

B E L G I U M

SECTION A

Capital

Brussels 948,122 (1996 est.)

Area

30,528 sq km (11,787 sq mi)

Form of government

Federal constitutional monarchy with a Parliament composed of two legislative chambers

GDP—per capita

Purchasing power parity—\$23,900 (1999 est.)

Population

10,182,034 (July 1999 est.)

Ethnic composition

Belgian	91.0%
Italian	2.4%
Moroccan	1.4%
French	0.9%
Turkish	0.8%
Dutch	0.6%
Other	2.9%

Official languages

Dutch (Flemish), French (Walloon), German

Minority languages

Luxembourgish, Oil

Legislation dealing with the use of language

The Belgian Constitution adopted on February 17, 1994

In 1991, the text of the Constitution in German acquired the same official status as the French and Dutch texts.

The 1963 Language Laws created the legal basis for the present education system.

Background notes

In Roman times, the area of Belgium was a part of Gaul and was inhabited by romanized Celts. Gradually the land was infiltrated by groups of Gothic Germans, until finally in the 3rd and 4th centuries AD, a new wave of Germans, the Salic Franks, began pressing down from the northeast. Eventually they pushed back the Romans and took up a line generally corresponding to the present north-south division between Flemings and Walloons, a natural barrier of dense forests at that time. Only later, in the 5th century, after the withdrawal of the Roman frontier garrisons, did many Franks push on southward and settle much of Gaul proper. The northern Franks retained their Germanic language (which became modern Dutch), whereas the Franks moving south rapidly adopted the language of the culturally dominant romanized Gauls that would eventually become French. The language frontier between northern Flemings and southern Walloons has remained virtually unchanged ever since.

In 1831, the Constituent Assembly created a single state; however, because of the diversity of regions and a certain degree of decentralization, the State was divided into nine provinces and each province into local authorities. The provincial and local authorities were under the control of the state, so the Belgian State of 1831 was centralized. This unitary and centralized State continued for 140 years (1831 to 1970). In response to public pressures for reform the Constitution was amended four times, in 1970-1971, 1980, 1988, and 1993. The last revision confirmed the new federal structure of the Belgian State. The former bilingual province of Brabant was split into two provinces: "Vlaams-Brabant" (Dutch-speaking) and "Brabant-Wallon" (French-speaking). "Brussels", the national capital and also the geographical center of the former province of Brabant, no longer belonged to a province. This resulted in its special status as a bilingual Region being reinforced.

Much of the history of modern Belgium consists of the struggle of the country's Flemish-speaking community. In a society that was dominated largely by Walloons after the country achieved independence in 1830, the Flemish community wished to gain equal status for its language and to acquire its fair share of political influence and economic opportunity. In the 20th century they have been successful in obtaining legislation to further

these aims, but their linguistic and other differences with the Walloons remains a source of occasional social friction.

The linguistic boundary is minutely demarcated by law and passes roughly east west across north-central Belgium on a line just south of the capital city, Brussels. North of the line, all public signs and government publications must be in Flemish, which has official status; the same situation prevails for French south of the line. In Brussels, which is officially bilingual, all signs and publications must be in both languages.

GERMAN (100,000 speakers):

Since its creation in 1830, Belgium has always had a German-speaking minority settled down in Arel (Arlon) and Montzen (which is called “Alt-Belgien”). After the First World War, The Treaty of Versailles gave Belgium new territories known as “Neu-Belgien”, which includes the areas around Malmedy, Eupen and St. Vith. The latter two territories form what is today the official German-speaking region, while in the other cantons (Arlon, Montzen and Malmedy), German is not the official language.

Oil

As the other Romance languages, the Oïl languages resulted from the fragmentation of Latin after the fall of the Roman Empire. For historical reasons, the Oïl dialect of Île-de-France (Francian, which was to become French) was imposed as an official language in the French State. This resulted in it being installed as the official language in other exclusively or partially French-speaking countries, such as the former French colonies and, in Europe, the French-speaking parts of Belgium and Switzerland. Since the 15th century, the language became unified and took the Parisian variant as its sole model, a tendency that would be accentuated during the following centuries. As a result, the other Oïl languages are vanishing and they are often in a situation of diglossia (a socio-linguistic situation in which complementary social functions are distributed between two different varieties of a language, a prestigious, formal, or high variety and a common, colloquial, or low variety) with regard to French.



