ELECTION REPORT

‘The Vulnerable Institutional Complexity’ The 2004 Regional Elections in Brussels

HILDE COFFÉ

Department of Political Science, Vrije Universiteit Brussel

ABSTRACT This election report focuses on the vulnerable complexity of the Brussels institutional system. It presents the institutions of the bilingual Brussels Capital Region in which the decision-making processes rely on negotiations, common agreements and mutual vetoes. The vulnerability of this consensus model became clear when the right-wing extremist Vlaams Blok grew and aimed at winning the majority within the Dutch language group in the Brussels regional Parliament. Given the fact that nobody wants to govern with the Vlaams Blok, that would mean the end of the Brussels consensus model and endanger the Belgian consensus model. In 2004 the Vlaams Blok did not succeed in gaining the majority, but the problem remains on the agenda for the next regional elections of 2009.

KEY WORDS: Elections, Brussels, regional institutions

Introduction

In June 2004 elections were organized in the three Belgian regions (Flanders, Brussels and Wallonia) and in the German-speaking Community. In Wallonia the Parti Socialiste (PS) remained by far the largest party. In Flanders the Christian-Democrats (CD&V), forming an electoral alliance with the Flemish Nationalists (N-VA), regained their number one position, but the most striking result was the 24.2% polled by the right-wing extremist Vlaams Blok. In Brussels the PS took over the number one position from the Francophone Liberal Party (MR). Yet, in Brussels, the Vlaams Blok also played a major role. On the election night, a sigh of relief was audible because the Vlaams Blok had not been able to seize the majority of the seats of the Dutch-speaking parties. If that had been the case, it would have meant the end of the Brussels consensus model.
This report on the Brussels regional elections of 2004 will focus on this crucial issue. In the first part the complex institutions of the Brussels region will be presented briefly, focusing on the need for consensus to make the system work.\textsuperscript{1} This is necessary to understand why a relatively small party – the Vlaams Blok polled in 2004 only 4.7\% of the Brussels vote – is able to produce a total institutional gridlock. The second part of the article will discuss the ‘failed’ strategy of the Vlaams Blok to reach this goal at the regional elections of 2004.

The Brussels Institutional Complexity

Brussels is a case of institutional high technology. After all, it is the bilingual capital of a complex federal country with territorial regions and language communities (Craenen, 1996; Witte et al., 2001). This double federation is the result of the different views of Dutch speakers and French speakers on the ideal configuration of the country. The first demands for devolution came from the Dutch speakers and were based on defence of their language. The Dutch speakers wanted autonomy granted to two language communities. In this scenario, Brussels (situated north of the linguistic borderline but now predominantly Francophone) would have been incorporated into, or at least intimately linked, to the Dutch-speaking or Flemish Community.\textsuperscript{2} The French speakers on the other hand defended the granting of autonomy to territorially defined regions, which meant that Brussels would have become a fully-fledged region in the Belgian federation rather than being part of the Flemish Community. They feared that the Francophone city would be dominated by the Dutch speakers. The idea of Brussels becoming a region was, however, unacceptable to the Dutch speakers, because they feared a permanent minorization in the city.

A double federation provided a way out of this deadlock. Belgium created both language communities and territorial regions. The three regions are Wallonia, Brussels and Flanders. The three communities are the Flemish, Francophone and German-speaking Community. The German-speaking Community can exercise its powers – actually offer its services such as education and culture – in the German-speaking area that is part of the region of Wallonia. The Flemish Community can exercise its powers in Flanders and in Brussels, and the Francophone Community can exercise its powers in the Walloon region and in Brussels.

Hence, the Brussels region (called officially Brussels Capital Region) is a full region in the Belgian federation, but one in which the two major language communities of the country have their own institutions. This overlapping of the two language communities in Brussels is a very peculiar example of non-territorial federalism (Deschouwer, 2005). Individuals do not officially belong to one of the two language communities. There is no sub-nationality based on language-community identity. In Brussels, both language groups offer services (e.g. schools, cultural events, social programmes) and the citizens have the right to choose between them. They can make mixed choices and they can always change their choices. Citizens may participate in French-speaking cultural activities while their children attend Dutch-speaking schools. For the election of the Brussels regional Parliament, voters must, however, choose from lists of either Flemish or Francophone candidates (see below), but they are always free to choose which list to vote from.
Deciding on an equitable organization of the Brussels government institutions took a long time. Although Belgium made the most fundamental step toward a federal state with the constitutional reform of 1980, it was the 1989 reform that finally worked out a solution for the Brussels region (Witte, 1999). It is one with a very Belgian flavour, i.e. with a strong consociational character (Deschouwer, 2002). Various mechanisms that were put into place in 1970 for the national Parliament and government, where the Francophone minority in Belgium needs to be protected, were the source of inspiration for the Brussels institutions. The most important provision is that the Brussels government consists of an equal number of Dutch- and French-speaking ministers (two per language group). The Brussels Prime Minister is supposed to be ‘above’ this division, but he or she is obviously a Francophone, in the same way that the Belgian Prime Minister is generally a Dutch speaker. It is not only the number of ministers that is fixed. In order to avoid ministers of the minority group becoming saddled with an empty portfolio, a system of guaranteed packages of competencies was introduced. Given the proportion of French- and Dutch-speaking citizens (15% Dutch and 85% French), the Flemish Community is clearly over-represented in the Brussels government, with two ministers. Above that, the Flemish Community has a veto since the government decides by consensus. Brussels can thus not be governed against the will of the Flemish minority. That is the price paid by the Francophones and the guarantee offered to the Flemish Community for having Brussels as an autonomous region in the Belgian federation.

