



Resolution 1172 (1998)¹

Situation of the French-speaking population living in the Brussels periphery

Parliamentary Assembly

1. The communes in the Brussels periphery are characterised by special linguistic conditions. The situation of the French-speaking population living in this periphery must be evaluated in the overall context of Belgium's constitutional development and the country's complex linguistic arrangements, resulting from historical evolution and compromises reached after lengthy negotiations.
2. The Belgian Constitution guarantees the optional use of languages current in Belgium; only the law can rule on this matter, and only for acts of the public authorities and for legal matters. Following several successive legislative and constitutional reforms, from the beginning of the 1960s onwards, the Belgian state has evolved from a unitary decentralised structure to a federal state made up of three communities, three regions, and four linguistic regions (three monolingual, one bilingual).
3. Since 1932, as regards linguistic legislation, the territoriality principle has been applied, which stipulates that in monolingual regions, the use of the language of that region is compulsory for all public administrative acts. The 1962-63 language laws demarcated the language boundary still valid today. The same laws also provided for linguistic facilities for the inhabitants of twenty-seven communes contiguous to a different linguistic region, who have the right to request that, in their dealings with the authorities (regarding, for instance, administrative matters, education, and industrial relations between employers and their employees), a language other than that of the region in which the communes are located should be used. Since a constitutional amendment adopted in 1988, the linguistic facilities in these twenty-seven communes cannot be changed except by a federal law with a special majority.
4. Six of the twenty-seven communes with facilities lie on Flemish territory in the Brussels periphery, and have a large share, sometimes a majority, of French-speaking inhabitants. Though the official language in these communes is Dutch, these inhabitants have the right to request that, in their dealings with the public authorities, French be used. This right also extends to written communication, nursery and primary education, industrial relations, and certain court cases.
5. A conflict has arisen involving the six communes with linguistic facilities in the Brussels periphery (and, to a lesser extent, involving the other communes without facilities in the Brussels periphery) about the treatment of the French-speaking inhabitants. The current conflict seems to have been sparked off by an increased tendency of the Flemish government to restrict as far as legally possible the use of the linguistic facilities, with the aim of reinforcing the Flemish, Dutch-speaking character of the region, including the six communes in question. This tendency of the Flemish Government seems itself to originate in a perceived "Frenchification" of the Brussels periphery at its origin, a fear to which some French-speaking politicians have probably contributed.
6. The Parliamentary Assembly considers that this and other linguistic conflicts in Belgium can only be solved if all parties concerned (and especially the politicians) are good-willed, open-minded, tolerant, pragmatic and flexible, willing to further the peaceful cohabitation of different linguistic groups, and refrain from

1. Assembly debate on 25 September 1998 (32nd Sitting) (see [Doc. 8182](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Columberg). Text adopted by the Assembly on 25 September 1998 (32nd Sitting).



stoking up or using these conflicts for political ends. It notes that, for a long time, the very large majority, both in the population and in the federal assemblies and the federal government, which are responsible for linguistic legislation, has demonstrated the pragmatism and flexibility to foster such peaceful cohabitation.

7. The Assembly reminds all parties concerned that the decisions of the different conflict resolving mechanisms (for example, the Permanent Linguistic Control Commission, the Deputy Governor of the Province of Flemish Brabant) and the courts (for example, the Court of Arbitration, the Council of State, the European Court of Human Rights) should be respected. This also applies to the decision of the European Court of Human Rights of 23 July 1968, *inter alia* stipulating that children of parents not resident in the six communes with linguistic facilities in the Brussels periphery should nevertheless be allowed to attend the French-speaking schools in these communes.

8. In the particular case of the situation of the French-speaking population living in the Brussels periphery, the Assembly recommends that the Flemish Government:

8.1. seek to integrate, but not assimilate, speakers of other languages (especially French-speaking Belgian citizens) in Flanders;

8.2. recognise that members of the French-speaking minority in Flanders have a right to keep their own identity and language, and develop their own culture.

9. The Assembly recommends that the French-speaking inhabitants of the Brussels periphery, and in particular their political representatives:

9.1. seek to integrate into the region they live in, that is Flanders, by, for example, trying to learn Dutch or improving Dutch language skills, and taking part in the cultural life of Flanders;

9.2. recognise that they live in communes with linguistic facilities situated in a monolingual region, not a bilingual region, and respect the rights of the Dutch-speaking inhabitants;

9.3. cease trying to enlarge the linguistic facilities into *de facto* bilingualism.

10. The Assembly further recommends that the Belgian Government:

10.1. encourage cultural communication and co-operation across the language borders within the Belgian state, for example by concluding cultural co-operation accords between the different communities and the different regions concerning, for example, the setting up of certain bilingual schools in the three communities;

10.2. consider signing and ratifying the European Framework Convention for the Protection of National Minorities.