

Multicultural Policies and Modes of Citizenship  
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**MULTICULTURAL POLICIES  
AND MODES OF CITIZENSHIP IN BELGIUM:  
THE CASES OF ANTWERP, LIÈGE AND BRUSSELS.**

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**PART I.  
COMMON INTRODUCTION TO THE BELGIAN TEMPLATES**

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Within the UNESCO-program Management of Social Transformations (MOST), a project has been set up to study forms of political participation of immigrants and ethnic minorities in European cities. Within this so-called MPMC-project (Multicultural Policies and Modes of Citizenship), researchers have been asked to provide basic information on ethnic minorities and their participation in order to facilitate (cross-national) comparison.

With this goal in mind, an overview will be presented in this report of the multicultural policies and modes of citizenship for three major Belgian cities: Antwerp, Brussels and Liège. Since all three cities are part of the same country, a common general introduction will be presented in advance of the three separate case-studies. We would like to stress that this first part of the report is the result of a joint effort of researchers from three different Belgian universities (Katholieke Universiteit Brussel, Université Libre de Bruxelles and Université de Liège).

The common introduction focuses on a set of topics which are relevant for all three of the case-studies. In a first section, we present an introductory historical overview of the cycles of migration to the country and of the broad development of policy on immigrants in Belgium. In a second section, the composition of the Belgian population is discussed, differentiating between Belgian nationals and foreign residents. The legal status of foreign residents is presented in section three. Attention is given to both the European as the national dimension. Section four discusses the topic of access to Belgian citizenship. Some figures concerning acquisition of Belgian nationality are presented and the legislation and procedures regarding access to national citizenship are discussed, focusing on the nationality laws in terms of *ius sanguinis* and *ius soli*. Finally, in section five, the current national policies for integration of immigrants and ethnic minorities are presented. Belgium's complex federal status (and the

special position of Brussels therein) requires that a certain amount of specifically 'sub-national' information is included in this section.

We deeply regret that we have to report that one of the authors of this study, colleague and friend Mylène Nys, had a fatal accident during her holiday at the end of August 1999 together with her husband Philippe Stockmans. Mylène, mother of two children, died in a tragic alpinism-accident on a gletjser in France. We will miss her very much.

*Closing date: 1 September 1999*

*1. CYCLES OF POST-WAR IMMIGRATION AND THE DEVELOPMENT  
OF POLICY ON IMMIGRANTS IN BELGIUM (1945-2000).  
AN INTRODUCTORY OVERVIEW.*

This introductory section aims to provide an overview of cycles of post-war migration to Belgium and the broad development of policy on immigrants in Belgium. The objective is by no means to be exhaustive, merely to present a general introduction to the topic facilitating the uninformed reader with the most basic information. Before discussing post-war migration to Belgium (and related policies) in the period 1945-2000, the prior migration flows to Belgium in the nineteenth and early twentieth century will be briefly discussed in the second paragraph. In paragraph three the post-war migration flows to Belgium are discussed<sup>1</sup> and a general overview of policy developments regarding immigrants is presented.

### **1.1. Pre-WWII-migration to Belgium**

#### 1.1.1. Migration until the First World War (1850-1914)

In the second half of the 19th century Belgium was rather a country of emigration than a country of immigration. Available statistical data for the period 1847-1900 reveal that Belgium had a constant migration deficit (Stengers, 1993: 105). It is only at the turn of the century that more people entered the country than there were people who left it. Most of the Belgian emigrants moved to (the north of) France, often to return after a couple of years (Lewin, 1997: 15) or simply working there as seasonal labourers and constantly moving back and forth from Belgium to France (Stengers, 1993: 105). In 1886 the number of Belgians in France was at its peak, reaching up to 482,000 recorded Belgians in the French census (Stengers, 1993: 106). In the same year 43% of all (103,000) naturalisations in France was to be accounted for by former Belgians (Stengers, 1993: 106). Contrary to other European countries permanent emigration of Belgians to America was rather limited. It is only in the beginning of the 20th century (until the First World War) that significant numbers of Belgians - mainly Flemings - emigrated to the United States or Canada (Lewin, 1997: 15).

In the mid 19th century, Belgium itself had a fairly constant foreign (immigrant) population of around 2 to 3% of the total population (Stengers, 1993: 110). At the turn of the century and in the decade preceding the First World War, there was a notable increase of the number of foreigners. The First World War would, however, result in an important drop of the number of foreigners, as can be seen in table 1.

**Table 1. Number of foreigners in Belgium (1846-1920)**

<b>Year</b>	<b>number of foreigners</b>	<b>% of total population</b>
1846	94,821	2.18
1866	98,096	2.03
1880	143,261	2.60
1900	212,474	3.17
1910	254,547	3.43
1920	149,677	2.02

Source: Belgian Census-data cited in Martens (1973: 127)

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<sup>1</sup> It should be stressed that the focus is mainly on documented immigration. By definition there are only very limited records on undocumented immigration. In line with common-sense agreement in social-sciences (Cohen, 1996: xii), by immigration we refer to temporary or permanent settlement in the target country, excluding (temporary) stays of tourists, commuting workers, students, soldiers and diplomats. Immigration in this sensitising definition involves “a sufficient distance or cost not to permit daily or weekly travel between the point of departure and the point of arrival” (Cohen, 1996: xiii). Most official definitions of - and hence, official data on - immigration are in line with this sensitising definition.

The overall majority (over 90%) of the foreigners came from the neighbouring countries - France, Germany, The Netherlands, Luxemburg & the UK - (Martens, 1973: 131) and resided in the border areas or in the larger cities. Approximately half of the immigrants from the neighbouring countries were blue-collar workers, the other half were engaged in the professions (Lewin, 1997: 16). In addition, due to the widespread reputation of some Belgian universities and polytechnic institutes, quite a few foreign students, mainly originating from Latin-American states, Russia, Rumania, Bulgaria and Poland, resided in the country.

In the late nineteenth century and early twentieth century, Belgium had a rather liberal reputation as a safe haven for political refugees and attracted several French, Polish, German, Italian and (Jewish-)Russian dissidents. As the most famous political refugees one can refer to Karl Marx - who was later expelled again - and Victor Hugo. Historian Jean Stengers (1993: 113) has, however, pointed out that the number of political refugees has always remained fairly limited, with the possible exception of the French clergy at the turn of the century.

In a nutshell one can safely state that immigration to Belgium in the pre-WWI-era predominantly resulted from the neighbouring countries and was mainly the result of individual initiatives. Immigration was hardly related to capitalist collective strategies of entrepreneurs nor clearly regulated by the state (Martens, 1973: 137-138).

### 1.1.2. Migration during the Interbellum (1918-1939)

At the end of the nineteenth century, after first having attracted German labourers, several hundreds of Polish workers were welcomed by employers in the Belgian coal mines and plans were made to attract Italian workers in order to counter shortages of miners (Caestecker, 1993: 165). It is, however, only after the First World War that employers in the coal mines actively started to recruit foreign workers in a systematic manner. As a result of strategies of entrepreneurs, already in 1923 over 10% of the miners were of foreign nationality (Lewin, 1997: 17). In 1930, 18% of the miners were foreign workers, including mainly Italians and Poles but also Yugoslavs, Czechs, Hungarians, Algerians and Moroccans (Caestecker, 1993: 166).

In the Twenties and Thirties, immigration of these foreign workers, who were attracted for limited periods of time and were expected to return to their countries of origin after a few years, was progressively being regulated. The Belgian immigration policy during the interbellum was clearly of a capitalist demand-supply nature: according to cyclical economic developments and the needs of industry, foreign recruitment was either facilitated or restricted, and immigrant workers were at times even expelled (Lewin, 1997: 17). Immigration was condoned and stimulated if seen necessary for the development of Belgian industry (at times of cyclical shortage of a labour-reserve), but was blocked when unemployment rose. In the process, the Belgian governments issued their first restrictive laws on migrant workers and in the Thirties gradually introduced a system of immigrant quota and working permits, thus steadily conquering a central position in regulating (labour) migration (Martens, 1973: 140-141). March 1936 probably marks the most significant phase of increasing state interference on foreign labour recruitment; From then onwards, the Ministry of Labour strictly regulated possible labour migration flows by installing a double system of working permits (both for the foreign worker as for the employer, and this in all economic sectors) in accordance to domestic developments of unemployment and national interests (Martens, 1973: 145). Since these immigrants were merely attracted to the country for their labour and were not seen as (even temporary) settlers in the local communities, not a single policy of reception nor of integration was set up (Blaise & Martens, 1992).

As a result of the active recruitment of foreign workers in the Twenties and Thirties - and despite it being increasingly state regulated and at times even slowed down by the state -, the foreigners in 1937 accounted for 4.1% of the total population (Martens, 1973: 127;). In absolute numbers the foreign population increased from 149,677 in 1920 to 339,789 in 1938 (Martens, 1976: 127). As in the pre-WWI-era, new immigrants still in majority originated from

the neighbouring countries (Grimeau, 1993: 118). However, while in 1920 still 84% of the immigrants had come from France, the Netherlands, Germany, Luxemburg or the UK, the proportion of newcomers from neighbouring countries had dropped to 51% in 1938 (Martens, 1973: 131). In contrast to the pre-WWI-era, immigrants increasingly originated from Italy, Poland, Czechoslovakia and Yugoslavia and these new groups were mainly employed in industry and located in coal mining areas (Martens, 1973: 131). These new migration flows had a predominant economic basis, related to active recruitment by entrepreneurs (Martens, 1973: 134). During the Interbellum and particularly in the Thirties, there were, however, also a few notable politically related migration flows: specific groups of Italian, Spanish and (Central and Eastern European) Jewish (political) refugees immigrated into the country (Lewin, 1997: 18; Swyngedouw, 1995: 326).

## **1.2. Post-war migration to Belgium**

### 1.2.1. Immediate post-war migration and the Belgian-Italian bilateral agreement (1945-1956)

During the last months of the Second World War and immediately after the German defeat, the Belgian government made a priority of revitalising the exploitation of the Belgian coal mines in order to rebuild Belgian economy. The mining sector was seen to be so crucial in rebuilding the country, that the government even used war rhetoric to underline the strategic importance of coal for the Belgian economy; The revitalisation of the coal mines was said to be no less than a 'battle of coal'. Despite an improvement of working conditions, the introduction of a special (favourable) social-legal status of miners and compulsory reintegration of former Belgian miners (Lewin, 1997: 20), the government was still confronted with a shortage of miners. As a result, from May 1945 onwards, German prisoners of war were forced to go and work in the mines. In January 1946 nearly 46,000 German POW's worked in the mines. Anticipating the release of the German POW's (in May 1947), the Belgian government started negotiations with the Italian government in order to systematically recruit workers to be employed in the mines (Martens, 1973: 161). In June 1946 the Belgian government made a deal with the Italian government to exchange Italian guest workers for a set amount of its coal production to be sold to Italy. As a result of the bilateral agreement, every week 2,000 (new) Italian workers would be transferred from Milano to Belgium by train. The majority was recruited from Northern-Italy and attempts were made to prevent 'undesirable' political elements – i.e. communists – of joining the foreign Italian labour force in Belgium (Morelli, 1993: 202). In spite of prior promises, the foreign labourers encountered rather harsh working and housing conditions<sup>2</sup>. In the period 1946-1949, over 77,000 Italian workers would arrive through active recruitment in Belgium (Martens, 1973: 163), of whom the large majority were to be employed in Wallonia. Sustained foreign recruitment was necessary given the fairly high drop out rates of the miners (Martens, 1973: 102). In addition to the Italian workers, the management of the coal mines recruited over 23,000 new miners amongst the Eastern-European 'displaced persons' in occupied Western-German territory in order to counter the shortages of labour resulting from the return of the German POW's.

In 1949-1950 foreign recruitment was shortly put to a halt, as the result of a cyclical recession and pressure from the trade unions. It would be taken up again in 1951. Between 1951 and 1953 in total over 44,000 (new) Italians were attracted to the Belgian - mainly Walloon - mines (Martens, 1986: 101). In the period 1952-1955 foreign recruitment was in principle again put to a halt - although there was some lenience for the mines in 1952 and 1953 -, to be reinstalled in May 1955. In the period 1955-1957 over 20,000 Italian miners came to Belgium.

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<sup>2</sup> To give but one example; Despite the promise of proper housing, for several years a lot of the foreign workers had to live in barracks which had previously been used by the nazi's to 'house' Russian forced labourers and had later been used to 'house' the German POW's (Lewin, 1997: 21; Morelli, 1993).

After 1955, foreign recruitment of labourers would no longer be limited to the coal mines, but was gradually extended to the steel industry and the construction sector. In addition, foreign miners increasingly sought (and found) new employment in these other sectors<sup>3</sup>, what in turn led to a new need for other (foreign) miners.

In February 1956 a mining accident at Quaregnon caused the death of 7 Italian miners. In August 1956 a mining accident at Marcinelle caused the death of 262 miners, of whom 136 were Italian. These incidents prompted Italy to demand better working conditions for the Italian guest workers in Belgium. Given the security related demands of the Italian government, Belgium decided to turn more actively to other countries to recruit foreign workers (Morelli, 1993: 206; Lewin, 1997: 22). Before discussing the aftermath of the Marcinelle disaster in the next paragraph, let us have a look at post-war immigrant policy. Starting in 1946, the first initiatives towards reception and integration of the Italian immigrants were undertaken by the trade unions (Martiniello, 1992; Martens, 1997: 64), along side minimal initiatives by the management of the coal mines. It can be stressed that throughout the period 1946-1960 predominantly the trade unions<sup>4</sup> and a number of immigrant associations, supported by political or religious groups from the country of origin, would develop integration schemes for the newcomers. At the time, the Belgian state did not really develop any independent policies aimed at integration of the immigrants. This is not to say that the state did not take any steps in the field of immigration and integration. In 1948 the Ministry of Labour and Social Precaution installed a tripartite commission on foreign labourers (consisting out of Belgian entrepreneur, trade union and government representatives) which had to monitor problems caused by foreign recruitment and (co-)decided on new recruitment. In 1952 the same Ministry, pressured by the trade unions in the tripartite commission, started sponsoring Italian almoners for the miners (Martens, 1973: 189) and supported programs of alphabetisation.

