ABSTRACT
In a previous contribution to this journal, we presented the long road from the unitary francophone dominated state to the establishment of a fully fledged federal state in 1993. In this article, we will present the evolution of the community conflict with a focus on the last decade. We will identify the factors that fuelled the conflict, its main actors and major accommodation policies in terms of state reforms towards federalism, and beyond.

RESUMEN
En una contribución anterior a esta revista, se presentó un análisis sobre la evolución del estado unitario belga francófono hacia un Estado federal de pleno derecho en 1993. En este artículo, se va a presentar la evolución del conflicto belga con un enfoque en la última década, y se van a identificar los factores que alimentaron el conflicto, sus actores principales y las principales reformas del Estado hacia el federalismo y hacia futuros desarrollos.

INTRODUCTION
In a previous contribution to this journal, we presented the long road from the unitary francophone dominated state to the establishment of a fully fledged federal state in 1993. In this article, we will present the evolution of the community conflict with a focus on the last decade. We will identify the factors that fuelled the conflict, its main actors and major accommodation policies in terms of state reforms towards federalism, and beyond.

Finishing this paper in the aftermath of the local elections of 14 October 2012, it is obvious that regarding the upcoming crucial period (2021-2014) our analysis will be some sort of “political science fiction”, a well-informed speculation and ‘educated guess” about the future, on the basis of what we have learned from the past, taking into consideration the main actors and their constraints and opportunities that have determined the transformation of Belgium into a federal state up until now.

1. Lieven De Winter, Federalismo y la sostenibilidad de Bélgica, (I) El Camino de Bélgica hacia el federalism, in Cuadernos Manuel Giménez Abad, Nº 2 - Diciembre 2011, 7-23
THE 2011 ARRANGEMENT FOR ENHANCED FEDERALISATION

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, which devolved agriculture, developmental aid and sub-regional government (i.e. tutelle over communes and provinces). In total the regions and communities control more than one third of overall public spending. The relative institutional “inertia” since 1993 created a large 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. In addition, another budgetary “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. The saving of Dexia, since 2008 included the splitting into a “good bank” Belfius, and a “bad bank” Dexia. For the latter, the federal government gave guarantees of 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. Regularly Dexia calls for a recapitalisation by the state in order to avoid bankruptcy. This dramatic financial situation further diminishes the budgetary possibilities of buying off conflicting communities.

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.

Third, due to the contest for political leadership in Flanders between the three traditional parties, there is considerable 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 (figure 1), 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 pillar parties into junior partners (17 Christian-democrats, 13 liberals, 13 socialists).

2. 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 results of the June 2010 elections produced several teachings: the overwhelming success of the N-VA signalled to the francophone parties they had to cooperate in the search for a major state reform. Yet, in the francophone party subsystem the election was won by the Parti Socialiste, traditionally the most fervent defender of Walloon interests. However, this seemingly polarisation between the largest Flemish and Francophone party offered a bargaining constellation in which major deals could be made. The other Flemish parties seemed to be willing to follow the N-VA leadership and accept all compromises that the N-VA would be willing to make vis-à-vis the francophones. The francophone parties, FDF excepted, would equally underwrite the concessions the PS would be willing to make towards the N-VA and its Flemish allies.

Hence, 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 were condemned to lead the formation negotiations, together these two only controlled 53 seats (out of 150) while state reforms require a two-third majority. 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 was certainly in the most comfortable position: it had an embarras de choix as it could choose between two opposite but equally winning strategies. Either it would manage by tedious negotiations to arrive at a major breakthrough of the federal status quo –its 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, it could 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 seeking office rewards. Both strategies seemed to be winning. This “cannot 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. 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 by its militant rank-and-file when clear policy (and eventually electoral) gains are to be expected.

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 Liberals in order to pursue a more right-wing socio-economic policy, while the PS preferred the Francophone centrem-left Christian democrats and Greens, for the opposite reason.