SECTION B

Where does one observe language to be a problem in the country?

The situation in Belgium is very different from the majority of the countries in Europe. There are three linguistic communities – French, Flemish and German in Belgium and three regions – Brussels-Capital, the Flemish Region and the Walloon Region. The country is further divided into 10 provinces and 589 municipalities. The territory of Brussels-Capital Region is bilingual, French/Dutch. The Flemish Region is officially Dutch speaking. The Walloon Region encompasses French-speaking territory and the German-speaking cantons. In the Brussels-Capital Region, the French and Flemish Communities may both exercise their own discretion in regards to people and institutions, according to the language in question.

On a national level, the legislative bodies consist of a House of Representatives and a Senate. Each region and community has its own parliament known as a Council. The State, the Regions and the Communities each have their own government, made up of Ministers and, in certain cases, State Secretaries.

What does it cost in terms of money, time and government resources to police the country's language restrictions?

Immediately following Belgium's independence in 1830, freedom of language was announced, assuring nationals that they were free to use Dutch, French or German in dealings with the authorities (Article 5 of the Decree of November 16, 1830). This Law ceased to apply after 1839 and the language of administration and the courts became almost exclusively French. In 1842 it was stipulated that primary education had to cover the basics in all three languages as the need arose. In 1914, it was stipulated that teaching at all levels had to be given in the child's mother tongue, although the reality often differed from the legal position. Secondary teaching continued to be in French. The First and the Second World War influenced the usage of German. It was not until the 1960's that there was a major change of policy when the Flemings in particular attacked the French-dominated central government. The newly created cultural federalization also benefited the German-speaking community, since it was given a specific geographical "German-speaking area" in which German was used as the official language. Government reorganization meant that a federation of the three regions replaced central government power, and since 1980 the Council of the German-speaking Community has had legislative powers over all language, cultural and educational matters. Today New Belgium is therefore one of the three Belgian communities making up the Federal State of Belgium.

The main event in the promotion of the language over the past few years has undoubtedly been the transfer of education into the hands of the

“German-speaking Community” under the government reform that temporarily came to an end in 1993. In 1991, the text of the Constitution in German acquired the same official status as the French and Dutch texts. The official German-speaking area (NB), receives a good deal of government support and recognition as a language community. Funds for teaching in the language are appropriate and adequate, but interest in linguistic research and exchange programs is felt to be virtually non-existent. The government’s failure to encourage mutual understanding between the language groups is the subject of complaints, but this is a pan-Belgian problem involving all three national languages.

The use of language in everyday life e.g. education, broadcasting and other

GERMAN

German is spoken in 9 out of Belgium’s 589 municipalities. These nine municipalities are part of the Walloon Region, which means that the German-speaking community has no autonomy in regional matters.

The German-speaking area of Belgium covers New Belgium (NB) and Old Belgium (OB). There are two districts in NB, Eupen, and the more southerly St Vith. There are three districts in OB: the area around Montzen, also known as the Welkenraedt Region (Old Belgium North), Bocholz with the villages of Deifeld, Urt and Watermal (Old Belgium Central) and the Arelerland on the Luxembourg border.

In New Belgium, German is the official language as well as the practical language of the territory. Local government is trying to establish bilingualism in German and French. According to sources, problems arise when dealing with the local authorities because the regional authorities are agencies of both the German community and the Walloon government. The ministries of the Walloon Region take little account of the need to prepare applications and forms in German for the German municipalities. Despite major shortcomings in this respect, it appears that the policy of the Walloon government has clearly altered in favor of the recognition of German in its Region over the past few years. As for education in NB, German is the (compulsory) official language of instruction as defined by the 1963 language laws. The five French-speaking schools or departments in this area are exceptions to this. Teaching in the first foreign language is also in French.