### 1.2.2. Bilateral agreements with other Mediterranean countries (1956-1973)

As an indirect consequence of the disasters at Quaregnon and Marcinelle and prompted by the new Italian demands regarding security, Belgium increasingly turned to other countries to attract blue-collar workers (especially miners). Up to that point, Italian immigration had clearly been the most important segment of the total immigration to Belgium: between 1948 and 1958 on average 48.5% of immigration to Belgium had originated from Italy (Grimeau, 1993: 118). At the end of the Fifties, and especially in the course of the Sixties, the composition of migration flows to Belgium would become more diversified, amongst other factors due to the signing of new bilateral agreements with other Mediterranean countries.

After already having attracted 5,000 workers from these countries in 1955-1956, in November 1956 a first new bilateral agreement was signed with Spain and in August 1957 an arrangement was made with Greece. These agreements ensured the recruitment of about 12,000 workers in 1957 (Martens, 1973: 210). Due to cyclical recession, the closing of some mines in accordance with the CECE-agreement and pressure of the trade unions in the mining sector, foreign recruitment was put to a halt from 1958 to 1961. In 1962, however, foreign recruitment was reinstalled because several sectors of industry experienced a shortage of low skilled labourers. Due to competition for foreign labourers with the neighbouring countries, Belgium was forced to further expand its area of recruitment. In 1964 bilateral agreements were thus made with Morocco and Turkey. In 1969 and 1970 bilateral agreements were made with Tunisia and Algeria. The largest group of immigrant low skilled labourers to settle in Belgium in the Sixties undoubtedly came from Morocco. It is important to note that these Moroccan guest workers – just like other foreign workers - were explicitly invited to bring their families along

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<sup>3</sup> After five years of continuous employment in the mines, foreigners were allowed to go and work in other sectors (Martens, 1973: 103).

<sup>4</sup> It should be noted that the trade unions at times were very reluctant towards foreign labour immigration. At the same time, however, they actively recruited among the foreign workers and demanded better working and housing conditions.

(Attar, 1993: 302). A large majority of them settled in the major cities and especially in Brussels.

From 1962 to 1965 – ‘*the golden sixties*’ - over 125,000 working permits were granted to foreigners. In the entire period 1956-1967 a total of 214,454 working permits (for new immigrants) had been granted (Martens, 1973: 105). Between 1962 and 1971 in total more than 544,000 foreigners came to Belgium, while 260,000 foreigners emigrated during the same period, resulting in a migration surplus of 284,000 foreigners (Martens, 1973: 50)<sup>5</sup>. The effects of the large scale recruitment of foreign labourers (combined with the advent of families of those staying in Belgium and birth on Belgian soil of immigrant children) on the proportion of foreigners in the total population were quite considerable. The foreign population increased from 379,528 in 1954 to 716,237 - over 7% of the total population - in 1970 (Martens, 1973: 47). In the Sixties, a considerable amount of the new immigrants were non-active dependants of guest workers (Lewin, 1997: 23). Immigration of dependants (through family reunion) was indeed even actively stimulated in the Sixties, resulting out of the wish of Walloon politicians to use immigration for demographic purposes (Sauvy, 1962; Martens, 1973: 235-236; Lewin, 1997: 23) and in order to compete with neighbouring countries trying to attract foreign labourers (Martens, 1973: 107).

The guest workers were in the Sixties no longer predominantly employed in the mining sector or the steel industry, but were increasingly integrated in other low-skilled jobs in diverse sectors of industry (Martens, 1973: 90). In addition, the majority no longer settled in Wallonia, but were increasingly attracted to the regions of Gent and Antwerp (both in Flanders) and to Brussels (Martens, 1973: 65). It should be stressed that there was a particularly important effect on the demographic situation in (and social fabric of) Brussels. The combination of Belgians moving out of the city of Brussels (process of sub-urbanisation) and the advent of new immigrants - both blue-collar workers as Eurocrats - into the Belgian capital, caused an important rise of the percentage of the non-Belgian population in Brussels in the overall population (Martens, 1973: 57; Kesteloot, Peleman & Roesems, 1997: 34-39). This phenomenon was further strengthened throughout the following decades.

It is important to note that in October 1968 the requirement of having a working permit was abolished for foreigners from EEC-countries (at this moment: the Netherlands, Luxemburg<sup>6</sup>, France, Germany and Italy), thus really implementing the idea of free movement of EEC-workers, as launched in the Treaties of Rome (1957). This marked an important development towards a differentiated immigration policy, in which EEC-nationals and non-EEC-nationals are no longer treated in the same manner as non-citizens; Indeed, (labour) immigration of EEC-nationals is in important ways deregulated in contrast to (labour) immigration of non-EEC-nationals which remains closely monitored and state-controlled.

In contrast to the situation in the Fifties, the Belgian state got more actively involved - albeit still reluctantly - in setting up policies (or rather: institutions) towards reception and integration of immigrants in the Sixties. One can, however, fairly well state that throughout the Fifties, Sixties and the early Seventies integration of immigrants was still hardly an important topic of political debate nor a policy priority. Immigration policy was - as before - to a large extent determined by cyclical economic factors and integration policy was foremost a secondary effect. There were, however, some important developments. In the new discourses (and policies) of the Sixties, the focus was no longer merely restricted to the foreigner as a 'worker'; The attention was expanded to the foreigner as an 'immigrant', a phenomenon which was undoubtedly partly due to the demographic dimension which had been added to the immigration policy (Martens, 1973: 221). As a result, the tripartite commission on foreign labour was in 1965 transformed into the consultative commission for immigration and explicitly

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<sup>5</sup> In the period 1947-1970 in total over 1,110,000 persons immigrated to Belgium, in the same period over half a million foreigners left the country, leading to a migration surplus of 430,000 foreigners (Martens, 1973: 50).

<sup>6</sup> In fact, Dutch and Luxemburg citizens had already from 1955 onwards no longer needed a working permit, due to the Benelux-agreement. This, however, had no effect on labour immigration (Martens, 1973: 215).

given the mission "to create the conditions allowing for integration and assimilation of families of foreign workers in Belgian society" (cited in Martens, 1973: 243). In the mid Sixties, several provinces (Liège and Limburg in 1964, Hainaut and Namur in 1965) set up so-called provincial services for immigrants in order to facilitate reception and integration of the immigrants (Martens, 1997: 65). Urged by the provincial service in the late sixties, several municipalities - mainly in the mining areas - created local advisory committees consisting out of immigrant representatives. As such, a first venue for (informal) political participation was created. In 1967 EEC-foreign workers were granted equal rights (as Belgian workers had) to participate in social elections. Pressure of the trade unions led to the same for non-EEC-workers in 1971 (Poncin & Wolf, 1975: 17). Those same trade unions would in 1971 for the first time rally for local enfranchisement of foreign residents (Réa, 1997: 52; Jacobs, 1998: 154).

### 1.2.3. Non-EEC-immigration stop and family reunion policy (1974-1988)

Due to economic recession, the decision was made by the Belgian government in August 1974 to stop all new immigration and active recruitment of non-EC guest workers. However, for certain categories of specialised workers (for instance Polish mechanics) an exception was made to this general rule. The policy change did not lead to a complete halt of legal non-EC migration flows to Belgium; The government still allowed for family reunion of non-EC-immigrants, partly as a consequence of demographic problems in Wallonia (ageing of the population). Nevertheless, within the migration flows to Belgium, EC-immigration, and especially immigration from the neighbouring countries, gained momentum. While the neighbouring countries and the UK had accounted for 24% of immigration to Belgium in the period 1962-1966, they would account for 36% of immigration to Belgium in the period 1967-1982 (Grimeau, 1993: 119).

In the Seventies and Eighties several important developments in the political debate on immigrants occurred and some major policy changes in the area of integration took place. In 1977 several Belgian and immigrant associations very actively started to rally to obtain a clearer and better legal status for foreign workers and enfranchisement of non-nationals on the local level. As a result of the lobbying, a centre-left-wing government in 1979 promised progress on both issues. Due to political instability and technical difficulties foreign residents did in the end not get enfranchised (see Jacobs, 1998), but in 1980 a new law regulating the legal status of foreign residents - imposing a clearer legal framework for immigration and residence policies - did come into effect. In the same period the policy field of integration was transferred from the national level to the regional political entities (and later to the Flemish and Francophone communities on the sub-state level). In the early Eighties, after a centre-right-wing government had come into power, the political debate on the immigrant issue was increasingly influenced by polarisation and the first important political articulations of xenophobia came to the foreground - especially in Brussels (see Jacobs, 1998; Réa, 1997: 57). This process put the debate on enfranchisement to a halt but at the same time did not prevent the introduction of *ius soli* in Belgian nationality legislation in 1984 (see Jacobs, 1998). The same bill installing *ius soli*, issued some important restrictions on settlement of non-EC-nationals in particular municipalities with already large proportions of foreign inhabitants (see Réa, 1997: 60). Thus an illegal practice of mayor Nols, who had been campaigning with xenophobic electoral propaganda, to refuse new non-EC-immigrants to settle in the Brussels municipality of Schaarbeek, was no longer merely condoned but transformed into official policy (Jacobs, 1998: 167). In this political climate, most politicians from traditional political parties increasingly backed down in defending pro-immigrant policies in the second half of the Eighties in fear of a far right-wing electoral backlash. This process gradually shifted the spectrum of positions to the side of restriction. Precisely at the end of the Eighties, a racist far-right party enjoyed important electoral successes. The *Vlaams Blok* achieved its first major success in the national elections of 1987 and in 1988 were able to get 18% of the votes in the local elections in Antwerp. The success of

the Flemish extremist party promptly transformed the 'immigrant issue' into a major Flemish political concern, where it earlier had mainly been a Francophone topic (in Brussels) (Réa, 1997: 63). In response to the electoral appeal of the far right, a left-wing government decided to create a special administration - *Commissariat royal à la politique des immigrés* (in French) or *Koninklijk Commissariaat voor het Migrantenbeleid* (in Dutch) - to monitor the immigrant issue and co-ordinate the development of a new and systematic policy towards immigrants and ethnic minorities (Bousetta, 1993).

#### 1.2.4. Integration policy and the advent of (political) Refugees (1988-2000)

Without any doubt, the creation of the Royal Commissariat for Migrant Policies - *Commissariat royal à la politique des immigrés* or *Koninklijk Commissariaat voor het Migrantenbeleid* (in Dutch) - in 1988 marked a crucial phase in the development of Belgian immigrant policy. For the first time an attempt was made to set up a co-ordinated policy towards (mainly non-EC) immigrants and ethnic minorities. In 1989 'integration' became the official pivotal concept of immigrant policy, including on the one hand the objective of 'insertion' of (mainly non-EC) immigrants into Belgian society - assimilation with regard to abiding to the law and to 'guiding social principles' and freedom of cultural expressions - and on the other hand the objective of facilitating 'structural involvement' of immigrants (Blommaert & Verschueren, 1998: 88). The Royal Commissariat suggested a wide range of policy changes, which would, however, only gradually and partly be taken over by the government. In 1991 and 1992 the first important actual policy changes came into effect with a further extension of *ius soli* in nationality legislation and funding of actual street level policies - the latter had been stimulated by urban riots in Brussels (Martiniello, 1991). It can be noted that the Royal Commissariat was not allowed by the centre-left government - pressured by the ongoing electoral successes of the far right - to support rallies for (local) enfranchisement of non-nationals (Jacobs, 1998: 176-177). In 1993, the Royal Commissariat for Migrant Policies was transformed into the Centre for Equal Opportunities and the Fight against Racism - *Centre pour l'égalité des chances et la lutte contre le racisme* (in French) or *Centrum voor Gelijkheid van Kansen en Racismebestrijding* (in Dutch). The Centre took over most tasks of the Royal Commissariat, focussing on employment, housing, education, youth and health issues and functioning as a permanent administration co-ordinating the fight against racism. In the course of the Nineties both the federal state as the sub-state governments in addition to specific immigrant oriented policies, developed a set of social programs aiming at fighting social exclusion and poverty, in which specific attention was given to urban zones with concentrations of non-EU-citizens. These policies and the activities of the Royal Commissariat and the Centre for Equal Opportunities will be discussed in more detail in a later section.

Let us, at the end of this introductory section, now turn to a short discussion of migration flows in the Nineties. Immigration of EC-citizens (for instance in 1991 involving 24,855 persons) was fairly stable (in comparison to earlier levels) and remained more important than EC-emigration (for instance in 1991 officially involving 12,521 persons), with an exception for Italians, Spanish and Greek who seem to be involved in forms of return migration. As far as non-EU-citizens are concerned<sup>7</sup>, it can be noted that at the end of the Eighties, a 'new' category of immigrants came to the foreground, consisting out of asylum seekers. Migration of political refugees to Belgium was by no means a new phenomenon, but clearly one which gained importance in the overall migration flows at the end of the Eighties and throughout the Nineties - and increasingly became the object of political debate. It should be noted, however, that in the post Cold War period after 1989 it was (and is) increasingly difficult to differentiate between 'economic migrants' and 'political refugees' (Cohen, 1996: xiv). In addition, it should be stressed that only figures are at hand of refugees applying for asylum (in accordance with the 1951 Geneva Convention) and that there is no clear view on

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<sup>7</sup> In order to be able to compare with EC-citizens, we can note that 42,625 non-EC-nationals immigrated into Belgium in 1991, while 21,231 emigrated out of Belgium.

undocumented refugees (or other undocumented immigrants). Moreover, it is extremely difficult – if not impossible – to precisely know how many applicants of whom the asylum demand was rejected, actually left (or were expelled out of) the country or remained in the country with an irregular or semi-irregular<sup>8</sup> status.

The refugees who applied for (official) asylum mainly originated from Eastern Europe, from African countries and Asia. Although the asylum seekers came from over 113 different countries, a majority originated from particular countries (or regions): ex-Yugoslavia, ex-USSR, Rumania, Congo (former Zaire), Pakistan, Nigeria, Bulgaria, Turkey and Ghana. Over the years, the number of asylum seekers from Eastern European countries had become increasingly important. In 1996, 54.8% of the asylum seekers originated from Europe (former-Yugoslavia, other Eastern-European countries and the former-USSR), 28% originated from Africa (of which the Congolese with 6.9% constitute the largest group) and 11% originated from Asia (mainly Turkey and Pakistan). Former-Yugoslavia (Bosnia, Serbia, Kosova, Montenegro, Croatia, Slovenia en Macedonia) in 1996 accounted for almost a fourth of all asylum seekers<sup>9</sup>. Table 2 provides an overview of the origin of asylum applicants for 1997. The overall majority still originated from Eastern-Europe.