In comparison to the previous difficult puzzles of government formation, this one broke all records of complexity. Never was the policy distance regarding state reform between the main francophone and Flemish parties larger. The necessity for major budgetary cuts added another huge policy sector on which a compromise would have to be found, although these “left-right” nature of these policy divisions were more “classic” and thus more manageable. At least eight parties had to be included in order to control a two-third majority needed for a state reform.

However, the N-VA also had certain bargaining weaknesses: 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. Contrary to the other parties, it did not have at its disposal a large and experienced party research centre, flanked by party allied civil servants and academics.

This extreme complexity of the puzzle explains the record duration of the formation, the many 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 attempts of informateurs, various types of “royal negotiators” (usually elderly statesmen) to disentangle 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 not 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 (as it seem to opt for its second “win strategy”), while during the formation the francophone parties had shown to be willing to make the largest concessions to the Flemish demands they ever made. In fact, on September 15, after more than one year of negotiations, 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 of the negotiation table, the second huge issue had to be solved, i.e. socio-economic and budgetary reform (i.e. an austerity plan of 17 billion euro for which only a simple majority is needed). On November 26, a budgetary agreement was finally reached amongst the three traditional party families, excluding the greens that were so generous to continue their support for the constitutional reform package while


8. All Flemish party leaders participating in the negotiations were in their thirties or early forties, with only a few years of national party leadership experience, and no executive experience. Most francophone leaders were in their fifties, with a long career as party leader or vice-PM behind them.
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, and first francophone PM since 1973. Its government agreement counted 180 pages (or 53236 words), breaking the previous (European) record held by the 1988 Martens VIII government (43550 words).9

This comprehensive and detailed agreement, that should steer government action until the federal and regional elections of 2014, and maybe beyond (as many agreements envisage objectives to be reached beyond 2014, and implementation of competence transfers often will require years) includes the following main elements:

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.

2) A huge transfer of competencies from the federal level to the regional/community level, especially in the field of labour market, heath care and family policy. This increases the income from regions and communities from 43 to 59 billion euro. The latter policy transfer is part of the Social Security Budget, a separate sector managed jointly by the federal government, trade unions and employers organisations. It 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) Enhanced fiscal autonomy: 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); 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 –with less competences– composed of 60 senators solely nominated by the regions/communities10; 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 17 M euro by 2014 to respect EU imposed norms, including the politically “delicate” pension reforms (mainly regarding increasing pension age).

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10. 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).
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 the setting of basic norms remains federal. In addition, several solidarity and transitory measures will not enhance Flanders’ control over its fiscal resources in this decade. The Brussels institutional complexity has not been reduced. “Responsabilisation” (in terms of bonus/malus dotations) of regions/communities by 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 B-H-V solutions have become effective before the local elections of October 2012, and most other state reform measures are to be voted before the 2014 regional and federal elections, the implementation of these measures will take considerable time (involving transfer of administrations, setting up and coordinating of subfederal legislation and norms, etc.). They may take another legislative term (until 2019), and incur many transaction costs, trigger 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, is expected to enhance the electoral scores of the three traditional Flemish parties in the Di Rupo I government, and undermine the expected further successes of the N-VA at those elections.

Since the N-VA left the government formation negotiations in July 2011, opting for its second win strategy, the mid-term strategy of the N-VA gradually become clear, at least until 2014. First, it will continue to denounce the current upcoming state-reform as insufficient to Flemish legitimate and urgent demands. Second, it will denounce—with a primitive anti-socialist rhetoric– the tripartite government as a “taxing government” led by the francophone socialists, undermining Flemish wealth to be wasted in Brussels and Wallonia. This allows the N-VA to reap discontent right-wing voters from the Liberals, Christian Democrats, Vlaams Belang, and the neo-liberal LDD. Third, it present itself as the only Flemish party that has the will and hopefully soon the power to achieve confederalism, to be followed by Flemish independence in the long term. Fourth, destabilise the Flemish parties in the current De Rupo government, provoking a cabinet crisis.