In Old Belgium, the only official language of the territory is French. One exception in OB is the area around Montzen where there is some “relief” for German speakers. In OB and the Malmedy areas, French is the medium of instruction in schools. Under certain circumstances, the child’s mother tongue or language of habitual use may also be the language of instruction in nursery or primary schools in the Montzen municipality (Articles 3 and 4 of the Education Act of July 30, 1963). In the Arelerland, German may be

the second language in primary education. (Article 10 of the Education Act of July 30, 1963)

Public announcements, communications and forms issued by these authorities are written in German and French in NB. Only German may be used in correspondence with individuals. The same applies to documents relating to individuals. Certificates, declarations and licenses issued to individuals are drafted in German or French, according to the wishes of the party concerned. For individual services such as telephone and electricity bills, German and French are used according to choice. In NB, German generally predominates in all service centers, while it is spoken only occasionally in the service centers of OB. Road signs in NB are bilingual in the northern part of the area, with French being used voluntarily as the second language. Official signs are only in French, while road signs in the area around Eupen are bilingual. In OB official signs are only in French.

Generally, the official language of education is the same as the official language of the linguistic region. Therefore, the official school language is Dutch in the Dutch-speaking region, French in the French-speaking region, German in the German-speaking region and, depending on the choice of the head of each household, Dutch or French in the bilingual region of Brussels. Some aspects of foreign language teaching are also governed by legislation on language. For instance, in the bilingual region of Brussels, the first foreign language in French-speaking schools is Dutch, which is compulsory, and vice versa. However, in the French-speaking and Dutch-speaking regions, students are free to select their first foreign language (Dutch, German or English).

The process of learning to communicate in a modern language other than French covers at least two periods a week in the fifth and sixth years of primary education. The French Community encourages the organization of language classes at the primary education level by allocating additional teaching staff to schools that apply. This additional staff amounts to over a hundred full-time jobs. In the Walloon Region, with the exception of those municipalities that are adjacent to the linguistic borderline, the modern language can be Dutch, English or German. Under certain conditions, a school may propose a choice from those three languages. In the Brussels Region, instruction in Dutch is mandatory from the third year for French-speaking pupils. It is taught 3 hours per week in the second degree (3rd and 4th year of studies) and 5 hours per week in the third degree (5th and 6th year of studies). It may include revision exercises on other subjects in the curriculum. Dutch instruction is optional in the first degree (1st and 2nd year) at a rate of 2 hours per week and only deals with the spoken language.

Did the country ratify any international treaty dealing with the protection of minorities?

According to the Eurolang news agency (<http://www.eurolang.net>), Belgium is preparing for the signature of the European Charter for Regional or

Minority Languages. The fact that the three Belgian official linguistic communities (German, French and Dutch) are actually supporting the signing seems to place no barrier to the proposal's approval. The already complex linguistic situation in Belgium may get more complicated if one takes into account the fact that there are seven more officially recognized languages in this country, although there is a common agreement on their status (as long as they are Romance and Germanic languages or dialects). This is the case with Limbourghish, which although it is recognized in some Belgian towns and villages (where even public signs are bilingual), the Dutch Academy (Taalunie) insists on considering it as a Dutch dialect.

Conclusion

The state guarantees the protection of human rights and freedoms in accordance with the principles and norms of international law.

SECTION C

Where does one observe language to be a problem in the country?

Updated (January 2003)

In Belgium multilingualism is very common. Since the 1998 Decree, which made learning of the second language (either Dutch or English) obligatory from the 5th grade in Wallonie, Dutch has been neglected because schools could decide which language they will choose and usually they preferred English.

The so-called Braun Report¹ stresses the current poor knowledge of foreign languages amongst the French-speaking community and proposes solutions based on both foreign and Belgian scientific research. Braun argues that starting in kindergartens, this early exposure to other languages stimulates children's motivation to learn them when they become obligatory subjects later on in schooling.

Once they become obligatory (at present, a second language is obligatory from the 3rd year of primary schools in Brussels and from the 5th year in Wallonie), the Braun report recommends the immersion method of education, i.e. teaching certain subjects such as Geography, History, etc in the foreign language. Dutch, the mother tongue of around 60 percent of Belgians, should be the first language learned after the mother tongue. The second foreign language should be one of the international languages (English or Spanish).

¹ The report written up by professor Alain Braun from the University of Mons-Hainaut at the request of the parliament's president, François Scheppers.

Source: Eurolang News, Brussels, January 10, 2003, by Hannah McGlue,
<http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4029>

The use of language in everyday life e.g. education, broadcasting and other

Updated (News 2001)

LIMBURGER

In the year 2000 the Party of New Limburg in the Dutch province proposed to develop a written standard for the Limburger language in order to enable schools to teach it. However, this idea was rejected by a majority of the regional Parliaments because it would be unacceptable for those who speak other 550 varieties of Limburger.