**Table 2 : Asylum demands in 1997, overview of nationalities of applicants**

NATIONALITIES	NUMBER OF ASYLUM DEMANDS	% OF TOTAL
Ex-Yugoslavia	1.727	14,9 %
Ex-USSR	1.362	11,7 %
Ex-Zaire	1.232	10,6 %
Albania	975	8,4 %
Rumania	595	5,1 %
Armenia	582	5,0 %
Rwanda	568	4,9 %
Pakistan	453	3,9 %
Turkey	447	3,9 %
Sierra Leone	270	2,3 %
Algeria	269	2,3 %
India	261	2,2 %
Bulgaria	242	2,1 %
Iraq	226	1,9 %
Others	2.393	20,6 %
<b>TOTAL</b>	<b>11.602</b>	<b>100 %</b>

Source : Centre for Refugees and Stateless (1997).

Overall, asylum demands increased from 4,476 in 1988 to 26,412 in 1993. The number of asylum demands dropped again in the following years: 14,568 demands in 1994, 11,655 demands in 1995, 12,401 demands in 1996 and 11,602 demands in 1997. The development of asylum demands during the last decade is presented and depicted in table 3 and figure 1.

<sup>8</sup> Even if their asylum demand (related to the Geneva convention) is rejected and they are not granted a residence permit, a lot of refugees are *de facto* tolerated to remain in the country if they originate from specific so-called 'conflict regions' (De Gryse, 1999: 11). Indeed, the European Human Rights Charter often does not allow these people to be expelled (De Gryse, 1999: 10). There has been an attempt to formalise this policy of tolerance. Since 1997 some irregular (war) refugees who sign a statement that they will leave the country when this is possible – when the war in their country of origin has stopped – are officially allowed to (temporarily) remain in the country and can enjoy specific rights (De Gryse, 1999: 12-13; Vande Lanotte, 1999: 28-29). It should be noted, however, that irregular refugees have hardly made use of this procedure (De Gryse, 1999: 13; Vande Lanotte, 1999: 29).

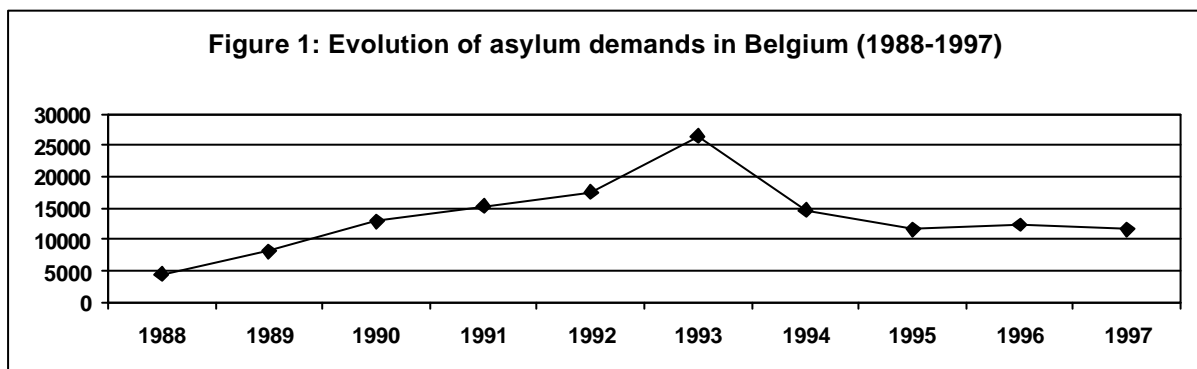
<sup>9</sup> Between September 1992 and March 1995 Bosnian refugees were granted a special temporary status as war refugees (De Gryse, 1999: 11; Vande Lanotte, 1999: 27). When this system was stopped, following the signing of the Dayton agreements, a lot of Bosnians applied for asylum in accordance with the Geneva Convention in order to be able and stay in the country. This partly explains the importance of 'Yugoslavian' asylum demands in 1996.

**Table 3: Evolution of asylum demands (1988-1997)**

YEAR	NUMBER OF ASYLUM DEMANDS
1988	4.476
1989	8.176
1990	12.898
1991	15.371
1992	17.535
1993	26.421
1994	14.568
1995	11.655
1996	12.401
1997	11.602

Source : Centre for Refugees and Stateless. (1997)

It is difficult to assess how many of these demands have actually led to a refugee status for specific years, since there was and is for consecutive years a substantial delay in the processing of the demands. One can, however, get a general idea of the 'success-rate'. Between the 1st of February 1988 and the 31st of December 1996 in total 123,036 persons demanded political asylum. Of these demands, 8,715 (7.1 %) led to a refugee status, 95,408 (77.5%) were permanently denied and 18,913 (15.4%) were still in procedure in 1997.



Source: Centre for the Refugees and Stateless.

### 2.1. Introductory remarks

In this section we present a demographic overview of the foreign population in Belgium. It should be stressed that population data are *only* made available using the criteria of nationality, contrary to other European countries which have developed instruments for monitoring the ethnic composition of the population. Whenever we talk about foreigners, we are referring to residents not holding a Belgian passport.

In the next subsection we will shortly present the current demographic situation regarding the foreign population in comparison to the total population in Belgium. In the third subsection we will present the evolution of the foreign population in relation to the total population. In the latter presentation of the data we will distinguish EU-foreigners and non-EU-foreigners ('third country nationals'). This is partly done because of the legal significance of this distinction, but also in order to simplify the tables. One should, however, take into account that the EC (or EU) has had several enlargements and that using the current EU Member States as a point of reference is anachronistic in a historic overview. Today, there are 15 EU Member States. In 1957, Germany, Belgium, France, Italy, Luxemburg and the Netherlands were the six founding EC-countries. They were joined in 1973 by Denmark, Ireland and the United Kingdom. In 1981 Greece joined in, while in 1986 Spain and Portugal became members. The east-German *länder* became part of the EC in 1990. In 1995 the EU welcomed Austria, Finland and Sweden. The data presented in tables 8 and 9 include all nationals of the 15 current Member States as 'EU-foreigners', even if their country was not yet a member of the EC at the time (1970, 1981, 1991). It should further be noted that - due to Belgian administrative practices in gathering the data - refugees are listed as a separate category (without them being included in the 'nationality figures') in tables 6 and 7. When figures are given for 'Yugoslavia' in table 7, this refers to all regions still officially part of Yugoslavia at that time (so this is *not* former-Yugoslavia).

All the data originated from the National Institute for Statistics (NIS). It should be stressed that the quantitative data of the population statistics and the Census have not been gathered by the NIS in the same manner every year. Moreover, the NIS has not always shown an interest in presenting figures for all nationalities separately. Without wanting to put in doubt the reliability of the data furnished by the NIS as such, one should take into account these methodological caveats. In any event, for our purposes it suffices to merely look at the data in order to designate broader developments.

### 2.2. Current situation

Belgium's territory covers 30,519 square kilometres and the population of the country (in 1998) amounts to 10,192,264, of which 9,289,144 people (91%) are Belgian nationals and 903,120 people are foreigners<sup>10</sup> (9%). Table 4 gives the distribution of the population according to the three main Regions and distinguishing EU and non-EU-citizens.

As shown in table 4, the foreign population is unevenly distributed over the three main Regions. The Region of Brussels-Capital is in proportional terms the Region hosting the largest number of foreign residents (29.4%). The Walloon Region (10.1 %) has a record lightly superior to the national average, while the Flemish Region is largely below average (4.9 %). It is also a point of note that the foreign communities in Wallonia are European citizens, with the Italian and French communities making up sixty percent of the total foreign population. In the Flemish Region, the most represented community is the Dutch community, followed by two non EU immigrant communities, Moroccans and Turks. Finally, in Brussels, European and non

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<sup>10</sup> 'Foreigners' is used as a legal category, referring to people not possessing Belgian state-citizenship.

European citizens account for more or less similar shares, with fifty percent of non EU citizens being Moroccans.

**Table 4: Belgian and foreign population by regions and provinces on January 1, 1998.**

	<b>EU citizens</b>	<b>Non EU citizens</b>	<b>Total Foreign Population</b>	<b>Belgian</b>	<b>Total Population</b>	<b>% Foreigners/ Tot. Pop.</b>
<b>Country</b>	562,046	341,074	903,120	9,289,144	10,192,264	9.0
<b>Regions</b>						
Brussels-Capital	139,898	139,912	279,810	673,365	953,175	29.4
Flanders*	159,789	128,218	288,007	5,624,375	5,912,382	4.9
Wallonia**	262,359	72,944	335,303	2,991,404	3,326,707	10.1
<b>Provinces</b>						
Antwerp*	49,654	57,425	107,079	1,530,778	1,637,857	6.5
Flemish Brabant*	39,278	17,191	56,469	951,413	1,007,882	5.6
Limburg*	44,721	21,542	66,263	717,664	783,927	8.5
East Flanders*	13,697	25,929	39,626	1,317,950	1,357,576	2.9
West Flanders*	12,439	6,131	18,570	1,106,570	1,125,140	1.7
Walloon Brabant**	20,574	9,829	30,403	314,105	344,508	8.8
Hainaut**	130,190	29,236	159,426	1,123,357	1,282,783	12.4
Liège**	88,421	26,447	114,868	901,894	1,016,762	11.3
Luxemburg**	9,027	2,006	11,033	232,757	243,790	4.5
Namur**	14,147	5,426	19,573	419,291	438,864	4.5

Source: National Institute of Statistics (NIS), Population statistics, 1998.

### 2.3. Post-war evolution

In table 5 we present an overview of the post-war evolution of the Belgian and foreign population. It is clear that there has been a steady increase of the foreign population from 1947 up till 1981. In the Eighties and the Nineties the foreign population accounted for approximately 9% of the total population.

**Table 5: Evolution of the Belgian and foreign population between 1947 and 1998**

	<b>Belgian population</b>	<b>foreign population</b>	<b>Total population</b>	<b>% foreigners/ total population</b>
<b>1947</b>	8,144,576	367,619	8,512,195	4.32 %
<b>1961</b>	8,736,255	453,486	9,189,741	4.93 %
<b>1970</b>	8,960,888	696,282	9,657,170	7.21 %
<b>1981</b>	8,970,070	878,577	9,848,647	8.92 %
<b>1991</b>	9,077,826	900,855	9,978,681	9.02 %
<b>1998</b>	9,289,144	903,120	10,192,264	9.00 %

Source: Census NIS (1947, 1961, 1970, 1981, 1991) and Population Statistics, NIS, 1998.

Table 6 shows that in 1947, a substantial part of all 367,619 foreigners originated from neighbouring countries or countries soon to join the EC. The French, Dutch and Italians constituted the largest groups of foreigners. France and the Netherlands are neighbouring

countries, while Belgium had just set up a bilateral agreement with Italy in order to recruit Italian labourers. The increase of particular groups of foreign residents (Italians, Spanish, Portuguese, Greeks, Turks, Moroccans, Algerians) in the period 1946-1970 should be understood in line with the consecutive bilateral agreements which Belgium signed with the concerned countries in order to attract foreign workers. As noted in table 5, in the period 1947-1970 the proportion of the foreign population would increase from 4.32% to 7.21%. In absolute numbers, there was an increase of 328,663 foreigners. Table 6 shows that during this phase there also was a substantial diversification of the foreign population, although the majority still originated from the neighbouring countries and/or EC-countries (Italy, France, the Netherlands, Germany and Luxemburg). Every continent and region in the world would be increasingly represented. One can for instance note in table 6 that as far as the Asian continent is concerned, the importance of countries like India and Pakistan has increased up to a level which has become comparable to the one of China and Japan. Striking is the development of immigration from the Maghreb-region on the African continent, which predominantly originated from Morocco. There has been some, albeit relatively limited - when compared with other colonial countries - immigration of nationals from former Belgian colonies and protectorates (Congo, Rwanda, Burundi).

Despite the fact that Belgium introduced an official halt to labour related non-EU-immigration in 1974, the foreign population kept on increasing throughout the Seventies. In absolute numbers, the foreign population since 1970 increased with 182,295 units to reach a total of 878,577 foreigners in 1981. The proportion of the foreign population<sup>11</sup> in the total population increased from 7.21% in 1970 to 8.92% in 1981.

Table 7 shows that the foreign population between 1991 and 1998 still predominantly originated from other EU-countries. In 1991, the 12 countries of the EC accounted for 60.79% of the foreign population and for 5.48% of the total population. The largest groups of EC-foreigners in 1991 were the Italians (240,127), the French (103,563), the Dutch (82,300) and the Spanish (47,415). In 1998, the 15 EU Member States accounted for 62.23% of the foreign population.

There has been an increase of the foreign population in all regions of the country, but tables 8 and 9 clearly show that the development has been the most remarkable in the Region of Brussels-Capital. The proportion of foreigners in Brussels has augmented from 16.14% in 1970 to 23.9% in 1981 (in absolute numbers an increase of 237,875). Between 1981 and 1991 the proportion of foreigners in the country as a whole was more or less stable (8.92% in 1981 to 9.02% in 1990). In absolute numbers there was an increase of 22,278 between 1981 and 1991 and an increase of 2,265 between 1991 and 1998. As tables 8 and 9 clearly show, this apparent stability of the proportion of foreigners in the total population of Belgium masks important developments within the country. The Walloon region witnessed a drop of its number of foreign inhabitants from 408,158 (or 12.7%) in 1981 to 370,420 (or 11.4%) in 1991. This decrease was particularly due to the provinces of Hainaut (from 16% to 14.4%) and Liège (from 14% to 12.8%). In the Flemish region and Brussels, however, there was an increase of the proportion of foreigners in the total population. In Flanders, the proportion of foreigners increased from 4.1% to 4.6%, while in Brussels there was a remarkable increase of the proportion of foreigners from 23.9 to 28.5%. These developments continued in the Nineties. Although the proportion of foreigners in Belgium remained stable around 9%, there were divergent developments within the different Belgian regions. In the Walloon region the proportion of foreigners has in 1998 dropped to 10.1%, while it has increased to 4.9% in the Flemish region and has increased to 29.4% in Brussels.

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<sup>11</sup> Refugees are a separate category in the table. They are counted separately by the Belgian administration and are not included in the figures regarding countries of origin.