The first hurdle to take for this strategy to succeed was the October 2012 local elections. The party fixed three main objectives. First, conquering the city hall of Antwerp, Flanders largest city and for decades governed by a socialist - christian democrat coalition. Second, it had to consolidate its excellent score obtained at the 2010 federal elections at the local level, from which it has been quasi absent in the 2006 local elections. Third, it wanted to enter in as many local coalitions as possible, but this time not for pure policy seeking motivations. The party did not have an elaborate programme for local governance nor experienced candidates in local politics, and mainly used national issues (“change” vis-à-vis a PS-led taxing government unfriendly to Flemish demands). Its local campaigns focused on its charismatic leader, De Wever, not on local issues. The office rather than policy seeking strategy can be explained by the need of a large number of “second order” attractive candidates to put on 2014 federal and regional lists. The notoriety of N-VA candidates can be best build up by joining the local executives as mayor or alderman.

The party reached the first three objectives pretty well. The success predicted in the surveys was convincingly consolidated at the September 2012 local elections. Not only did the N-VA capture the head prize of Antwerp, the largest Flemish city. In the 271 communes where it presented lists in 2012, it obtained on average 24% (but still
behind the strongly locally entrenched CD&V). Contrary to its complaints, it was not systematically excluded from participating in the local executives. De Wever also wanted that his victory would be translated into strong symbols, into “images that would last several years” (i.e. until 2014). In fact, following a well-staged election night script, De Wever started his victory speech with a call to the francophones to start immediately negotiations to move onto confederalism, then launched a march from his party headquarters to the city hall, ascended to its balcony where he made an arrogant victory speech to his followers assembled below him (“Antwerp now belongs to us”).

Clearly, the N-VA did not only win its battle for entrenchment into local politics. Its keen political communication assured its predominance that night in the Flemish, francophone as well as the international media that portrayed the N-VA as the party that would break-up Belgium.

Hence, the first main battle to the final clash in 2014 has been won convincingly by the N-VA, apart from its fourth objective. The party’s landslide at the local elections did not manage to topple the current government, as many feared as the worst case scenario. This six parties coalition, ideologically ranging from socialists over Christian-democrats to Liberals, from both sides of the linguistic border, has in the past always proven to be fragile and shortlived. Also the “abnormal” leadership by a francophone and socialist Prime Minister undermines its legitimacy to the Flemish public. The fact that most gains of the N-VA in 2010 and 2012 came from the Vlaams Belang, but also from the Flemish Liberals and Christian-democrats, pushes these parties adopt a more hardline profile, which is already visible in the current classic left-right coalition negotiations regarding budgetary austerity measures for the upcoming year. 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 upcoming 2014 election campaigns as a “high treason” to the “Flemish cause”. But there is for the moment no alternative: the Di Rupo government parties can certainly not face the voters empty-handed in 2014.

The next major challenge is of course winning the 2014 general and regional elections. How big this victory should be, and how the N-VA intends to exploit it for reaching the party’s ultimate aim, is less clear. 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” –or at least a giant leap forward in state reform– 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, headed by a N-VA minister-president, probably De Wever himself. The francophone parties, that at the federal level will maintain their veto power whatever the result of the N-VA may turn out to get, 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 may turn into a loose-loose game for all. Not only due to the transaction costs involved in such a unilateral separation, but one

11. It is difficult to seize the size of this victory, as at the previous local elections of 2006, the N-VA ran in most Flemish communes not as a single list (n=41 out of 308), but a cartel list with the Christian-democrats (n=134), a cartel that has broken up by now in all but ten communes.

can expect markets to react negatively together with major EU-members (Spain, UK, Italy) that have similar problems with their own peripheries. They will not allow Flanders to become a new EU member state unless the splitting of Belgium is agreed upon by mutual consent of the conflicting parties respecting international law. Also the maintenance of Brussels as EU-capital could depend on the outcome of the Belgian divorce.

