bilingual, Brussels is in fact multilingual, and has been so for a long time. Its cosmopolitan character is the result of its roles as an administrative centre and a diplomatic forum. After all, Brussels is the capital of the European Union, of the kingdom of Belgium and of the region state of Flanders. By making Brussels the capital of Flanders and the seat of parliament and the administration, the Government of Flanders has shown that it attaches great importance to the close link existing between Flanders and Brussels.



**The members of the Flemish Community Commission (VGC) include the Dutch-speaking members of the Brussels-Capital Council.**

**This Community Commission sees to it that the Parliament of Flanders Acts concerning community affairs are carried out.**

**The members of the French Community Commission include the French-speaking members of the Council of the Region of Brussels-Capital. The Communal Community Commission concerns itself with affairs which are of interest to both communities in Brussels, such as the bilingual cultural organisations and social services.**

**The members of this commission include both the Dutch and the French-speaking members of the Council of the Region of Brussels-Capital. The Communal Community Commission can only make decisions on the basis of a double majority: a majority in the French as well as in the Dutch-language group.**

## 4 The Flemish periphery

Besides Brussels itself, a number of Flemish outer municipalities were drastically Frenchified.

''' The mass exodus of French-speaking city dwellers to the green belt surrounding it thoroughly disrupted the Flemish character of these villages. The language legislation of 1963 confirmed that these villages were part of the Dutch-language area.

At the same time it gave the French-speaking inhabitants special rights, the so-called language facilities.

It is a well-known phenomenon: all over the world large cities subject their surroundings to much heavy pressure. City dwellers who can afford it move away from the city centre and preferably settle in the green belt on its outskirts. Very soon, this green belt develops into an urban residential area.

### Urbanisation with linguistic consequences

This phenomenon also occurred on the periphery of Brussels. Wealthy emigrants from the capital were very taken with the pretty villages situated on the outskirts of the city. They were soon followed by well-to-do officials from European and international organisations, as well as the executives of companies who wished to have their headquarters in the European capital. These new suburbanites continued to be orientated towards Brussels: they worked there, partook of its cultural life and enjoyed its amusements with friends and colleagues.

One might say that all this is nothing special. But it is. The urbanisation of the outskirts of Brussels also had linguistic consequences. Brussels happens to be a bilingual island in a Dutch-language area. The large majority of Brussels emigrants were French-speaking. They felt no need to integrate into their new Dutch-speaking environment. The Flemish municipalities around Brussels were faced with a large influx of French-speaking inhabitants. The immigration of

wealthy inhabitants caused land prices in these municipalities to rise sharply and many of the Dutch-speaking inhabitants who could no longer afford the high land prices, moved away.

### Protect or not?

When such a phenomenon occurs, there are two things one can do. One can regard the sociolinguistic displacement as an unavoidable social phenomenon. In that case one calmly observes how a dominant language – French – extends its influence over the territory of an endangered language – Dutch. Once the dominant language has slowly but surely displaced the endangered language, the next step can only be a revision of the borders. In the end, this would mean making the peripheral unilingual Dutch municipalities part of bilingual Brussels. This is how the French-language group regarded the situation.

Contrary to this, the Dutch-language group found that a language community which is dominated has the right to protect itself and set up legal lines of defence. If it does not do so, there is a very real threat that it will continue to lose ground. In this connection, the Flemish sometimes refer to Brussels as a spreading oil slick.

The Flemish also believe that the territorial principle should be respected. Indeed, the whole of Belgian language legislation is based on this principle – with the explicit approval of both the Dutch and French-speaking groups. When someone moves to another language area, one might expect them to adjust to the language of that territory – at least as far as their contacts with the authorities in that area are concerned.

### A difficult compromise

During the 1962-1963 language legislation negotiations, a bridge was created linking the two concepts. The peripheral municipalities were not incorporated into Brussels. They would continue to be a part of the unilingual Dutch area. At the insistence of the French language group, the French inhabitants of **six peripheral municipalities** were to receive special rights, the so-called language facilities. These gave individual citizens the right to use French in special instances involving communication with the local authorities.

.....