**Table 6: Foreign population and state citizenship between 1947-1991**

COUNTRY	1947	1961	1970	1981	1991
Germany	14,067	14,951	22,956	26,756	27,924
France	66,416	61,438	86,658	103,512	93,363
Italy	84,134	200,086	249,490	279,700	240,127
Luxemburg	9,446	6,850	7,018	6,013	4,646
The Netherlands	63,700	50,175	61,261	66,233	65,294
Denmark	384	442	638	1,722	2,516
United Kingdom	10,328	9,979	15,340	23,080	23,129
Ireland	77	255	330	1,019	2,364
Greece	1,270	9,797	22,354	21,230	20,461
Spain	3,245	15,787	67,534	58,255	51,318
Portugal	466	933	7,177	10,482	16,528
Austria	1,586	1,411	1,490	1,306	1,052
Finland	*	212	221	278	591
Sweden	323	562	920	1,198	2,732
<b>TOTAL EU</b>	<b>255,442</b>	<b>372,878</b>	<b>543,387</b>	<b>600,784</b>	<b>552,045</b>
Norway	353	878	908	790	770
Switzerland	4,023	3,736	3,748	3,225	2,409
Poland	58,542	32,009	18,370	7,642	4,871
Yugoslavia	4,233	4,774	5,235	5,861	5,872
Other European countries	24,532	16,822	9,335	4,188	4,335
<b>TOTAL NON-EU EUROPE</b>	<b>91,683</b>	<b>58,219</b>	<b>37,596</b>	<b>21,706</b>	<b>18,257</b>
China	221	340	786	679	2,334
Japan	25	63	503	2,034	3,070
India	}	111	609	1,467	2,643
Pakistan		17	125	1,291	1,833
Turkey	590	320	20,312	63,587	85,303
Other Asian countries	511	2,086	4,610	9,339	12,327
<b>TOTAL ASIA</b>	<b>1,359</b>	<b>2,937</b>	<b>26,945</b>	<b>78,397</b>	<b>107,510</b>
Algeria	**	202	6,621	10,796	10,692
Morocco	**	461	39,294	105,133	142,098
Tunisia	**	204	2,201	6,871	6,316
Congo (ex-Zaire)	10	2,585	5,244	8,575	11,828
Ruanda	}	}	534	521	813
Burundi			339	455	409
Other African countries	1,838	489	1,710	4,988	10,097
<b>TOTAL AFRICA</b>	<b>1,848</b>	<b>4,303</b>	<b>55,943</b>	<b>137,339</b>	<b>182,253</b>
Canada	403	1,769	1,707	1,542	1,574
United States	1,993	3,458	12,676	11,536	11,502
Brazil	100	159	425	528	1,048
Mexico	15	39	156	217	***
Other American countries	685	536	2,100	3,999	4,857
<b>TOTAL AMERICA</b>	<b>3,196</b>	<b>5,961</b>	<b>17,064</b>	<b>17,822</b>	<b>18,981</b>
Australia	56	52	233	297	441
Other Oceanic countries	5	19	100	56	124
<b>TOTAL OCEANIC</b>	<b>61</b>	<b>71</b>	<b>333</b>	<b>353</b>	<b>565</b>
NATIONALITY UNKNOWN	<b>14,030</b>	<b>355</b>	<b>448</b>	<b>62</b>	} <b>840</b>
STATELESS	/	<b>8,762</b>	<b>14,566</b>	<b>1,781</b>	
REFUGEES	/	/	/	<b>20,333</b>	<b>20,404</b>
<b>OVERALL TOTAL</b>	<b>367,619</b>	<b>453,486</b>	<b>696,282</b>	<b>878,577</b>	<b>900,855</b>

\* included in non-EU countries in 1947, \*\* included in other African countries in 1947, \*\*\* included in other American countries in 1990

Source: Census INS (1947, 1961, 1970, 1981, 1991).

**Table 7: Foreign population and state citizenship between 1992-1998**

COUNTRY	1992	1993	1994	1995	1996	1997	1998
<b>Germany</b>	28,511	29,318	30,240	31,041	31,818	32,700	33,320
<b>France</b>	94,855	95,165	97,124	98,731	100,088	101,749	103,563
<b>Italy</b>	240,008	217,534	216,012	213,526	210,656	208,215	205,782
<b>Luxemburg</b>	4,652	4,585	4,596	4,582	4,563	4,521	4,480
<b>The Netherlands</b>	67,711	69,712	72,594	75,029	77,157	80,597	82,300
<b>Denmark</b>	2,633	2,783	2,890	3,092	3,151	3,250	3,324
<b>United Kingdom</b>	24,188	24,866	25,427	25,862	25,974	26,151	26,095
<b>Ireland</b>	2,490	2,764	3,043	3,152	3,178	3,301	3,336
<b>Greece</b>	20,620	19,987	20,288	20,112	19,863	19,520	19,216
<b>Spain</b>	51,095	49,459	49,383	48,937	48,322	47,933	47,415
<b>Portugal</b>	17,797	20,495	21,924	23,033	23,925	24,904	25,276
<b>Austria</b>	1,073	1,071	1,100	1,190	1,259	1,459	1,686
<b>Finland</b>	693	791	947	1,101	1,474	1,847	2,307
<b>Sweden</b>	3,005	3,083	2,968	2,938	3,089	3,465	3,946
<b>TOTAL EU</b>	<b>559,331</b>	<b>541,613</b>	<b>548,536</b>	<b>552,326</b>	<b>554,517</b>	<b>559,612</b>	<b>562,046</b>
<b>Norway</b>	842	922	923	1,031	1,138	1,193	1,211
<b>Switzerland</b>	4,821	4,812	4,902	5,211	5,371	5,718	6,034
<b>Poland</b>	2,417	2,361	2,326	2,299	2,282	2,236	2,231
<b>Yugoslavia</b>	6,459	7,468	7,366	7,668	8,117	1,068	1,309
<b>Other European countries</b>	6,232	6,891	7,714	7,801	8,588	16,395	16,666
<b>TOTAL NON-EU EUROPE</b>	<b>20,769</b>	<b>22,452</b>	<b>23,228</b>	<b>24,010</b>	<b>25,496</b>	<b>26,610</b>	<b>27,451</b>
<b>China</b>	2,621	2,880	3,170	3,291	3,396	3,463	3,428
<b>Japan</b>	3,126	3,093	3,312	3,604	3,669	3,605	3,590
<b>India</b>	3,024	3,226	3,384	3,192	2,817	2,982	3,059
<b>Pakistan</b>	2,008	2,069	2,246	2,057	1,657	1,797	1,864
<b>Turkey</b>	88,365	88,269	88,302	85,981	81,744	78,532	73,818
<b>Other Asian countries</b>	13,317	14,009	14,290	14,585	13,829	14,077	13,736
<b>TOTAL ASIA</b>	<b>112,461</b>	<b>113,546</b>	<b>114,704</b>	<b>112,710</b>	<b>107,112</b>	<b>104,456</b>	<b>99,495</b>
<b>Algeria</b>	10,971	10,443	10,177	10,001	9,504	9,220	8,878
<b>Morocco</b>	145,600	144,993	145,363	143,969	140,303	138,252	132,831
<b>Tunisia</b>	6,385	6,195	6,048	5,714	5,315	5,081	4,655
<b>Congo (ex-Zaire)</b>	12,840	14,606	15,868	16,542	12,210	12,037	12,130
<b>Ruanda</b>	905	939	988	1,266	900	796	685
<b>Burundi</b>	474	552	593	718	679	675	604
<b>Other African countries</b>	11,390	12,425	12,864	12,431	10,587	11,068	11,341
<b>TOTAL AFRICA</b>	<b>188,565</b>	<b>190,153</b>	<b>191,901</b>	<b>190,641</b>	<b>179,498</b>	<b>177,129</b>	<b>171,124</b>
<b>Canada</b>	1,695	1,694	1,717	1,846	1,913	1,954	2,074
<b>United States</b>	11,697	11,836	11,705	11,735	11,959	12,287	12,592
<b>Brazil</b>	1,119	1,215	1,287	1,310	1,374	1,429	1,492
<b>Other American countries</b>	5,233	5,484	5,623	5,683	5,636	5,786	5,877
<b>TOTAL AMERICA</b>	<b>19,744</b>	<b>20,229</b>	<b>20,332</b>	<b>20,574</b>	<b>20,882</b>	<b>21,456</b>	<b>22,035</b>
<b>Australia</b>	442	492	516	495	513	527	543
<b>Other Oceanic countries</b>	140	143	164	151	131	131	147
<b>TOTAL OCEANIC</b>	<b>582</b>	<b>635</b>	<b>680</b>	<b>646</b>	<b>644</b>	<b>658</b>	<b>690</b>
<b>REFUGEES</b>	<b>20,275</b>	<b>19,925</b>	<b>20,565</b>	<b>20,855</b>	<b>21,134</b>	<b>21,560</b>	<b>19,697</b>
<b>STATELESS – UNKNOWN</b>	<b>775</b>	<b>712</b>	<b>622</b>	<b>576</b>	<b>486</b>	<b>440</b>	<b>582</b>
<b>OVERALL TOTAL</b>	<b>922,502</b>	<b>909,265</b>	<b>920,568</b>	<b>922,338</b>	<b>909,769</b>	<b>911,921</b>	<b>903,120</b>

Source: Population Statistics NIS (1992, 1993, 1994, 1995, 1996, 1997 and 1998)

**Table 8: Evolution of foreign population by regions and provinces, 1970-1981**

	1970			1981		
	EU-foreigners	non-EU-foreigners	Total foreigners	EU-foreigners	non-EU-foreigners	Total foreigners
<b>Kingdom</b>	<b>543,387</b>	<b>152,895</b>	<b>696,282</b>	<b>600,784</b>	<b>277,793</b>	<b>878,577</b>
<b>(Region of) Brussels Capital<sup>12</sup></b>	<b>119,038</b>	<b>54,469</b>	<b>173,507</b>	<b>123,911</b>	<b>113,964</b>	<b>237,875</b>
<b>Flemish Region</b>	<b>120,032</b>	<b>43,997</b>	<b>164,029</b>	<b>143,734</b>	<b>88,810</b>	<b>232,544</b>
Flemish municipalities in Province of Brabant	18,297	7,781	<b>26,078</b>	26,845	10,267	<b>37,112</b>
Province of Antwerp	39,619	14,606	<b>54,225</b>	43,503	32,530	<b>76,033</b>
Province of East-Flandres	12,364	5,212	<b>17,576</b>	14,115	17,058	<b>31,173</b>
Province of West-Flandres	9,706	1,348	<b>11,054</b>	13,010	3,201	<b>16,211</b>
Province of Limburg	40,046	15,050	<b>55,096</b>	46,261	25,754	<b>72,015</b>
<b>Walloon Region</b>	<b>304,317</b>	<b>54,429</b>	<b>358,746</b>	<b>333,139</b>	<b>75,019</b>	<b>408,158</b>
Walloon municipalities in Province of Brabant	11,518	3,390	<b>14,908</b>	18,116	8,215	<b>26,331</b>
Province of Hainaut	165,796	27,306	<b>193,102</b>	173,603	34,502	<b>208,105</b>
Province of Liège	103,599	20,222	<b>123,821</b>	114,418	25,866	<b>140,284</b>
Province of Luxembourg	7,705	586	<b>8,291</b>	9,273	1,602	<b>10,875</b>
Province of Namur	15,699	2,925	<b>18,624</b>	17,729	4,834	<b>22,563</b>

Source: Census NIS, 1970 and 1981.

<sup>12</sup> The Region of Brussels Capital officially only came into existence in 1989.

**Table 9: Evolution of foreign population by regions and provinces, 1991-1998**

	1991			1998		
	EU-foreigners	non-EU-foreigners	Total foreigners	EU-foreigners	non-EU-foreigners	Total foreigners
<b>Kingdom</b>	<b>552,045</b>	<b>348,810</b>	<b>900,855</b>	<b>562,046</b>	<b>341,074</b>	<b>903,120</b>
<b>(Region of) Brussels Capital</b>	<b>125,861</b>	<b>145,726</b>	<b>271,587</b>	<b>139,898</b>	<b>139,912</b>	<b>279,810</b>
<b>Flemish Region</b>	<b>138,090</b>	<b>120,758</b>	<b>258,848</b>	<b>159,789</b>	<b>128,218</b>	<b>288,007</b>
Flemish municipalities of Province of Brabant	31,471	13,172	<b>44,643</b>	39,278	17,191	<b>56,469</b>
Province of Antwerp	41,831	50,081	<b>91,912</b>	49,654	57,425	<b>107,079</b>
Province of East-Flandres	12,014	25,035	<b>37,049</b>	13,697	25,929	<b>39,626</b>
Province of West-Flandres	11,033	4,783	<b>15,816</b>	12,439	6,131	<b>18,570</b>
Province of Limburg	41,741	27,687	<b>69,428</b>	44,721	21,542	<b>66,263</b>
<b>Walloon Region</b>	<b>288,094</b>	<b>82,326</b>	<b>370,420</b>	<b>262,359</b>	<b>72,944</b>	<b>335,303</b>
Walloon municipalities of Province of Brabant	18,671	9,549	<b>28,220</b>	20,574	9,829	<b>30,403</b>
Province of Hainaut	149,032	35,136	<b>184,168</b>	130,190	29,236	<b>159,426</b>
Province of Liège	97,820	30,124	<b>127,944</b>	88,421	26,447	<b>114,868</b>
Province of Luxembourg	7,767	1,789	<b>9,556</b>	9,027	2,006	<b>11,033</b>
Province of Namur	14,804	5,728	<b>20,532</b>	14,147	5,426	<b>19,573</b>

Source: Census, NIS, 1991 and Population Statistics, NIS, 1998.

### 3. THE LEGAL AND POLITICAL STATUS OF FOREIGN RESIDENTS

In this section we want to present a general overview of the legal and political status of foreign residents. We will discuss the legal status of foreigners on both the European as the national level. In addition, we will focus on the issue of formal political participation, social citizenship and rights in the field of religion.

#### **3.1. The European dimension**

When discussing the European dimension to the legal status of foreigners, one has to distinguish rules which are applicable to EU-citizens (formerly known as Community citizens) and those which are applicable to third country nationals (formerly known as non-Community citizens). By Community citizens (since the Treaty of Maastricht these are called EU-citizens) are meant all persons possessing state citizenship of a Member State of the European Communities (since the Treaty of Maastricht known as the European Union).

##### 3.1.1. Status of Community citizens (EU-citizens)

The status of entry and residence of European citizens is regulated by the Treaty of Rome (1957) and its derived texts concerning the application of the treaty. Free movement of people is the guiding principle of the treaty. In practice this means free access to the territory of a Member State and the right of residence with family members. It equally implies free access to the labour market and equal treatment regarding social and economic rights.