- the N-VA increases its 2010 peak score but obtains only a 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 the fuzzy concept of confederalism, but without calling for independence.

- 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 tripartite coalition will continue – due to lack of viable alternatives – 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.

- the N-VA loses 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). For a party that has only known growth, a backdrop may proof to be lethal, as it has been for the Vlaams Belang, after this party lost the battle for the Antwerp city hall in 2006. Since then, the party’s score has declined from 24.2% at the 2004 regional elections to 15.3% in 2009, 13.7% at the 2010 elections, and 8.9% at the 2012 provincial elections and 7.4% at the local elections. In case of such a backlash, the community issue will be removed from the political agenda, or taken up in a less radical moderate way by the Flemish traditional parties, depending on whether the N-VA still manages to enter the Flemish executive.

For those concerned with the survival of Belgium, even if reduced to a federal state with a “light” center, the results of the 2012 elections and its selling by the N-VA as a crucial step of the unstoppable march of Flanders towards independence, came as a real chock. But maybe this march is more wishful thinking than an unavoidable scenario. Several indicators suggest that 2014 will not be the moment of the big bang, nor any year after in this decade.

- A first crucial challenge to the N-VAs future success is how to continue to attract the large proportion of voters that are not independist. Solid research regarding the 2010 success of the NVA at the federal elections indicate that the main motivations for voting N-VA are not only pro-Flemish community positions (the first motivation), but also a cynical attitude towards the political system, intolerance towards migrants, rightist vision on equality, defenders of law and order solutions, and a liberal vision on the role of the state. The N-VA has been able to seduce these different electorates successfully, which explains the dramatic influx from Vlaams Belang voters, as well


as from Liberal voters, and “cynical/protest” voters alined with the functioning of democracy in Belgium. The N-VA seems to be well aware of this, having downplayed its call for Flemish independence to the fuzzy concept of confederalism, while in the meanwhile cashing in on anti-establishment feelings, anti-taxation and anti-immigration feelings.

• Second, not only is the N-VA electorate less outspokenly in favor of Flemish independence, so is the wider Flemish public opinion. Solid longitudinal research indicates first that in spite of the seemingly radicalisation as indicated by the NVA growth since 2003, Flemish public opinion does not seem to radicalise strongly on community issues. In fact, at the level of the citizens, we 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. As regards constitutional options, a majority still opts for more power to the Belgian level rather than for more power to the regions. The proportion of independist in Flanders fluctuates between 10 and 20%, with a slight increase in the last years. About an equal number wants a return to the unitary state. 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. However, Flemish MPs clearly prefer the region over Belgium in all policy sectors. 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 interaction between them. 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 newspapers 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, while they seem to be minor in comparative perspective. The European Values Studies and European Social Surveys, 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. For these reasons, contrary to its counterparts in Catalonia, Quebec and Scotland, the N-VA has up until now never envisaged to call for a popular referendum on Flemish independence.

15. Marc Swyngedouw and Nathalie Rink, Hoe Vlaams-Belgischgezind zijn de Vlamingen?, Leuven, CeSO/ISPO/2008-6
17. 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.
• Third, in spite of the excellent result of the N-VA in the 2012 local elections (certainly in comparison with the 2006 local elections), in terms of voting success the N-VA has more or less stagnated. At the provincial elections held on the same day, the N-VA became the first party in Flanders with 28.5%, which is slightly less than its score obtained at the federal elections of June 2010 (30.8% for the House and 31.7% for the Senate). Provincial elections are often considered as a proxy for federal voting intentions (see table 1). It is somewhat hazardous to simply infer the current real strength of the N-VA at the federal and regional level from their provincial results, but certainly these results are considerably less than the 40% that most 2012 polls have been giving it.