In addition, the election of the Brussels regional Parliament is organized separately in the two language groups. Only unilingual lists can be presented, and those elected on a list belonging to one of the two languages automatically belong to that language group in the regional Parliament. These language groups – another device copied from the federal Parliament – are important. The Ministers of each language group in the regional government are elected by a majority of their own language group and the regional Prime Minister needs a double majority. The language groups are also important for the so-called ‘alarm bell procedure’: a legislative proposal is postponed if considered harmful for Flemish–Francophone relations by 75% of a language group. It has never been used until now, but obliges the two language groups to co-operate. The price for non-cooperation is no government at all.

Until 2004 the Brussels regional Parliament had 75 seats. That was a very high number, allowing the Flemish Community to have a reasonable number of regional MPs. Their number was based on the election result, i.e. on the percentage of votes obtained by all the Dutch-speaking lists. The number of seats for the Dutch speakers was 11 (after the 1989 elections), ten (after the 1995 elections) and then 11 (after the 1999 elections) again. An extra protective device was agreed upon in the Lombard Agreement (Jacobs and Snyngedouw, 2003) and installed for the first time after the elections of 2004: the number of seats for Dutch speakers was fixed at 17, while the total number of seats in the regional Parliament was raised to 89 (also giving more seats for the Francophone Community). The authority to change this requirement resides only with the federal government. Indeed, unlike the other two regions, Brussels has no constitutive autonomy, which means that it may not determine how its government institutions function. This means that the Brussels institutions are made and kept by the federal level, where consensus is the rule. That makes Brussels into a little
Belgium, where power sharing, mutual vetoes and the obligation to co-operate are the basic ingredients of the institutions (and the basic source of frustration for the majority).

Although there was and still is an agreement to function within the framework of the Brussels institutions, both language groups perceive and interpret these institutional devices differently. The Flemish Community insists that the arrangements regulating Brussels must be seen as mirroring the devices for protecting the French speakers in Belgium. Indeed, the basic protective principles are the same in the Brussels government and in the federal one: parity and veto power. The Francophone Community generally insists that Brussels cannot be seen as mirroring Belgium because the balance of power between the two language groups is much more unequal (15% Dutch and 85% French) than the balance in Belgium as a whole (40% French and 60% Dutch) (Deschouwer, 2005). They prefer to speak of protection of the Dutch-speaking minority, whereas the Flemish Community prefers to speak of fair compensation for having constitutionally relinquished their majority status within the Belgian state.

The Fear for the Vlaams Blok

The bilingual character of the Brussels region, the need for co-operation between Dutch and French speakers and the different mechanisms to protect the Dutch-speaking minority, have turned Brussels into a complex institutional framework indeed. And these institutions are vulnerable. This became very clear in the course of the last decade, during which the right-wing extremist Vlaams Blok became the largest party on the Dutch-speaking side. Fostering a so-called *cordon sanitaire*, none of the other parties – be it Dutch-speaking or French-speaking – want to govern with the Vlaams Blok. The party is considered as undemocratic and its anti-immigrant proposals are absolutely unacceptable for the others. In addition, the Vlaams Blok is seen to be an undesirable political party since it defends a separatist view: it wants a fully independent republic of Flanders in which Brussels is incorporated.

Already in 1999, the Vlaams Blok became so large (four seats out of 11) that the only possible winning coalition on the Dutch-speaking side was one including all the other parties and excluding the Vlaams Blok. Yet, the Vlaams Blok is even more ambitious. It has the explicit objective of gaining the majority within the Dutch parliamentary language group of Brussels. If the Vlaams Blok could reach the majority of the seats on the Dutch-speaking side, no other government would be possible than one including the Vlaams Blok. In that case, the Francophone parties in Brussels would refuse to have their Minister in the regional government and the system would block. It would certainly be the end of the Brussels consensus model and it would clearly show the weaknesses of the Belgian consensus model. The Brussels complexity and the need for a double majority to make the region work as a mirror of the Belgian model is the weak point at which the Vlaams Blok deliberately aims. It wants to plunge the region into an institutional deadlock.