These rights are, however, subject to two major limitations. First of all, exceptions can be made if there is a concern of public order, national security and public health. The European Court of Justice has, however, in several arrests consolidated the status of the Community citizen by limiting the powers of intervention of States in this domain. Every possible derogation to the principle of free movement, even if related to public order, has to be considered in the most restrictive way. A second important restriction is related to access to public employment. Public employment can be reserved for nationals. However, since this entails a limitation of the right of free movement of workers, the Court of Justice has also in this domain pressed for a restrictive interpretation, limiting applicability of this restriction.

##### 3.1.2. Status of third country nationals

Up till fairly recently, the status of non-Community citizens was mainly treated by national regulations and partly influenced by intergovernmental decisions on the European level (the so-called Third Pillar). After numerous political debates, the policy fields of 'free movement, asylum and immigration' are today (also) part of the competence of the European Community<sup>13</sup>. Indeed, the Treaty of Amsterdam (1997) transfers migration policy from the intergovernmental forum (Third Pillar) to the Community legal order (First Pillar). This in practice means that the Community institutions can adopt binding European rules which have to be transposed into national law<sup>14</sup>. In addition, the jurisdiction of the European Court of Justice is formally extended to the areas of asylum and immigration<sup>15</sup>, once the Treaty has come into vigour (May 1999).

The status of third country nationals is without any doubt increasingly being shaped by European regulations. Third country nationals are directly affected by European measures

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<sup>13</sup> With the exception of Denmark, Ireland and the UK, who have decided not to adopt Community Law in the fields of immigration and asylum.

<sup>14</sup> In contrast to when it was still a 'third pillar' matter, the European Parliament will have to be consulted in the policy making process.

<sup>15</sup> Albeit that its jurisdiction is still more limited than in any other field of Community law.

which concern asylum policy or immigration policy, the latter in particular if related to the issues of admission (visas and short term residence permits).

As far as regulations on admission and residence (less than three months) are concerned, European provisions are currently contained in the Schengen Convention (in vigour since march 1995). The Treaty of Amsterdam enables the transformation of these rules into Community law. The Schengen Convention foresees in suppressing the internal frontiers of the European Union and in introducing uniform provisions concerning deliverance of entry visas. While entry to Schengen territory<sup>16</sup> is strictly regulated through visas, there is free movement once within the territory. Third country nationals legally residing in one of the Member States can freely move and reside within the Union for a period of three months (upon simple presentation of their residence permit). Regulations concerning immigration and residence longer than three months up till now still stem from the national level.

Asylum policy is today in practice also still a prerogative of national authorities. Only regulations related to designation of the State which is to be responsible for treatment of the asylum demand are the object of a European convention (Convention of Dublin, 1991). When the Treaty of Amsterdam comes into vigour (May 1999), these Dublin regulations will become part of Community Law (i.e. a transfer from the Third Pillar to the First Pillar).

Next to these extensions of Community Law resulting out of the modification of treaties, the European Community had already extended its impact on certain categories of third country nationals through different agreements including dispositions on foreign workers from partner countries. Only one of these agreements foresees free movement of workers; The Agreement on the European Economic Space (in vigour since January 1994) allows nationals from Iceland, Liechtenstein and Norway free movement. It should be stressed that all other agreements do not contain this provision of free movement.

The oldest and most compelling agreement of the EC with non-EC-States is the one with Turkey (1963) which consolidated access to the labour market and residence rights of Turkish labourers. This agreement was followed by agreements with the Maghreb-countries (1976) which merely foresaw in equal rights in the areas of payment, working conditions and social security. In these multilateral agreements there were no provisions on access to the labour market, nor on residence rights or family reunion<sup>17</sup>. The same holds for the co-operation agreements with Central and Eastern-European countries (1993-1996). It should be noted that although the latter 'European' agreements contained dispositions aiming at assuring non discrimination of workers, they did not grant any practical advantages.

### **3.2. Legal status of foreign residents on the national level**

On the national level, the legal status of foreign residents is foremost determined by the Law of 15 December 1980 concerning access to the territory, residence and expulsion. It fixes an ordinary legal regime for the foreigners who do not benefit from legal dispositions, which are in general more favourable, contained in the international conventions or in specific treaties, as for instance the Convention of Geneva or the Treaty of Rome. The legal regime in principle concerns foreigners (and their family members) of all nationalities.

The legal regime is rather strict in relation to access to the territory and residence of foreigners. As a general rule, residence requires authorisation. The foreigner is not free to enter Belgium, as is articulated in the demand of visas. A foreigner cannot freely reside in the country for a period longer than three months. If staying longer than three months in the country (residence), the foreigner has to apply (and be granted) a permit to that effect, before entering the territory. In addition, there is no free access to labour, since the foreigner has to have acquired a working permit in advance.

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<sup>16</sup> All EU-member states with the exception of the Republic of Ireland and the UK.

<sup>17</sup> These matters remained entirely regulated by national dispositions of the Member States (and bilateral agreements).

Although labour immigration policies have been put to an end in 1974, there still is a link between residence and labour in the legal regime for foreigners. Both authorisations (residence and labour) stem from different Ministries and in judging demands for residence, the situation on the national labour market can be taken into consideration. National interests here still prevail.

It should be stressed that the law provides in a special regime for family members of a foreigner already legally residing in Belgium. For these categories of people, more favourable rules apply. Nevertheless, these rules have been the subject of several modifications towards restriction in the last two decades. For the admission of refugees there is a special restrictive legal regime, applying the Convention of Dublin (1991). If a refugee is granted asylum, he or she will fall under the general law for foreigners but will also enjoy protection by more favourable clauses contained in the Geneva Convention (1951).

Having noted that the Law of 1980 departs from restriction as guiding principle, it should be stressed that the legal regime does also provide the concerned with a set of guaranties. The law clearly fixes the conditions for entry and residence, in contrast to the earlier situation in which the competent Ministers were granted discretionary powers in these matters. Every demand has to be objectively and individually investigated, decisions have to be motivated and can be overruled by impartial legal authorities. The law further provides in a progressive consolidation of the situation of the foreigners in function of the duration of residence: Foreigners who have received a permanent residence permit have more rights than other foreigners. They, for instance, no longer need a working permit and enjoy better protection to possible expulsion.

It should be reminded that the Law of 1980, although in principle applying to all non-nationals, is overruled by international conventions and treaties. The most important one is, of course, the Treaty of Rome which has established a specific regime for Community citizens (now EU-citizens). Furthermore, the Convention of Geneva provides for specific rights on the social, economic and cultural level for people who were granted the refugee status. One should also mention the bilateral agreements between Belgium and countries supplying foreign workers. The bilateral agreements with Turkey, several Maghreb-countries (Morocco, Algeria and Tunisia) and former-Yugoslavia indeed contain more favourable dispositions related to family reunion.

### **3.3. Political participation: voting rights for foreign residents**

Up till very recently only Belgian state-citizens enjoyed voting rights. As noted in an earlier section, not even all Belgian citizens had full political rights. Those who acquired Belgian citizenship through 'ordinary' naturalisation or through declaration after marriage with a Belgian citizen, until 1976 only had voting rights on the municipal level. Until 1993 they could vote in every election but they could not stand as a candidate in provincial and national elections.

In the Maastricht Treaty it was stipulated EU-citizens would be granted municipal (and European) voting rights in every other EU-country. This was further developed in European directive 94/80/EC in which it was stipulated that every EU-citizen should be able to vote (and stand as a candidate) in municipal elections under the same conditions as nationals are entitled to do so. Belgium has been granted an exception to this general principle of the directive: in those municipalities where over 20% of the electorate is EU-foreign, a condition of residence (of maximum 6 years) can be invoked. The exception was granted because of the possible disruptive consequences the 'foreign' vote could have upon the existing linguistic power-balance within certain municipalities (especially in the Brussels region and periphery). Belgium should have already adapted its legislation since the 1st of January 1996 in order to allow EU-citizens to vote. However, to necessary change of the Constitution and the Electoral Laws had not been undertaken. As a consequence, on the 9 of the July 1998 the European Court of Justice has condemned Belgium because it failed to implement the directive on

municipal voting rights for EU-citizens<sup>18</sup>. In line with the Treaty, the Court urged Belgium to adjust its legislation in order to grant the right to vote and to be elected to European citizens living on its soil, at both local and European elections. In the meanwhile, the country's obligations in this respect had turned into a highly politicised debate about the political rights of *all* foreign residents at the local level. After this judicial episode, the Belgian federal government and the major Belgian political actors were prompted to find a solution to this politically contentious debate, which had been in fact standing for years on the agenda. Two months later, in September 1998, the Belgian government has agreed on a draft legislation which was discussed in Parliament in December 1998 and finally accepted in February 1999. The necessary constitutional change came into effect in December 1998. The constitutional change and the bill included a solution to the problem in two stages. European citizens would be enfranchised for the next local elections scheduled for October 2000, as imposed by the Maastricht Treaty, while non-Europeans might be allowed to vote in local elections in 2006 (municipal elections are held every six years). In the enfranchisement of EU-citizens, no use was made of the 20%-derogation granted to Belgium in the European directive. The bill did however reserve the position of alderman for Belgian nationals up to the year 2006.

Agreement about the necessary constitutional and legislative reforms was very hard to reach in the Belgian context and it is worth having a retrospective glance at the arguments in presence in the recent history of the debate. The first issue at stake was whether or not the modification of the Belgian Constitution and of the electoral law should be limited to European citizens. Indeed, it is a point of note that the Maastricht and the subsequent Amsterdam Treaty very consciously overlook the political status of the 15 Million non EU citizens living in the fifteen Member States. Europe leaves it to each Member States to tackle the issue of non EU citizens on its own right and on its own conditions. The wave of solidarity and compassion of the Belgian population which was triggered by the funeral of the murdered Moroccan girl Loubna Benaïssa (at the time of the Dutroux-affair) early 1997, made it possible for the Belgian Prime Minister Jean-Luc Dehaene (Christian Democrat - CVP) to propose that time had come to consider a full political incorporation at the local level of all foreigners, that is including non EU citizens. Before that moment proposals for enfranchisement of *all* non-nationals had been taboo for the main actors in the political field. Social movements emphasised the same idea and mobilised against discriminating between European foreigners and non-European foreigners when translating the citizenship of the European Union into a national legislation.

The second issue which came to the fore was raised by the Flemish Parliament and by the Flemish movement. This view is contained as a whole in a resolution voted with a quasi unanimity within the Flemish Parliament on 25 June 1997. This resolution recommends previous conditions to the implementation of the citizenship of the European Union. These include respecting the linguistic legislation, paying taxes, justifying a sufficient length of residence in the municipality, and the preservation of local executive offices to nationals. Although the directive (94/80/CE) setting out the guidelines for the implementation of the Maastricht Treaty has foreseen very specific derogation for Belgium, because of the presence of the European institutions and its specific linguistic equilibrium, the Flemish Parliament considered that the existing derogation was insufficient. This position of the Flemish Parliament was latter followed by the claim of a number of Flemish leaders to link the issue of European foreigners' voting rights to the issue of guaranteed representation within Brussels' regional and municipal councils, two separate issues but requiring both a two third majority in the Federal Parliament. The claim for a guaranteed representation within the Brussels' regional council goes clearly beyond the issue at stake: local voting rights. It indeed links the issue of local voting rights to a discussion pertaining to another (supra-local) political level (The Region of Brussels-Capital) in which the EU-citizens will not be allowed to politically participate. The course of the most recent political debate points out to a very peculiar development. European citizens' enfranchisement, let alone enfranchisement of non-Europeans, is here cornered by a twofold set

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<sup>18</sup>See the decision on the case C-323/97, Commission vs Belgium, 9 July 1998.

of external issues: the political representation of Flemish political parties in the Flemish periphery of Brussels, and the political representation of Flemish within the regional and municipal institutions of Brussels. As far as the first issue is concerned, the political concern expressed among others by the Flemish Parliament is about the increasing influence of the French language in the Flemish communes located in the Brussels periphery. The argument of Flemish political parties builds on the idea that the Belgian federal structure rely on balances between Francophones and Flemish which would be affected in case European citizens are allowed to vote without previous conditions. The fear is to see European's vote leading to a decrease of the political representation of the Flemish community in the green periphery of Brussels. As far as the second dimension of the problem is concerned, the idea is to call for a rearrangement of the group-differentiated rights of the Flemish minority within regional and municipal institutions. According to the dominant argument, these differentiated rights should take the form of special representation rights. In other words, a claim is made for a number of guaranteed seats within the various Brussels assemblies, and more specifically within the Regional council and the nineteen municipal councils. As a final point, it should be noted that the argument relies on the implicit hypothesis holding that the European vote would benefit straight away to French speaking political parties. Most Flemish parties fear a weakening of their electoral positions in Brussels (and its periphery). By some Francophone parties a maximal extension of the local electorate is seen as a weapon in the conflict between the two communities but presented as a universal principle. The debate over local enfranchisement of EU- and non-EU-citizens has thus become an issue in the power struggle between the two linguistic communities.

### **3.4. Social citizenship and participation**

Social citizenship of immigrants, as a broader concept than mere social rights, entails two basic dimensions. The first dimension covers equal treatment of Belgian workers and foreign workers with regard to remuneration and social protection. The first social rights granted to immigrants - rights which have been imperatively demanded by trade unions in order to avoid 'disloyal competition' - dealt with equality of remuneration<sup>19</sup> and were partially guaranteed by the procedures for foreign recruitment. Indeed, the majority of bilateral and multilateral agreements linked to immigration had a special interest in social security. The second dimension of social citizenship entails representation and cannot be seen as directly related to social rights. This dimension entails the recognition of the foreign workers as workers who should participate in deliberation and delegation of power in the social-economic sphere. One could state this dimension is the political aspect of social citizenship. The foreign workers are not only inserted into the logic of the welfare state; they also take part in representative democracy in the labour field. While the first dimension of social citizenship is essentially negotiated and jointly regulated in bilateral agreements by both the country of emigration as the country of immigration, this is not the case for the second dimension. Rights of representation within labour organisations and representative bodies of workers within firms are the result of demands and mobilisation within the trade unions and the priority the latter have bestowed on the issue.