**These six peripheral municipalities are:**  
**Wemmel in the north, Kraainem and Wezem-beek-Oppem in the east, Sint-Genesius-Rode and the more industrial Drogenbos in the south, and Linkebeek in the south-west.**



## Promoting integration

Flemish municipalities with language facilities can also offer French-language pre-school and primary school education. However a minimum of 16 family heads must apply before these facilities can be provided. At present there is at least one French-language pre-school and primary school in each of the six facility municipalities in the Flemish Periphery. These schools are subsidised by the Government of Flanders.

The Government of Flanders regards the language facilities as a way to help pave the way for the integration of French-speaking inhabitants in Flanders. They are therefore intended as a temporary aid for the transitional period during which French-speaking inhabitants have an insufficient knowledge of Dutch. The government assumes a willingness on the part of French-speaking inhabitants to integrate into Flanders and learn Dutch. French-speaking inhabitants are therefore not *automatically* sent all sorts of administrative documents such as passports, tax return forms, tax assessment forms and so on, in French. By doing so, the Government of Flanders would assume that French-speaking inhabitants of Flanders have no wish to learn Dutch. All inhabitants therefore receive all their documents in Dutch. French-speaking inhabitants who request documentation in their own language, receive these by post without any further ado.

## No bilingualism

The facility regulation is a relaxation of the territorial principle. French-speaking inhabitants are therefore inclined to regard it as a step towards making the peripheral municipalities a part of bilingual Brussels. This idea is unconstitutional.

The Belgian Constitution recognizes only one bilingual territory: the nineteen municipalities of the Region of Brussels-Capital. The six facility municipalities in the Flemish Periphery are therefore an integral part of the Dutch-language area. Moreover, the municipalities of the Flemish Periphery have been a part of the Flemish federal state ever since the most recent constitutional reforms were made in 1993. The Acts passed by the Parliament of Flanders are therefore also valid for the peripheral municipalities.

The language facilities are only intended for individual citizens. According to the administrative language law, the Flemish facility municipalities may only be administered in Dutch. All meetings of the town council must take place exclusively in Dutch. As private citizens the mayor and the aldermen are allowed to make use of the language facilities, but not when acting in their official capacity. Dutch is the only language allowed in administration.

## A Flemish plan of action for the Flemish Periphery

The Government of Flanders has developed a plan of action supporting the Dutch-language character of the area. It affects all the inhabitants of the Flemish Periphery. It wishes to offer all who settle in the *Vlaamse Rand* optimum chances for integration.

The lever for social, cultural and economic integration is Dutch. This is why the government attaches so much importance to language education. Dutch-language schools with non Dutch-speaking pupils are awarded extra financial means. It also organises Dutch-language courses for non-speakers. This is done in association with the various community centres of the periphery municipalities, which are combined in the umbrella organisation, *De Rand*. The province of **Flemish-Brabant** is also very active. It has for example set up a campaign to organise language lessons for non-Dutch-speakers.

\*\*\*\*\*

**Until 1995 there was a unitary province of Brabant which was made up of Flemish, Brussels and Walloon municipalities. The province of Brabant was split up into three parts: Flemish-Brabant, Walloon-Brabant and the 19 Brussels municipalities. The province of Flemish-Brabant belongs wholly to the Dutch-speaking language area. It is headed by a governor. The 19 Brussels municipalities together do not form a province, but a district.**

## 5 A system of balances

Together, the Dutch and French-speaking inhabitants of Belgium have gradually built up a social model that is unique.

It is based on a balanced and coherent series of agreements.

The cornerstone of the entire structure is,

quite literally, the language legislation.

Without it the entire structure would crumble.

During the past quarter of a century, the structure of the Belgian unitary state was given a new form, that of a fully-fledged federal structure. Its task is to give each of the two main communities the space it needs to plan their own future independently. The federal structure is based on a carefully constructed balance of power between French and Dutch-speaking areas. That is the reason why all key domains have equal representation of both French and Dutch speaking inhabitants. Moreover, in order to safeguard this balance, both groups have recourse to special protection measures.

### Balance of power guaranteed

The members of the federal parliament are divided into a Dutch and French-language group. As Belgium has more Dutch-speaking inhabitants than French, there are more Dutch-speaking members of parliament. In spite of this, they can never unilaterally dictate the law for their French colleagues. This is safeguarded by *special majority* and *'alarm bell' procedures*.