The language is spoken by an estimated 2 million people in the provinces of Limburg in the Netherlands and Limburg in Belgium. In the Netherlands, Limburger has since 1997 been recognized by the Dutch government as a regional language within the framework of the European Charter for Regional or Minority Languages. As a consequence the regional government of Limburg in Belgium also applied for recognition in Brussels.

While more than 70% of the people speak Limburger, only 1% is able to write the language. To introduce Limburger at school would require standardized grammars, dictionaries and teaching material. Although the Limburger language is widely used in informal domains, by musicians, at home or in the pub, speaking the language in the regional parliament in Maastricht is not accepted.

In 2001 the regional government plans to establish a Council for Limburger, following the example of a similar body for Frisian in Friesland.

Did the country ratify any international treaty dealing with the protection of minorities?

Updated (August 2001)

On July 31, Belgium signed the Framework Convention for the Protection of National Minorities with an attached reservation, which specified that the provisions of this international instrument should apply without prejudice to the state's Constitution and linguistic regulations. The complex socio-political situation in Belgium caused that the definition of national minority will be established by the inter-ministerial conference of foreign policy.

The Framework Convention is the first legally binding international document which intends to protect the existence of national minorities within depositary states by means of a series of principles relating to freedom of assembly, association, expression, linguistic choice, access to

media, education, trans-frontier cooperation, etc, and which is opened to signature by Council of Europe state members since 1995.

Updated (April 2002)

The PACE's (Parliamentary Assembly Council of Europe) Committee on Legal Affairs and Human Rights has on March 25, 2002 issued a report on the Protection of Minorities in Belgium. This report welcomes the fact that Belgium recently signed the European Convention of Human Rights and the Framework Convention. However, it also states that according to a previous Venice's Commission's analysis the Framework Convention should apply in Belgium to the German-speaking community at a state level; the French-speakers in the Dutch-language and German-language regions as well as the Dutch-speakers and German-speakers in the French-language region. In addition, the report stresses the importance that Belgium ratified both the Protocol 12 and the Framework Convention, as well as recommends the signature and ratification of the European Charter for Regional or Minority Languages.

Updated (September 2002)

The cultural association "Arelerland a Sprooch," representing the Luxembourgish-speaking population in Belgium, has declared its discontent with the Belgian government.

The problem is a lack of specific legislation for the Luxembourgish minority in the state, which otherwise legally protects the Dutch, French and German linguistic minorities. Apart from asking the Belgian government to ratify the Framework Convention for the Protection of National Minorities (signed on July 2001), the association also calls for a ratification of Protocol 12 of the European Convention on Human Rights, and a signature and ratification of the European Charter for Regional or Minority Languages.

Within the context of the Framework Convention the following groups are considered to be minorities in Belgium: at state level, the German speaking community and at regional level, the French speakers in the Dutch and German language region and the Dutch and German speakers in the French language region.

This definition excludes the Luxembourgish speakers, as well as the Walloon speakers. The aim of the Luxembourgish is to allow the use of the language in kindergartens, and to introduce bilingual German-French primary schools in the region.

According to Albert Conter, the President of "Arelerland a Sprooch," the recognition of Luxembourgish would have a symbolic value for the region, which for more than 100 years have fought for an official recognition of their culture and language.

It is estimated that around 35,000 people in Belgium have knowledge of the Luxembourgish language.

Source: Mercator News, August 2002,
<http://www.troc.es/ciemen/mercator/index-gb.htm>; Eurolang news,
Brussels, September 11, 2002 by Eva Blassar, www.eurolang.net

Updated (October 2002)

At the end of September, the Parliamentary Assembly of the Council of Europe (CoE) voted with 68 to 100 votes in favor of the adoption of the report on the protection of minorities in Belgium. The report, drafted by the Swiss rapporteur Lilli Nabholz-Haidegger, describes that in addition to the national German-speaking minority in East of Belgium, minorities on a regional level also exist. This caused controversy among 120,000 French-speakers living in the Brussels periphery, who are a part of the Flemish community and would be given a minority status within the CoE's Framework Convention.