Figure 2: Vote intentions in Flanders after the 2010 federal election

• Fourth, there is the question whether De Wever will manage to continue to play the role of its party main electoral magnet. The emergence and success of the N-VA from a party close to extinction to the leading Flemish party can to a very large extent be attributed to the skillful leadership of De Wever. All surveys indicate that he is currently the most popular Flemish politician. However, the two years ahead to 2014 will put an increasing pressure his electoral attractiveness. First, there is the obvious problem of wearing off of his novel and successful style in the media. Already now some media start to criticise his pathetic stunts and imperial style displayed in the 2012 campaign. More importantly, as he promised to become mayor of Antwerp if his party would win the elections in Flanders’ largest town, he will face several challenges. First he will have to form a viable and innovative local coalition. The local executive formation may take months, as –given the election results– he is condemned to form a coalition with the socialist defeated major, other parties being too small or too left (or too right) to serve as a solid partner. A coalition requires compromises to be made, a novel situation to De Wever who never held an executive office at any level. Hence, his no-compromise opposition style and embodiment of radical change, may suffer. Second, and more importantly, there is the difficulty of combining the job of Antwerp mayor and that of N-VA party leader. Both are more than full-time jobs. Obviously, investing in one will go at the cost of the other, but in either case, his capacity to perform satisfactorily will suffer. Given the end-goal of the party, Flemish independence, and the crucial deadline of the 2014 federal and regional elections coming up rapidly, he will probably focus on the latter job, where he is absolutely indispensable. He is not only the party leader and hence its major spokesman, he is also its main ideologue, strategist and internal organiser. Apart from him, less than a dozen of N-VA MPs are currently known to some extent to the general public. Hence, he is the sole commander surrounded by some fellow travellers from the “days in the catacombs”, having to guide and organise a large number of second order elites with little experience in federal (and local) politics.
Finally, there is the question of the leader’s health. Weighing 142 kilos, he followed a rigorous “catalan” diet which made him lose 60 kilos in six months, transforming his *bon vivant* image that was much in tune with Flemish “Burgundian” life style, to an easily irritable ascetic style. Given the crucial roles De Wever plays in his party, in case of health problems (or some scandal) it would be impossible to replace him by one of his closest followers. In the popularity surveys, De Wever is the only N-VA figure featuring amongst other Flemish politicians. Only about a dozen N-VA politicians are known to the larger public.19

- Finally, there is the question of the international and national financial and budgetary context. Certainly, the current government will have to continue to implement unpopular austerity measures, which the N-VA can easily denounce. On the other hand, insecurity about the institutional future of Belgium, and even about its survival, may cause concern on the international market and credit rating bureaux, as well as potential foreign investors. Already during the prolonged government formation most rating bureaus downgraded Belgium from its 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. But next time the institutional future of Belgium is again blocked, reactions may be more radical. In addition, the rescue of the Fortis and Dexia bank, is a sword of Damocles over public finance.

THE FUZZY USE OF THE CONCEPT OF 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 (enshrined in the programmes of the Christian-democrats in 2001), and so do Liberals (2002), and the LDD (2007), 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.20 These parties use the concept of confederalism purely for tactical reasons.21 The Christian-democrats and Liberals want to symbolically signal that they wanted to go beyond the current state and structure of the Belgian federal state, further augmenting the role of regions and communities, while Belgium would subsist as a state in charge of a limited number of state-wide competencies. While the N-VA statutes clearly state that the party’s final objective is “an independent Flemish republic, full member state of a democratic Europe”22, it has since 2010 avoided to use the term independence and replaced in its political communication by confederalism, in order not scare the large number of non-separatist sympathisers. But the N-VA has never clarified in detail what confederalism meant to them, how to achieve it, nor

19. The two N-VA ministers in the Flemish government, the N-VA speaker of the Flemish parliament, the leaders of the N-VA parliamentary groups in the Flemish and federal parliament, his right hand, Mrs. Homans, and a few frontbenchers.


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

how to prevent Flanders from immediately pulling out of the confederation once it has been established.23

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 stretching24 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.