The Constitution can only be amended by a two-thirds majority. There are also certain laws requiring a *special majority*: a two-thirds majority and a majority in each of the two language groups. This principle applies mainly to laws concerning the language borders, the language areas and the language facilities. It is therefore not possible for a language group to amend language legislation of its own accord. To do this, it needs the support of at least half of the other language

group. In other words, the Dutch-language members of parliament are numerically in the majority, but they can only amend the principles of the Belgian law system and of language legislation if there is a majority agreement from the French-speaking members.

This is not all. If three-quarters of the members of a language group find that a certain proposal or bill could prove harmful to the relationship between the two main language communities, it can sound the ‘alarm bell’. The exact contents of the proposal or bill are not important. Once the “alarm bell” has been sounded, all parliamentary discussions of the bill are immediately adjourned. The case is then put before the government, whose task it then is to find a solution.

### Language groups in the balance

Both the French and Dutch-language groups are equally represented in all the key domains of federal decision-making. The federal government must be made up of equal numbers of French and Dutch-language ministers, not counting the prime minister. Moreover, the Belgian government does not reach a decision by voting (majority against minority), but by consensus. The course of government is therefore never decided exclusively by Dutch or French-speaking ministers.

All the highest judiciary authorities – the Council of State, the Court of Appeal and the Court of Arbitration are composed along lines of language parity. At higher levels the federal administration must have an equal number of French and Dutch-speaking members.

### The protection of minorities

Language legislation is structured in such a way so as to protect certain language minorities in a unilingual sector. As we saw in the preceding chapter, French-speaking inhabitants of a number of Flemish municipalities in the Brussels periphery are entitled to use **language facilities**.

The facilities regulation is also valid for other municipalities on both sides of the language border. They protect all language minorities in a unilingual area.

.....

**Language facilities may be used by French-speaking inhabitants in the six municipalities in the Flemish Periphery. The same facilities were also made available to the inhabitants of 21 other municipalities. These comprise 9 municipalities in the German-language area with facilities for French-speaking inhabitants; 2 municipalities in the French-language area, with facilities for German-speaking inhabitants; and 10 language border municipalities. Of these, 6 are situated in the Dutch-language area, with facilities for French-speaking inhabitants, and 4 in the French-language area, with facilities for Dutch-speaking inhabitants.**

The inhabitants of the six municipalities with language facilities in the Flemish Periphery are afforded extra protection. One of the tasks of the deputy-governor of the province of Flemish-Brabant, is to ensure that language legislation is properly adhered to in the peripheral municipalities. When a local authority makes a decision which is not in keeping with language legislation, the deputy-governor has the power to suspend it. The deputy-governor is also an ombudsman. Inhabitants of the peripheral municipalities who have complaints about the implementation of language legislation can appeal to the deputy-governor, who then mediates. If need be he can lay the case before the Standing Commission for Language Supervision. In the 19 Brussels municipalities, the deputy-governor of the Brussels-Capital district has precisely the same task. He too can suspend decisions and act as an ombudsman.

The task of the **Standing Commission for Language Supervision** is to ensure the proper implementation of language legislation. Private citizens living in Brussels or in facility municipalities can make an official complaint if they feel that regulations concerning language legislation have been transgressed. The Permanent Commission investigates the complaint and makes a non-binding recommendation.

•••••

The **Standing Commission** consists of Dutch, French and combined sections. The Dutch-language section is authorised to deal with matters in municipalities situated in Dutch-language areas, with the exception of facility municipalities. The combined section is authorised to deal with conflicts in the facility municipalities and in the 19 Brussels municipalities. It is made up of an equal number of Dutch and French-speaking members.

### Minority and majority?

When one looks at the whole system of agreements, balances and protective measures, it is clear that in the federation of Belgium neither French nor Dutch-speaking inhabitants can be regarded as a national minority group. One can only speak of such a minority if two conditions are met: the population group must be a minority group in both number and strength. A population count tells us that the French-speaking inhabitants in Belgium are in the minority. But as we have just seen, there is a political balance of power which prevents one group of the population from dominating the other.

We find a miniature model of the federal balance of power in the bilingual Region of Brussels-Capital. It is a mirror image of the federal model. Although the French-speaking inhabitants of Brussels are numerically in the majority, there are as many Dutch-speaking members of the government of the Region of Brussels-Capital as French-speakers, excluding the chairman. What is more, both language groups in the Council of the Region of Brussels-Capital are able to ring the alarm bell.



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