The political dimension of social citizenship is in practice related to the acquisition of the right to vote and stand as a candidate in social elections within enterprises. The Law of 20 September 1948 concerning the organisation of the Belgian economy introduced the creation of a central economic committee, professional committees and enterprise committees. In the explanatory memorandum it is made clear that the law was aimed at installing a form of

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<sup>19</sup> At least, to the extent that remuneration is seen to be direct pay and postponed, indirect remuneration (social security). If one would include housing conditions and access to certain services, there no longer is equal treatment. Trade unions have only made claims related to pay and social security and have not pressured on issues like housing, even at times when immigrants had to live in barracks.

economic democracy. The creation of the councils, particularly of the enterprise committees, could be seen as a compromise regarding 'workers control', which had been one of the main social-economic and political issues in the interbellum. With respect to the aim of making these institutions instruments towards collective management, one can state that the outcome was moderate (Chelpner, 1956: 325-329).

In 1949 a Royal Decree fixed the specific conditions for enfranchisement and eligibility. To be able to vote, a foreign worker should have been in possession of a working permit for at least two years. There was no condition for enfranchisement specified for Belgian workers. As far as eligibility was concerned, candidates had to be 25 years old, had to be working for a fixed period in the concerned economic sector and had to possess Belgian nationality. An important argument which had been put forward to limit the right to stand as a candidate to Belgian citizens was the idea of reciprocity. Eligibility would only be possible if Belgian workers abroad would enjoy the same right in their host country. During the parliamentary debates, the communists had proposed to allow foreign workers to stand as a candidate in social elections if they had been residing for over ten years in Belgium. In their argumentation, the condition of length of residence would ensure cultural assimilation of the immigrants, which apparently was seen as a necessary condition. In any event, a majority of members of parliament rejected the amendment. Thus, the restrictive conditions for eligibility were kept in line with the non-existence of formal political rights of foreigners, precisely *because* they did not possess Belgian citizenship. One did not want to take the risk to potentially grant foreigners real power over the functioning of enterprises and of the national economy in new institutions of which the importance was still to be seen.

With regard to voting rights, a first change appeared in 1963. The condition for foreigners to be in possession of a working permit since at least two years was replaced by a more vaguely defined condition. To be enfranchised, foreigners should abide to the legal dispositions regulating foreign labour. In practice, this meant that all those working with labour permits would be enfranchised. The Law of 28 January 1963 also modified the conditions for eligibility. The condition of reciprocity was abolished. Foreigners would be able to stand as a candidate in social elections. Nevertheless, the criterion of nationality wasn't totally abolished either. To be a syndical delegate, Belgians had to be working for three years in the same sector, while foreigners had to be working for five years in the same sector.

The process of European integration would further modify the conditions for participation of foreign workers to social elections. A new distinction would come into effect between Belgians and EC-foreigners on the one hand and non-EC-foreigners on the other hand. The Law of 5 January 1967 would stipulate that both Belgians as EC-foreigners had to be working for three years in the same sector to be eligible, while non-EC-foreigners and stateless people had to be employed for five years in the same sector to stand as a candidate.

Although this new distinction between EC-foreigners and non-EC-foreigners would gain momentum as a general principle over the years, the Law of 17 February 1971 would abolish the discrimination in the field of social elections. The only condition retained for non-EC-foreigners was that they had to be working in Belgium while possessing a working permit and a residence permit. One should stress this condition has to be seen as more than a mere formality, since at the time the foreigners police often exercised its discretionary powers in the matters of entry and residence of foreigners in quite an arbitrary manner. The last modification to regulations concerning participation of foreigners in social elections was made by the Royal Decree of 25 January 1975 in which it was stated that the nationality of the foreign workers no longer had to be indicated on the ballots.

### **3.5. Rights and participation in the field of religion**

Although religion is not directly related to the legal status of foreign residents, it is worth addressing the issue, it is worth discussing the topic of rights and participation in the field of

religion in the context of immigration. Indeed, immigration of foreign residents led to a further diversification of the religious field in Belgium, particularly with the advent of Orthodox Churches and Islam. Thus the issue of rights and participation in the religious field is indirectly linked to the legal status and the citizenship rights of foreign residents.

The Belgian policy approach to religious diversity is quite original. It hinges on a small number of constitutional rules<sup>20</sup> which provide the institutional armature of the whole system. The first rule consist in establishing the basic principle of the freedom of worship (article 19). The second rule provides that individual citizens must not be restricted in their religious choices, and, therefore, are free to change their affiliation (article 20). The third article in the Constitution dealing with worship is about the neutrality of the State in its relations with religions (article 21). This latter article provides that the State is impartial and must not interfere with the internal organisation of religious groups. This framework is complemented by the article 181 of the Belgian Constitution which provides that the salaries and pensions of clergymen, as well as those of recognised secularist delegates, are paid by the State.

In Belgium, the principle of secularism is not tantamount to a radical breach between State and religions. What has been historically at work is a form of secularism grounded on the concept of the neutrality of the State *vis à vis* the internal organisation of religions. Although the Belgian system reflects the very liberal conceptions of the 19th century, the place of religions in the public domain has never gone undisputed. The argument goes that a form of ambiguity exists inasmuch as the legislation, and in particular the Law of 4 March 1870 on the management of the temporal aspects of religions, refers to the concept of 'recognised religions'. Indeed, the State commits itself to provide a financial contribution to a number of worships, which have priory received an official agreement of both the Parliament and the government. Whereas the Parliament has jurisdiction over the granting of the label of 'officially recognised religion', the government is competent alone for the crucial aspect of organising the procedure in practice. This latter stage involves the recognition of a chief interlocutor (meaning that decentralised churches have to unite or federate) and the subsidiation as foreseen by article 181 of the Constitution. Six religious groups have hitherto received the official agreement from both the Parliament and government. These are the Roman Catholic, the Protestant, the Anglican, the Israelite, the Orthodox and the Islamic religions.

The sociological transformation brought about by the post-war labour migration and the new migration (post-1974) contributed to reopen the debate about the place of worship in the public space. The public debates about the recognition of the orthodox and Islamic religions are two examples of this reality. It is in 1985 that the Orthodox Church received the official recognition<sup>21</sup> from the Parliament, after the two dominant branch of the Orthodox religion, the Greek and the Russian Orthodox Churches, had federated. The debates in Parliament shows that the recognition of the Orthodox Church did not raise any political opposition. The story of the Islamic religion is more complex and involves a great deal more political contention. In 1974, Islam received unexpectedly the official recognition from the Parliament. The law of 19 July 1974 was indeed voted in the context of the oil crisis and in parallel to bilateral negotiations between Belgium and Saudi Arabia on oil contracts. This sudden progress on the parliamentary level has not been put into concrete form until 1999. This very long delay was due to the extreme difficulty encountered by both Muslim communities and the Belgian government to let emerge and recognise a representative head of the Islamic religion. The decision taken by the Belgian federal government on 3 May 1999 is bringing the issue of the recognition of the Islamic religion close to an end. However, it is worth summarising the stages this issue has gone through as it indicates the difficulty of making a place for Islam within the public domain.

After a long indecisive period, the issue of Islam has surfaced anew on the headlines in 1989 in the aftermath of a series of events including the Rushdie Affair, the headscarf affair and

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<sup>20</sup>See the Constitution of the Belgian Federal State, articles 19, 20, 21 and 181.

<sup>21</sup>Law 23 March 1985. The government gave its approval to the practical organisation of temporal aspects through its decision of 15 March 1988.

more dramatically the killing in the heart of Brussels of the Director of the Islamic and Cultural Centre of Belgium. In this context, the Royal Commissioner for Immigrant Policy, a consultative institution appointed for laying the grounds for a new Belgian policy in relation to the integration of immigrants, endeavoured at unlocking the public debate by proposing the establishment of a High Council for Muslims. This proposal did not receive much support and was eventually rejected. However, the debate proceeded and, in July 1990, the government established a preparatory wisemen committee in charge of proposing a final solution for the organisation of the temporal aspects of Islam. In October 1991, the wisemen committee ceased its activities without any results.

From 1993 till 1996, representatives of the Muslim community entered into unobtrusive negotiations with the Centre for Equal Opportunities and the Ministry of Justice with the plan of cutting the Gordian knot of the recognition of Islam. The 3rd of July 1996, the government gave the mission and the material means to a group of representatives of the Muslim community, known as the Muslims Executive of Belgium, to prepare the setting up of a Chief Organ for Islam. This preparatory work led to the decision of going through a democratic procedure and to organise elections among the Muslim community all over the Belgian territory. The election took actually place on the 13th of December 1998. The outcome is that an assembly of 51 persons has been elected and 17 persons were selected through co-optation. The assembly agreed on the selection of 16 members who are composing the Executive Office<sup>22</sup>. Through the governmental decision of 3 May 1999, the Executive Office has been recognised as Chief Organ and official interlocutor of the State for the management of temporal issues linked to the Islam faith (Islamic education, subsidisation of mosques, salaries of imams, etc).

One must admit that the liberal ideas of the Belgian constitution in relation to the place of worship in the public domain are problematic and deserves renewed attention. The politics of religion shows that mutual encroachment between religions and the State are not exceptional. In many respects, the Catholic Roman Church remains in a very advantageous situation both symbolically and materially. The long and troublesome process which eventually led to the recognition of Islam is also illustrative of the ambiguity of the relations between the Belgian State and religions. For 25 years, Islam has been maintained in an unfair position in comparison to other religions. Beyond that, it is actually the whole philosophy of the legislation which is under increasing pressure. Shouldn't we consider indeed that the legal recognition of a given religion maybe discriminatory vis à vis others unrecognised religions<sup>23</sup>? What are the criteria for distinguishing between a religion, a philosophical movement, and a sect? Should State funding take into consideration the size of each religious group or should it allow individual citizens to dedicate a share of their tax-income to the philosophies and religions of their choice? These are certainly among the issues which will need to be addressed in the future and which will gain momentum with the increasing religious diversity associated with migration.

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<sup>22</sup>In contradiction with the constitutional rule (article 21), the Ministry of Justice organised a screening prior to the selection of the 16 members of the executive branch of the Islamic Chief Organ in order to prevent any representation of religious extremism.

<sup>23</sup>Suffice it to mention here that hindouism, boudhim and sikhism are for instance not recognised in Belgium.

## 4. ACCESS TO BELGIAN CITIZENSHIP

### 4.1. Some figures

The foreign population that acquired Belgian nationality in the period 1985-1995 amounts to 251,761. The following table provides aggregate data on the absolute number of people who acquired Belgian nationality. These figures refer to different procedures of nationality acquisition and nationality attribution. These various procedures are presented in detail in the next section. It should be mentioned that the peaks observable in access to the Belgian nationality observable in 1985 and in 1992 were a direct consequence of the modification of the Belgian nationality law in 1984 and 1991.

**Table 10: Nationality attribution and acquisition.**

Country	1985	86-91	1992	1993	1994	1995	Total	%
Netherlands	10,088	1,893	1,992	222	335	341	14,871	5.9
France	16,953	4,444	2,179	532	618	608	25,334	10.1
Germany	3,439	794	299	52	94	131	4,809	1.9
UK	1,985	570	331	79	102	106	3,173	1.3
Italy	25,377	7,637	22,362	1,431	2,325	2,098	61,230	24.2
Spain	3,764	1,099	1,795	196	281	247	7,382	2.9
Portugal	958	410	230	85	117	100	1,900	0.7
Greece	1,249	856	940	170	312	294	3,821	1.5
Other EU countries	1,105	101	102	14	11	12	1,345	0.5
Total EU	64,918	17,804	29,417	2,781	4,195	3,937	123,052	48.9
Other Eur. countries	2,637	3,213	1,038	796	1,005	851	9,540	3.8
Turkey	661	2,988	3,886	3,305	6,273	6,572	23,685	9.4
Algeria	1,484	992	932	543	711	780	5,442	2.2
Morocco	3,464	10,554	6,862	5,500	8,638	9,146	44,164	17.5
Tunisia	1,705	1,248	486	416	573	537	4,965	2.0
Congo (Zaire)	810	930	338	410	474	452	3,414	1.4
Refugees	2,008	6,346	1,368	925	1,662	1,804	14,113	5.6
Non EU citizens	18,503	35,756	17,068	13,598	21,592	22,192	128,709	51.1
<b>Total</b>	<b>83,421</b>	<b>53,560</b>	<b>46,485</b>	<b>16,379</b>	<b>25,787</b>	<b>26,129</b>	<b>251,761</b>	<b>100.0</b>

Source: NIS (1/01/1996) and Centre for Equal Opportunities, 1996.

### 4.2. Definition of nationality laws in terms of *ius sanguinis* and *ius soli*, access to national citizenship.

The Belgian Nationality Law is rather complex. Without discussing all details (related to adoption, loss of nationality, etc.) the most important aspects will be presented in terms of *ius sanguinis*, *ius soli* and naturalisation. In addition, attention will be paid to the situation of foreign persons married to a Belgian citizen and the situation of inhabitants from the former colonies and protectorates.

#### 4.2.1. *ius sanguinis*

As in most European countries *ius sanguinis*, the intergenerational transmission of citizenship, constitutes the basic principle of access to Belgian state-citizenship. Children born to Belgian nationals are automatically attributed Belgian nationality at birth. Until the mid-eighties this happened on a patrilinear basis. Till 1984 a new-born child was only attributed Belgian state-

citizenship when the father possessed the Belgian nationality. From 1985 onwards state-citizenship is equally transferred (in 1985 retro-actively) by a Belgian mother.

#### 4.2.2. *ius soli* since (legislation of) 1984

In 1984 the principle of *ius soli* was (again) introduced in Belgian Nationality Law. On the one hand, an option-procedure based on (single) *ius soli* was introduced (in French: "*déclaration d'option*", in Dutch: "*verklaring van nationaliteitskeuze*"), while on the other hand an option-procedure based on *double ius soli* was installed.

Let us first consider the option-procedure based on *double ius soli*. Every person born on Belgian soil from a parent born in the territory is granted Belgian nationality by declaration made by the parent(s) on behalf of the child before the age of 12.

Let us now consider the option-procedure based on single *ius soli* (in French: "*déclaration d'option*", in Dutch: "*verklaring van nationaliteitskeuze*"). Every person born on Belgian soil who has been living in Belgium at least one year before the date of application and who has lived for a period of 9 years or between the age of 14 and 18 on Belgian territory can *apply* for Belgian nationality between the age of 18 and 22 (*combination of ius soli and option-procedure*). In addition, every person not born on Belgian soil but residing there for at least one year before the age of six, who has been living in Belgium at least one year before the date of application and who has lived for a period of 9 years or between the age of 14 and 18 on Belgian territory can *apply* for Belgian nationality between the age of 18 and 22 (*combination of 'ius educationis' (De Groot, 1998: 109) and option-procedure*). Note that the application is made by the concerned person himself or herself, while in the procedure we first presented the application is made by the parent(s). The procedure is as follows. An application is made at the municipal administration and the Belgian nationality is there upon granted by the local court, *unless* a negative report of the 'district attorney' (in French: "*procureur du Roi*", in Dutch: "*procureur des Konings*") concerning the penal record and the 'will to integrate' of the applicant is issued.