Belgium is certainly not an “ideal type” or textbook example of a federation, that can be used to introduce students to the logic of federalism.25 Deschouwer (2009) presents an exhaustive list of its peculiarities. Belgium is a federation “by default”, sui generis or à la carte.26 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. The “model” is also “drifting apart” rather than “come together”, as 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 and peculiar 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.

Still, scientifically speaking, calling for a confederal model while maintaining the Belgian state, is conceptually erroneous, a contradictio in terminis and a clear example of bad “conceptual stretching” whatever standard scientific definition of confederalism one uses. The current shape of the Belgian state, as well as its intended

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23. Ico Maly, N-VA. Analyse van een politieke ideologie, Berchem, EPO, 2012
25. Although in the previous decades some Belgian scholars and politicians have been promoting the “Belgian model” as a solution for multi-ethnic societies like Yugoslavia, Israel/Palestine, South-Africa, etc....
26. The founding father of Belgain federalism, PM Martens, always used the term “fédéralisme d’union”.

shape after the implementation of the 2011 government agreement, is not based on a treaty between independent states to co-decide by consensus on a number of policies of common interest. The Belgian ‘model’ is still federal, with an increasingly strong “bias” towards the constituents units. There can be no transitional stage of confederal state between the current federal form (even when competence of regions/communities are further enhanced) and the break-up into two independent states. Those that claim that while the current shape of Belgium is still federal, although certainly not a textbook example, point to some structures and processes that seem to follow a confederal logic. Deschouwer (2009) argues that Belgium follows more a confederal logic, based on an agreement between the two linguistic building blocks, rather than a multipolar federal one. Most decisions are taken by delegates from the communities/regions in some kind of intergovernmental arena. It is true that for many issues devolved to the communities/regions the executives of these substate entities meet in an intergovernmental ministerial committee (composed of executives of regions/communities, with or with the federal executive), especially for European policy that affect competencies devolved to the regions/communities, as in the European councils of ministers, the “Belgian” position is defended by a regional minister, following a rotation scheme. Still, most “inter-regional” bargaining occurs in the federal council of ministers, or for most delicate matters, between party presidents in an ad hoc party summit.

To conclude, the concept of confederalism is used in a confusing way by on the one hand the Flemish traditional parties that want to signal that they want to go beyond the current state of federalism, but without envisaging the split-up of Belgium, while on the other hand, the N-VA uses it to signal that is a moderate party, gradually passing to confederalism as a step towards its final objective, an independent Flemish republic and full member state of the EU.

TOWARDS A BIG BANG?

Since the long government formation of 2007, and the even longer one of 2010, to many national and international 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 suggested by the N-VA 2010 landslide confirmed by its success at the 2012 local elections and polls) 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. The current 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. Hence, the Flemish parties can claim that they realised Belgian largest state reform, while the N-VA refused to take up government responsibility and criticised every measure from the sidelines.
But will the 2014 “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 to the francophones, given the large majority of the latter living in that region (85% francophones –at least– vs. 10-15% Flemish). Second, there is the problem of the division of the enormous public debt, still around 100% of the GDP. In addition, there is the Dexia “Sword of Damocles”. 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 Latin and Germanic European cultures meet. Fourth, 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. 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 amongst themselves a detailed arrangement about the splitting of Belgium. Finding a compromise on an all encompassing set of contentious issues will much more difficult to solve than the longlasting deadlock regarding the devolution of some competencies and petty symbolic issues like the splitting of “B-H-V”. Hence, Belgium is condemned to continue to muddle through its community conflicts, with periods of prolonged institutional crises, even deadlocks, followed by incremental complicated temporary solutions. It will not easily, if ever, reach a stable equilibrium in division of competencies for federal state and regions.

To conclude, Belgians are condemned to stick together, due to internal and external constraints mentioned above. They cannot divorce. They can make hell out of each other life in this forced marriage. Or they can try to make the best out of it, probably by enhancing their “living apart together” relationship.