As Figure 1 shows, the growth of the Vlaams Blok has been gradual but fairly spectacular. While it gained 13.7% of the votes for Dutch-speaking parties at the first elections for the Brussels Parliament in 1989, it polled 31.9% in 1999 and even 38.9% of the votes for Dutch-speaking parties in Brussels at the federal elections of 2003. In 2004 its score was ‘only’ 34.1% – hence the sigh of relief.
From 1998 onwards, the Vlaams Blok developed the strategy of seizing the majority on the Dutch-speaking side. In the beginning of 1998, the party presented Johan Demol as its leading man in Brussels (Hermans and Goeman, 1998). This bilingual former police officer had been fired because he had kept silent and then lied about his former membership of a right-wing extremist and racist youth organization (*Front de la Jeunesse*). He was the perfect candidate. As a police officer he had been leading the police forces of one the largest municipalities of the Brussels region (Schaarbeek) and he had rapidly built up an image as a tough crime fighter. His removal from office could thus be explained by the Vlaams Blok as a deliberate move by the establishment who did not want a strong law-and-order policy in the crime-ridden city. Furthermore Johan Demol was bilingual and actually registered as a Francophone civil servant. Putting him in the lead and on the list of the Vlaams Blok in Brussels was a brilliant move, because he could attract Francophone voters. If French speakers would vote for the Vlaams Blok, the party would be able to grow beyond its ‘normal’ Dutch-speaking constituency to reach the majority of the seats on the Dutch-speaking side. That was the strategy and it was openly defended. The Vlaams Blok did not hide its (old) dream of making Brussels and Belgium ungovernable.

There is, however, some ambiguity in the strategy. The Vlaams Blok wants to attract Francophone voters in order to block the institutions and to put its claim for Flemish independence high on the agenda. Therefore, the Vlaams Blok needs to hide its separatist image. It distributes propaganda in two languages and focuses almost exclusively on the immigration and security themes. On the Francophone side, there is certainly a market for these issues. In Brussels there is the Francophone extreme right-wing party *Front National*, but it is extremely badly organized and does not play a significant role (Coffé, 2005). Convincing Francophones to vote for the Vlaams Blok as the only defender of a zero tolerance law-and-order policy and as the only party saying loudly and clearly that security and immigration issues are intimately linked, is therefore a feasible strategy.
Yet, it did not work. In 1999 – the first elections with Johan Demol – the Vlaams Blok polled a quite spectacular 31.9%, but that was still far away from the absolute majority. The number of seats for Dutch speakers increased from ten to 11, and that was probably due to the fact that Francophones (be it a small number only) had voted for the Vlaams Blok. That the Vlaams Blok polled better for the Brussels regional Parliament (4.5% of the total votes) than for the Federal Houses (3.4% of the total votes for the Senate and 4.1% of the total votes for the House) in Brussels, indeed indicates that for the Brussels regional Parliament, French-speaking citizens voted for the Vlaams Blok. All the other parties formed the Dutch-speaking part of the Brussels regional government, leaving the Vlaams Blok as the only opposition party. From there, the right-wing extremist party started its campaign for the 2004 regional elections, still with the same goal of killing the system.

At the federal elections of 2003 the score of the Vlaams Blok in Brussels was remarkable. It polled 38.9% of the votes for the Lower House. This meant that it was coming closer to its aim and that it might indeed reach the majority at the following regional elections in 2004. During the 2004 campaign the will to block the Brussels institutions was less explicit in the party’s discourse and it focused even more on immigration and law and order, blaming all the other parties for refusing to see the real problems of Brussels. Its electoral result was disappointing. With only 34.1% and six of the 17 seats, the Vlaams Blok is by far the largest party on the Dutch-speaking side, but it remains a long way from the 50% needed. The new Brussels regional government on the Dutch-speaking side is formed by Liberals, Socialists and Christian-Democrats, leaving the Greens and the Vlaams Blok on the opposition benches.6