Several representatives in the CoE Parliamentary Assembly stressed that the complicated system in Belgium was elaborated in a long and difficult negotiation process in order to keep the balance between the French and Dutch speakers in the country. "These rules have been accepted by all parties involved. It is not up to the Council of Europe to intervene," says Renzo Gubert on behalf of the group of European People's Party. The French-speaking Belgians; however, do not consider the debate in the Council of Europe as an intervention. "Consensus in Belgium is difficult to find without help of a neutral body like the Council of Europe," says Jean-Pol Henry (Socialist Group) in Strasbourg.

Belgium signed this CoE document in July 2001, with the annex that the term "minority" still has to be defined by the inter-ministerial conference of foreign policy. While this has not happened yet, the Council of Europe's Report states that a minority in Belgium is at state level, the German-speaking community and at regional level, the French-speakers in the Dutch-language and German-language Region, and the Dutch and German-speakers in the French-language Region.

The report also advises Belgium to ratify the Framework Convention as soon as possible to ensure that all national minorities in the country, at whatever level, are protected. In order to ratify the Framework Convention, an approval of all seven competent parliamentary assemblies is needed, including the Flemish parliament. Patrick Dewael, the Prime Minister of the Flemish government, announced that triumphal reactions of the French-speakers after the adoption of the report make him less ready than ever to find a common definition on minority by the inter-ministerial conference of foreign policy.

Source: Eurolang News, Strasbourg, September 27, 2002, by Margret Oberhofer, <http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=3846>

APPENDIX A

MAP OF BELGIUM



APPENDIX B

BELGIUM - CONSTITUTION

(Adopted in 1970)

(Document Status: February 17, 1994)

TITLE I

ON FEDERAL BELGIUM, ITS COMPONENTS AND ITS TERRITORY.

Article 1

Belgium is a Federal State made up of communities and regions.

Article 2

Belgium is made up of three communities: The French Community, the Flemish Community and the German Community. Belgium is made up of three regions: The Walloon region, the Flemish region and the Brussels region.

Article 4

Belgium has four linguistic regions: The French-speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the German-speaking region. Each (county borough) of the Kingdom is part of one of these linguistic regions.

The limits of the four linguistic regions can only be changed or modified by a law adopted by majority vote in each linguistic group in each Chamber, on the condition that the majority of the members of each group are gathered together and from the moment that the total of affirmative votes given by the two linguistic groups is equal to at least two-thirds of the votes expressed.

The Walloon region is made up of the following provinces: The Walloon Brabant, Hainaut, Liege, Luxemburg and Namur. The Flemish region is made up of the following provinces: Antwerp, the Flemish Brabant, West Flanders, East Flanders and Limburg.

Article 30 (Choice of Language)

The use of languages current in Belgium is optional; only the law can rule on this matter, and only for acts of the public authorities and for legal matters.

Article 43

(1) For cases determined by the Constitution, the elected members of each House are divided into a French linguistic group and a Dutch linguistic group, in the manner determined by law.

(2) The senators referred to in Article 67 (1)(2,4,7) make up the French linguistic group of the Senate. The senators referred to in Article 67 (1)(1,3,6), make up the Dutch linguistic group of the Senate.

Article 54

(1) With the exception of budgets and laws requiring a special majority, a justified motion, signed by at least three-quarters of the members of one of the linguistic groups and introduced following the introduction of the report and prior to the final vote in a public session, can declare that the provisions of a draft bill or of a motion are of a nature to gravely damage relations between the Communities.

(3) This procedure can only be applied once by the members of a linguistic group with regard to the same bill or motion.

Article 129

(1) The French and Dutch Community Councils rule by decree, in as much as each is concerned, excluding the federal legislator, on the use of language for:

- 1) administrative matters;
- 2) education in those establishments created, subsidized, and recognized by public authorities;
- 3) social relations between employers and their personnel, in addition to corporate acts and documents required by law and by regulations.

(2) These decrees have force of law in French-language and in Dutch-language regions respectively except as concerns:

- those communes or groups of communes contiguous to another linguistic Region and in which the law prescribes or allows use of another language than that of the Region in which they are located. For these communes, a modification of the rules governing the use of languages as described in (1) may take place only through a law adopted by majority vote as described in Article 4, last paragraph;
- services the activities of which extend beyond the linguistic Region within which they are established;

- federal and international institutions designated by law, the activities of which are common to more than one Community.