#### 4.2.3. *ius soli* since (legislation of) 1991

In 1991 the importance of *ius soli* in the Belgian Nationality Law was significantly enhanced. While in 1984 *double ius soli* was still linked to a voluntary act of the parent(s), i.e. a declaration on behalf of the child before the age of 12, it is implemented (quasi-) automatically from the 1<sup>st</sup> of January 1992 onwards. The new procedure is introduced for the so-called 'third generation immigrants': Every child born on Belgian soil from a parent also born in the territory, automatically (and in 1992 retro-actively) acquires Belgian nationality. There is, however, a 'residence' condition for the parent(s): he or she has to have been living in Belgium for at least five years of the ten years preceding the birth of the child.

In addition, a new option-procedure is introduced for 'second generation immigrants' born on Belgian soil. The Belgian nationality can be acquired for a child born on Belgian soil by declaration made by the parent(s) on behalf of the child before the age of 12. The child must have been staying in Belgium since birth and the parents must have been living at least ten years in Belgium before its birth. Belgian state-citizenship is automatically granted *unless* the 'district attorney' (in French: "*procureur du Roi*", in Dutch: "*procureur des Konings*") within two months judges the parents have other motives for applying the Belgian nationality for their child (for example: an improvement of the own residence status) than the well-being of the child.

If the parents have not made (or could not make) use of this possibility to opt for Belgian nationality for their child born on Belgian soil, the person involved can him- or herself still opt for Belgian nationality between the age of 18 and 22 (option-procedure of 1984). In addition, a new procedure was introduced allowing to persons (born on Belgian soil and since birth residing there) to demand Belgian nationality between the age of 18 and 30 (in French: "*déclaration de nationalité*", in Dutch: "*nationaliteitsverklaring*"). Belgian nationality is automatically

granted *unless* the 'district attorney' (in French: "*procureur du Roi*", in Dutch: "*procureur des Konings*") within two months judges that the applicant has an unfavourable penal record.

#### 4.2.4. naturalisation

In Belgium, naturalisation is discretionary. It can be refused and there is no right of appeal against a refusal of citizenship. Discretionary naturalisation is in essence not a *right* one can make use of but a *favour* which one can be granted. This is symbolically made clear in the Belgian system in which naturalisation is still 'politically' decided upon by parliament.

Loss of the old nationality is in principle not a condition to acquire Belgian nationality (albeit that simultaneous possession of Belgian state-citizenship in combination with possession of state-citizenship of most other European countries is ruled out by the Treaty of Strasbourg).

Until 1991 the Belgian Constitution differentiated 'ordinary' naturalisation and 'large' naturalisation. 'Ordinary' naturalisation led to possession of Belgian state-citizenship but, in contrast to 'large' naturalisation, did not give access to all formal political rights. Until 1976 'ordinary' naturalisation resulted in voting rights on the municipal level, but *not* in other political rights. Since 1976 'ordinary' naturalisation resulted in (active) voting rights on every political level, but did *not* grant the right to stand as a candidate in provincial and legislative (parliament) elections nor to take up a position in the government. Since 1993 all Belgians, no matter how they acquired Belgian nationality, have full and equal political rights. 'Ordinary' naturalisation could be demanded by every adult living for at least five years in Belgium. 'Large' naturalisation could be demanded by people older than 25, living for at least five years in the country and having rendered extra-ordinary services to Belgium or being able to render these because of special skills and talents. In addition, all those in possession of 'ordinary' naturalisation since five years could apply for 'large' naturalisation. The procedure for discretionary naturalisation was rather complex. The applicant should address a demand for naturalisation to the Minister of Justice through his or her local court. There upon the 'district attorney' (in French: "*procureur du Roi*", in Dutch: "*procureur des Konings*") investigated his research taking into account information supplied by the Foreigners Office, State Security and the local police. The latter interviewed the applicant (and his or her neighbours) regarding topics as income, knowledge of language, contact with Belgians and non-Belgians, etc. After an additional check at the Ministry of Justice, the application was transferred to parliament, where both bodies (Chamber and Senate) looked into the file and made a decision to grant Belgian state-citizenship (or not).

Since the abolition of the distinction between 'ordinary' and 'large' naturalisation, all adults who have been residing for five years (three years if one has a refugee-status) can apply for naturalisation. Since 1996 the procedure has been somewhat simplified. The applicant has to fill in a form giving information about his income, education, knowledge of language, etc. and has to give a motivation for the application. In addition some Belgian people have to vow for the applicant. The 'district attorney' (in French: "*procureur du Roi*", in Dutch: "*procureur des Konings*") there upon has four months time to investigate the 'will to integrate' and the penal record of the applicant. The application is then sent to the Chamber (one of the two bodies of parliament) that decides if the applicant will be granted Belgian nationality.

In December 1998 it was decided that the investigation into the 'will to integrate' would be clearly formalised in order to avoid arbitrariness.

#### 4.2.5. foreigners married to Belgians

Until 1984 foreign women acquired Belgian nationality after marrying a Belgian man. Note that foreign men marrying a Belgian woman did not acquire Belgian nationality. In 1984 this procedure was abolished. From 1985 onwards all foreigners (both male and female) married to a Belgian national could *apply* for state-citizenship after six months of marriage. The procedure is the same as the option-procedure based on (single) *ius soli* installed in 1984 (see above, in

French: "*déclaration d'option*", in Dutch: "*verklaring van nationaliteitskeuze*"). Since 1993 a foreign person must be married (and living together) for at least three years with his or her Belgian spouse or husband unless he or she has a permanent residence permit or a temporary residence permit for at least three years. It should be noted, as was the case with 'ordinary' naturalisation, that persons who opted for Belgian nationality (based on marriage) until 1993 did not enjoy all political rights. Until 1993 they could not stand as a candidate in elections on the provincial and national level and could not be part of the government.

#### 4.2.6. inhabitants of former colonies and protectorates

It should be noted that unlike other countries with a colonial past - one can in the first place refer to France and the Netherlands in this respect - Belgium has never granted Belgian state-citizenship to the inhabitants of its former colony Congo or of its former protectorates Rwanda and Burundi. While Congo was still under Belgian rule (until 1959-1960) the inhabitants of the colony were merely regarded as Belgian subjects but not citizens. After the decolonisation these former Belgian subjects had no noteworthy special rights to obtain genuine Belgian citizenship.

## 5. THE NATIONAL POLICIES FOR INTEGRATION OF IMMIGRANTS AND ETHNIC MINORITIES

In this section we want to discuss the national policies for integration of immigrants and ethnic minorities. Belgium's complex federal structure requires that we not only focus on the national level but also discuss the subnational policy levels.

### 5.1. Introduction to the different Belgian policy levels

Until 1970, Belgium was a unitary state including three levels of power: the State, the Provinces and the Communes. The constitutional reforms of 1970, 1980 and 1988 have gradually modified this architecture. The former Belgian unitary state developed into a more complex system, with two other levels of power established between the national level and the provinces and communes. These new institutions, the so-called Regions and Communities, became the main political and administrative unit of the new Federal State, decreed after the 1993 constitutional reform. According to the (new) Constitution, Belgium is built out of three regions (Flanders, Wallonia and the Region of Brussels-Capital) and three communities (a Dutch speaking (=Flemish), French speaking and German speaking community). Every region and every community has its own representative body (parliament) and government<sup>24</sup>. At the same time there is a national parliament and national government in Belgium.

The regions and communities have specific political competencies. The regions have jurisdiction over so-called 'space-bounded' matters such as economy, agriculture, environment, infrastructure and traffic. The communities have jurisdiction over so-called 'person-related matters' such as health care, social policy, culture, education and language-use. Flanders is an official uni-lingual (Dutch speaking) region and Wallonia is an official uni-lingual (French speaking) region, albeit that there is an officially recognised German speaking area within the Walloon region. The Region of Brussels-Capital is an official bilingual (Dutch and French speaking) region. It should be noted, however, that some Flemish and Walloon municipalities have a semi-bilingual status; Francophone persons living in some Flemish municipalities (and vice versa) are allowed to address (and have the right to be addressed by) their local government in their own language. The regions are in principle clear cut territorial entities and have a specific relationship to the official communities. In the Flemish Region only the Flemish Community has jurisdiction. In the Walloon Region only the Francophone Community (and in a specific area the German Community) has jurisdiction. Both the Flemish and the Francophone Community have jurisdiction in the Region of Brussels-Capital. This is institutionally translated in the Region of Brussels-Capital through the existence of three special political entities with specific functions; there is a committee of the Flemish community ("*Vlaamse Gemeenschapscommissie*": education, culture and other 'person-related' matters), a committee of the Francophone community ("*Commission communautaire française*": education, culture and other 'person-related' matters) and a mixed committee of communities ("*Gemeenschappelijke Gemeenschapscommissie*": health care). (For further lecture see: Martiniello & Swyngedouw, 1998; ISPO-PIOP, 1997).

Immigration policy (regulation of access to the territory and residence) has always clearly been a national prerogative. Integration policy is in principle a policy competence of the Communities since 1980 (see Hubeau & Van Put, 1990). However, depending on the involved policy field (labour, education, housing, urban renewal, fight against poverty, etc.) or the geographic region (Flanders, Wallonia or Brussels), in practice all political levels have some sort of policies directly or indirectly related to immigrants and ethnic and cultural minorities. Indeed, the complex institutional arrangements, and the uneven distribution of policy competencies it leads to, create a complex political situation that may be understood in terms of 'multi-levelled

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<sup>24</sup> The governments (and administrations) of the Flemish Community and the Flemish Region have, however, been merged into one executive body.

governance' (Favell & Martiniello, 1998). Actors at different levels of the political system are involved in continual battles over jurisdiction over policy and resources. Immigration, citizenship and integration policy in particular has thus in recent times been an area of policy prone to many contests between Flemish, Walloon or Francophone politicians, and figures at city, community, regional and federal levels. This is particularly the case in the bilingual city of Brussels. Moreover, given this context, immigrant minorities themselves are faced with the difficult question of *who* to address their claims to. The problems caused by the multi-levelled governance situation can thus be seen to lead to both further problems of exclusion and non-representation, while also (arguably) enabling new coalitions of interest between immigrant representatives and Flemish, Walloon or Francophone political interlocutors.

## **5.2. Policies on the European level**

Since the Treaty of Maastricht (1992) the policy fields of asylum and immigration have been linked on the European level to policy domains concerned about organised crime, terrorism and illicit drugs. This has led to a framing of the issue of immigration as related to issues of national security and to a disentanglement of the issue of immigration from social, cultural and economic aspects and from a human rights perspective. As a result, social and cultural policies on immigrants have not been an interest of European politics and have instead clearly been a prerogative of national politics.

This being said, one should stress the importance given by the European authorities to the struggle against xenophobia and racism. On this front, several measures have been undertaken over the last decade, recently culminating into article 13 of the Treaty of Amsterdam. This article gives the European Council the power to take measures against all forms of discrimination, including those based on race or ethnic origin. In addition, the Union has financed the creation of a *European Observatory for the Struggle against Racism and Xenophobia* (located in Vienna) and has foreseen specific budgets to be used in initiatives countering discrimination.

## **5.3. Policies on the national level**

In March 1989 a national institute, the *Royal Commissariat for Migrant Policies*, a semi-official government body attached to the administration of the Prime Minister, was set up in order to develop and monitor policy related to the integration of foreigners and ethnic minorities. Before this moment, one cannot say there has been a co-ordinated national policy related to immigrants and ethnic minorities. The creation of the institute should be seen as the direct result of the electoral success of the extreme right-wing and racist party *Vlaams Blok* in the municipal elections of 1988. During the four years of its mission, the Commissariat has realised a significant number of studies and has put forward several policy suggestions in the areas of employment, housing, education, health, Islam, citizenship and residence. Some of the policy suggestions have been transformed into bills, and later into legislation. As the most important, one can refer to changes to the legislation on acquisition of state citizenship (1991) and to regulations concerning access to employment for non-nationals.

Of particular importance is the definition of 'integration' the Royal Commissariat introduced as the pivotal concept for government policies on migrants and ethnic minorities. On the one hand integration is seen to be insertion of migrants into Belgian society according to three guiding principles:

“(a) assimilation where the ‘public order’ demands this;

(b) consequent promotion of the best possible fitting in according to the orientating social principles which support the culture of the host country and which are related to ‘modernity’, ‘emancipation’ and ‘true pluralism’ – as understood by a modern western state -; and

(c) unambiguous respect for the cultural diversity-as-mutual-enrichment in all other areas” (KCM, 1989: 38-39).

On the other hand integration entails:

“promotion of structural involvement of minorities in activities and aims of the government” (KCM, 1989: 39).

This definition of integration was said to be the result of an effort to find a compromise between the theoretical options of assimilation and segregation for an immigrant policy (KCM, 1993: 51). It should be noted that the definition clearly excluded demands stemming from the periphery of the political field on the immigrant issue. On the one hand the far right idea of sending immigrants back to their countries of origin was rejected explicitly; while on the other hand the (left wing) idea of enfranchising foreign residents was also made impossible (Jacobs, 1998: 177). The definition of integration introduced by the Commissariat in 1989 has from 1990 onwards functioned as the official reference point for government policy regarding to immigrants and ethnic minorities.

In 1993, the Commissariat was replaced by a permanent institute, *the Centre for Equal Opportunities and the Fight against Racism*, still attached to the administration of the prime minister. Its main mission is to facilitate equal opportunities and counter every possible discrimination or exclusion on the basis of race, colour, ethnicity, ascendance, origin or nationality. It should be noted that the Board of the Centre is not constituted out of people representing immigrant or ethnic minority associations; The members are appointed according to party allegiance. All democratic parties are proportionally represented according to the results of the last elections. Extreme-right parties are excluded. The same consociative logic is applied in the choice of the directors of the centre; the director of the centre is Flemish and of Christian-democrat political signature, while the vice-director is Francophone and of social-democrat political signature.