The Vlaams Blok needs the full 50% to reach its goal, because the other parties have agreed to put a protective anti-Vlaams Blok device into the Brussels institutions. Indeed, parties can agree to form electoral *apparentements* (Jacobs and Swyngedouw, 2003). This means that the parties themselves remain as separate entities, but are seen as one entity in the process of assigning seats within the language group. The distribution of the seats is done first to the electoral *apparentement* and then to the parties belonging to the *apparentement*. The D’Hondt system, used for the distribution of seats in Belgium, favours the largest party, especially when the other parties are much smaller. By forming an electoral *apparentement* of all (major) other parties against the Vlaams Blok, the Vlaams Blok needs the full majority of the votes to get the majority of the seats. As Jacobs and Swyngedouw (2003) predicted, this new procedure for the distribution of the seats did not weaken the Flemish extreme right. It did not have an effect on its number of seats. The device was also not needed to keep the extreme right party from gaining a majority. The score of the Vlaams Blok was far below the expected level. There are two explanations for this. An exit poll conducted at the 2004 regional elections in Brussels shows that the Vlaams Blok attracted less Francophones than in 1999 (Delwit, 2004).7 A possible explanation for the less than expected score of the Vlaams Blok is the fact that the computer is used for voting in Brussels. Here, the complexity of the Brussels institutional system appears to be playing against the Vlaams Blok. For the Brussels regional elections the voter has to make a choice between the Francophone and the Dutch-speaking parties. The computer asks the voter to make a choice and then shows the list of that language group only. If a Francophone voter wants to vote for the Vlaams Blok, he or she has to know
very well how the system works. The voter must explicitly ask for the Dutch-speaking lists in order to find the Vlaams Blok. Apparently many of them do not know this. This can be illustrated clearly by comparing the results of the Vlaams Blok for the House of Representatives and for the Senate at the federal elections of 2003 (also with the voting computer). For the Senate the voter had to choose a language group first and was then able to see the choice within that language group. For the House the lists were not divided into language groups and the voter therefore saw all the parties on the screen. When the choice for the language group had to be made first (the Senate), the Vlaams Blok polled 29.1%. When all the lists appeared on the screen (the House), the Vlaams Blok polled 38.9%. Since the Brussels regional elections are organized along the same logic as those for the Senate, the complexity of the Brussels institutional architecture leads a significant number of Francophone voters away from the Vlaams Blok.

Conclusions

A sigh of relief was audible after the 2004 regional elections in Brussels. The Vlaams Blok did not win the majority of the seats of the Dutch language group. It did not succeed in its aim to block the Brussels institutions. But the institutions remain vulnerable. Their complexity with mutual vetoes and multiple sources of frustration make them an excellent target for skilled populist mobilizers. The Brussels region, being at the heart of the Belgian compromise, remains the weakest point where the carefully built balances can be disturbed. In 2004 the complexity of the Brussels institutions, combined with the computerized vote, has also played against the Vlaams Blok. Yet, this right-wing populist party never stops campaigning and, in 2009, the problem of the vulnerability of the institutional complexity will be on the agenda again.

Acknowledgements

I would like to thank Prof. Kris Deschouwer and Johan Basiliades for their comments and assistance.

Notes

1Jacobs and Swyngedouw (2003) give a more elaborate description of the institutional structure of the Brussels Capital Region.
2The label ‘Flemish’ refers to Dutch-speaking.
3Note that all official census counting of language is forbidden by law. Besides, given the multicultural context of Brussels, many citizens do not have the Dutch or French language as their mother tongue. Brussels is a multilingual city in which citizens with a different linguistic background function in a multitude of networks which leads to a heterogeneous use of language in different domains. Both French- and Dutch-speaking citizens live in a city where different languages are spoken and which has a clear influence on both language groups (Janssens, 1999). However, one frequently used way of calculating the number of Dutch-speaking citizens is by referring to the electoral results and the percentage of votes for Dutch-speaking parties. The idea is then that those who vote for a Dutch-speaking party feel a belonging with the Flemish Community. The calculation leads to a total of about 15% of Dutch-speaking citizens.
The Francophone Community agreed with the Flemish Community’s demand for a fixed and higher number of seats, on the condition that it would also get more seats. Taking the 1995 elections as the point of departure (i.e. the elections where the Flemish Community had the lowest number of seats) both communities got seven seats more: from ten to 17 for the Flemish Community and from 65 to 72 for the Francophone Community. As such, the total number of seats in the regional Brussels Parliament was raised to 89.

In November 2004 the Vlaams Blok was convicted for racism. The party changed its name into Vlaams Belang and wrote a new, more moderate party manifesto trying to present itself as a viable policy party. However, the cordon sanitaire still exists, despite it being the subject of many debates and discussions.

The results of the 2004 regional elections in Brussels are presented in the Appendix.

Note that given the small presence of Dutch speakers in Brussels, the number of Dutch-speaking respondents was rather limited in the exit poll. This means that the results may be unreliable. However, certain general trends may be distinguished.

In the results of the 1999 elections when the same computer programme was used, a similar trend can be seen. The Vlaams Blok polled higher for the House, when all the lists appeared on the screen, than for the Senate, when the choice of the language group had to be made first.

References


Appendix: Electoral Results in the 2004 Regional Elections in Brussels

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### Dutch-speaking parties

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