Article 136

(1) There are linguistic groups within the Brussels-Capital Regional Council, and among the governing bodies, qualified with respect to Community issues; their composition, functioning, and responsibilities and, without prejudice to Article 175, their financing, are regulated by a law adopted by majority vote as described in Article 4, last paragraph.

Article 138

(1) The French Community Council, on one hand, and the Walloon Regional Council and the French linguistic group of the Brussels-Capital Regional Council, on the other hand, may decide of common accord and each by decree, that the Walloon Regional Council and Government in the French-language Region, and the Brussels-Capital Regional Council and its governing bodies in the bilingual Region of Brussels-Capital may exercise, in full or in part, the responsibilities of the French Community.

(2) These decrees are adopted by a two-thirds majority vote within the French Community Council, and by absolute majority within the Walloon Regional Council and by the French linguistic group within the Brussels-Capital Regional Council, provided that a majority of the Council members or of the members of the linguistic group concerned are present. They may settle the financing of the responsibilities which they designate, in addition to transfers of personnel, of assets, of rights and of obligations which may concern them.

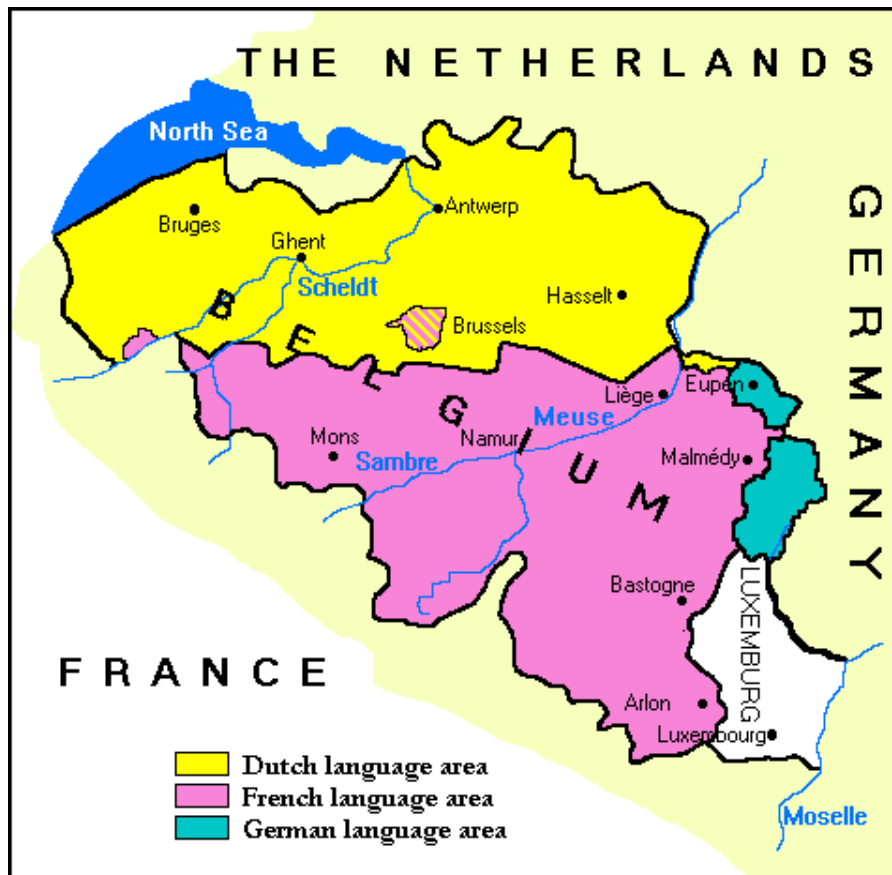
Article 139

(1) Upon request by their respective Governments, the German-speaking Community Council and the Walloon Regional Council may, by decree, decide of common accord that Walloon Regional responsibilities may be exercised in whole or in part by the German-speaking Community Council and Government in the German-language Region.

Note: The complete text of the Constitution and further information on the constitutional background of Belgium are provided by the International Constitutional Law Project at the University of Wuerzburg.

APPENDIX C

THE LANGUAGE SITUATION IN BELGIUM



Source: Mercator Education, Language Maps,
<http://www.ned.univie.ac.at/publicaties/taalgeschiedenis/en/belgienkarte.htm>

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Website of Perry-Castañeda Library, El Map Collection, The University of Texas at Austin http://www.lib.utexas.edu/Libs/PCL/Map_collection/Map_collection.html