As one of its main missions, the Centre is to develop research and is to formulate policy suggestions to both state and private organisations, particularly in the fields of employment, housing, education, youth policy and health. The Centre should also play an important role in informing people and organisations on their rights and obligations. People who think they have been discriminated can contact the Centre through writing, visits or a toll-free telephone line. The Centre will provide information, register complaints, analyse discriminatory situations, make referrals to existing services, set up mediation and considers, with the applicants, possible legal action on the basis of the 1980 Law on the punishment of certain acts motivated by racism or xenophobia. In addition, the Centre has been given the competence of bringing breaches of the law sanctioning racist and xenophobic acts to the courts. The Centre can, indeed, initiate its own legal actions and bring particular cases before the courts if these are exemplary in nature or involve serious offences. Finally, as special tasks, the Centre has been entrusted with following through and co-ordinating of policies designed to combat the traffic in persons and managing the federal Impulse Fund for Immigrant Policy. The Impulse Fund for Immigrant Policy was created in the early nineties in response to urban riots in Brussels in May 1991. The Fund finances projects of public institutions, municipalities and associations aimed at improving integration of groups of foreign origin.

## **5.4. Policies on the sub-state level**

### 5.4.1. Flemish policies

#### *5.4.1.1. Flemish policy on ethnic and cultural minorities*

The administrative organisation of the Flemish integration policy, or more precisely the Flemish minority policy as it was renamed, has undergone a deep reorganisation. In April 1998, the Flemish Parliament agreed on a decree on ethnic and cultural minorities, *Decreet inzake het*

*Vlaamse beleid ten aanzien van etnisch-culturele minderheden*, setting out a new policy-framework. The Decree was innovative for two reasons. Firstly, it linked migrant policy to a more general policy towards ethnic-cultural minorities including refugees and groups with nomadic lifestyles ('gypsies'). Secondly, it explicitly underscored the need for a policy for newcomers and undocumented immigrants next to a policy aimed at (settled legal) migrants.

So far, the Flemish policy was in practice organised by a Decision of the Flemish Government in 1990, *Besluit van de Vlaamse regering van 18 juli 1990 houdende de voorwaarden inzake erkenning en subsidiëring van integratiecentra voor migranten*. With this document, a legal existence was given to the institutions in charge of implementing the official policies of the Flemish government, as stipulated in governmental working documents like the *Nota migrantenbeleid van de Vlaamse executieve* of Flemish Minister of Welfare J. Lenssens in 1989 and the *CoördinatieNota Migrantenbeleid* of Minister of Welfare W. Demeester in 1992. The 1990 Decision allowed to define for the first time the missions of the various actors involved in the policy process. The main idea of the 1990 decision was to organise and give an official existence to a network of local and regional integration centres. This network was co-ordinated by the Flemish Centre for the Integration of Immigrants (*Vlaams Centrum voor de Integratie van Migranten* -VCIM). The VCIM is actually the heir of a sort of regional consultative commission, the VOCOM (*Vlaamse Overleg Commissie Migranten*), founded in 1974. The VOCOM was an initiative supported from the top regional authorities<sup>25</sup>, although it was constituted as an association. It endeavoured at co-ordinating local initiatives and the funding policy to immigrant associations. In 1991, the VOCOM was replaced by the quango VCIM (*Vlaams Centrum voor de Integratie van Migranten*). The VCIM was active until 1998 and - after an internal conflict - in May 1999 replaced by a new quango *Vlaams Minderhedencentrum*. In line with the 1998 Decree, the *Vlaams Minderhedencentrum* is constituted out of three assisting subcentres (*Ondersteuningcentra*) specialised with regard to the target-groups of migrants, refugees and groups with nomadic lifestyles.

The local and regional integration centres have an accompanying and stimulating function for the Flemish regional and local policies. In fact, their specific functions are extremely diverse and too numerous to mention them all. One should however mention that the new decree give these infrastructures the responsibility for the analysis of the socio-economic position of their target-groups, for the development of methods and approaches allowing closer contacts with these groups and for improving the contacts between these groups and the broader society. The local and regional centres are also expected to raise awareness about the participation of their target-groups within society. It is also one objective of the centres to collect and disseminate the information related to their social situation.

#### *5.4.1.2. The Flemish policy towards migrants self-organisation*

Finding legitimate representatives among ethnic minority communities has always been a central concern for Flemish policy-makers. Already in 1974, it is this worry which led to the creation of the VOCOM (see above). It is the same preoccupation which led to the creation of a regional consultative council in 1982, the *Vlaamse Hoge Raad voor Migranten*. In 1996, the Flemish government took the decision to start a new policy aimed at supporting the self-organisation of immigrants. After a long period of negotiation with the Flemish Ministry of Culture, Family and Welfare, nine federations of immigrant association have eventually been officially recognised: 1) the Federation of Democratic Moroccan Organisations (FMDO), 2) the Federation of Moroccan Associations (FMV), 3) the International Committee (IC), 4) the Christian Association of Italian Workers in Flanders (ACLI), 5) the Union of Turkish Associations (UTV), 6) the Council of African Associations in Europe/Belgium (RVDAGEB),

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<sup>25</sup>Note that when the VOCOM was created the integration of immigrants was still partly a competence of the national government. The juridical basis for the creation of the VOCOM was a law protecting philosophical and ideological minorities.

7) the Federation of Progressive Turkish Associations (CDF), 8) the Federation of Turkish Islamic Associations of Belgium (UTIKVB) and 9) the Association for the Development and Emancipation of Muslims (VOEM). The framework for this policy is the 1995 Decree on the funding of associations involved in mass development work ("*Decreet houdende een subsidieregeling voor verenigingen voor volkswikkelingswerk*"). The official recognition of a federation of migrant self-organisations is given for a period of six years and means concretely the provision of a structural funding. This funding is submitted to a number of conditions. The main one is that migrant associations have to organise within federations holding sections in at least two provinces. It is the umbrella which is officially recognised and funded.

The nine federations officially recognised are represented in a platform, the Forum. On September 27th 1997, the Forum organised a big meeting between migrant organisations and regional authorities. The Forum is co-ordinated by the Intercultural Centre for Migrants, *Intercultureel Centrum voor Migranten* (ICCM) of the Flemish Community. The ICCM was created in 1993 and has as objective to assist migrants associations, to provide training for their leaders, and to develop projects in the field of art and culture.

In January 1998 a tenth organisation, the Latin American Federation, has been recognised, while a federation of associations for women of foreign origin was recognised in January 1999. There are thus now in total 11 official Flemish federations of migrant associations.

On the local level, 403 different local migrant self-organisations have received funding for local activities (283 in 1998) of the Flemish government (ICEM, 1999: 117). A large majority of them (278) are member of a federation. In 1997, a total of over 15 million Belgian francs was given to 319 associations.

#### *5.4.1.3. Flemish funding policies for anti-poverty and urban renewal projects*

The development of the Flemish integration policy went hand in hand with the availability of new financial resources, most of it being channelled for new local initiatives. Until 1996, the major instrument of this anti-poverty and urban renewal policy was the Flemish fund for the integration of deprived groups ("*Vlaams Fonds voor de Integratie van Kansarmen*" - VFIK). Although the VFIK was not specifically oriented towards the needs of migrant communities, it was foreseen that 25 % at least of VFIK funding had to be channelled to this target group. In 1996, the VFIK was reformed after the merging of several budget related to the regional social and urban policy. The VFIK was renamed as the urban impulsion fund ("*Stedelijk Impulsfonds*" - SIF). The funding policy of the SIF is designed as a way of consolidating local policies. More precisely, its objective is to struggle against deprivation and poverty in neighbourhoods and cities. It also aims at improving the welfare and quality of life of local communities and at promoting a good understanding between Flemish autochthonous and migrant populations.

In comparison to the budget available for the former VFIK (1,125 billion BEF), the amount of resources available through the SIF policy has substantially increased. In 1996, the total budget was 4,5 billion BEF. For the years 1997 and 1998, the budgets amounted respectively to 5,4 billion BEF and 6,4 billion BEF. In 1999, it should reach 7,4 billion BEF. Every Flemish municipality has a drawing right to the fund. The amount of the contribution made available for each municipality depends on various criteria including the size of the municipality, the percentage of migrants, the percentage of unemployed, etc. A special attention is given, through extra-funding, to the cities - like Antwerp - in which the problems of urban decay are more acute.

The SIF funding is submitted to stricter conditions than what was the case under the VFIK. Every municipality applying for SIF funding is compelled to send in a detailed policy plan to the Flemish regional government. Prior to receive the three years funding, municipalities have to sign an agreement with the Flemish government on the definition of the expected results and on the method for meeting them.

Besides the SIF, the Flemish Ministry of Interior, Urban Policy and Housing launched a smaller experimental programme of urban social policy, the "*Sociale Vernieuwing*" policy. The *Sociale Vernieuwing* policy is like its Dutch counterpart aimed at improving the quality of life at the neighbourhood level by, among other measures, stimulating the involvement of the citizen. It was being experimented in five cities (Antwerp, Genk, Gent, Leuven and Mechelen) in 1997. The budget of the *Sociale Vernieuwing* policy was 200 million BEF.

#### 5.4.2. Francophone and Walloon policies

##### *5.4.2.1. Francophone policies*

In line with the transfer of the policy competence of integration of immigrants to the Communities (see Hubeau & Van Put, 1990), the Royal Decree of 7 December 1979 created a consultative body for immigrants in the Francophone Community, the *Conseil consultatif des immigrés de la Communauté française (CCICF)*, which effectively started working in 1981. Unlike the former tripartite national councils on immigration which solely were constituted by government, trade union and entrepreneur representatives, this council also included representatives from immigrant and mixed Belgian-immigrant organisations.

In Brussels, a socio-cultural centre for immigrants, *Centre Socio-culturel des Immigrés de Bruxelles*, was created by the Francophone Community in 1980. It was renamed the *Centre Bruxellois d'Action Interculturelle (CBAI)* in 1991 and can be considered (to have been) the pivotal organisation for Francophone integration initiatives in Brussels.

In 1987, the CCICF was transformed into the *Conseil consultatif pour les populations d'origine étrangère (CCPOE) de la communauté française*. It consisted out of a Francophone representative from Brussels of the *Commission française de la culture de l'agglomération de Bruxelles*, two representatives of the Union of Belgian cities and municipalities, five trade union representatives, five entrepreneur representatives, representatives from the four regional centres for immigrants, government representatives and representatives of immigrant and Belgian-immigrant associations. Its activities focussed on education, the legal status of foreigners and immigrant associations. At the time, the Francophone Community did an effort of decentralisation towards the regional centres in the provinces of Liège, Namur and Hainaut and in Brussels (future CBAI).

At the end of the 1980s, the budget of the Community was slightly augmented in order to control juvenile 'delinquency', often associated with immigrant youth. In line with the development and guidelines of the national integration policy set up in 1989 and 1990, the Francophone Community took over the concept of integration for its policies and focussed on the cultural and social-economic dimensions therein. In the cultural field, several initiatives were supported, particularly those aiming at strengthening knowledge of languages and cultures of the countries of origin for the young generations of immigrant descent and promoting intercultural encounters. In the field of social insertion, the fight against discriminations and racism was facilitated and pedagogical initiatives were supported aiming at strengthening proficiency of the French language (alphabetisation, aid for home work, etc.).

In the Decree of 22 July 1993, the Francophone Community decided to delegate some of its competencies to the Walloon region on the one hand and to the Francophone committee of Brussels, *la Commission communautaire française de la région de Bruxelles-capitale*, on the other hand (Blaise, 1994). This would, after ten years of debate over the matter, create a legal framework for the creation and subvention of new regional centres for integration of immigrants by the Walloon government in 1996.

##### *5.4.2.2. Walloon policies*

In the Walloon Decree of 4 July 1996 regarding the integration of foreigners and people of foreign origin, the Walloon region decided to create six regional Francophone centres for integration in the cities Charleroi, La Louvière, Liège, Mons, Namur and Verviers. The Decree also allowed for a possible future creation of a seventh centre in Walloon Brabant. The Decree had the ambition to formulate a coherent policy towards integration of foreigners and people of foreign origin, based on a system of regional quango's in which immigrant associations played an important role. It was clearly inspired by a demand of the immigrant advisory council CCPOE in 1989:

« l'ensemble des politiques et des initiatives relatives aux populations d'origine étrangère devrait être relayé par des interlocuteurs au niveau régional. Ces institutions devraient jouir d'un statut semi-public et être reconnues à ce titre par les autorités de tutelle. Elles devraient être dans les régions le point de rencontre entre les associations et les pouvoirs publics »<sup>26</sup>.

The Decree stated that the centres would have the following missions:

1. The development of activities of integration in the social and socioprofessional areas and in the fields of housing and health, preferably through covenants with associations and the local administrations;
2. The promotion of formation of foreigners and people of foreign origin and of personnel of services that come in contact with these groups;
3. The collection and treatment of statistical data, the creation of indicators and the diffusion of information allowing to facilitate the integration of foreigners and people of foreign origin;
4. The accompanying and orientation of foreigners or people of foreign origin in all their steps towards integration, preferably through covenants with associations and the local administrations;
5. The evaluation of local initiatives regarding social development, which is to be transferred to the Walloon government;
6. The promotion of participation of foreigners and people of foreign origin in cultural, social and economic life;
7. The promotion of intercultural exchanges and respect for differences.

#### 5.4.3. Brussels' policies

In theory, the integration of immigrants is a prerogative of the Communities. Nevertheless, the Region of Brussels Capital, shortly after its creation in 1989, did take an interest in the matter and developed a number of initiatives.

In March 1990, the executive of the Region of Brussels Capital created a fund of 100 million Belgian francs, often referred to as the fund-*Picqué*, aimed at financing local initiatives wanting to promote integration and peaceful coexistence of the different local communities. Although not limited to projects regarding immigrant groups, the fund was in practice clearly focussed towards immigrants as target groups.

In the same period as the fund-*Picqué* was created, the four regional assemblies - the Regional parliament, the Flemish Community commission (VGC), the Francophone Community commission (COCOF) and the common Community commission (GGC) - jointly decided to create a temporary, so-called 'explorative', mixed commission on immigrant issues in Brussels. The commission was *mixed* because it consisted out of an equal number of elected politicians and representatives of immigrant groups. Its activities led to a resolution adopted by the Regional parliament on 9 July 1991, in which the wish was stated to create a permanent mixed commission on immigrant issues in Brussels. In the resolution, the powers, structure and overall organisation of this future commission were laid down, as well as the procedures for designating the representatives of immigrant groups. In addition, a special Charter, the *Charte des devoirs et des droits pour une cohabitation harmonieuse des populations bruxelloises*, stipulating the ground rules

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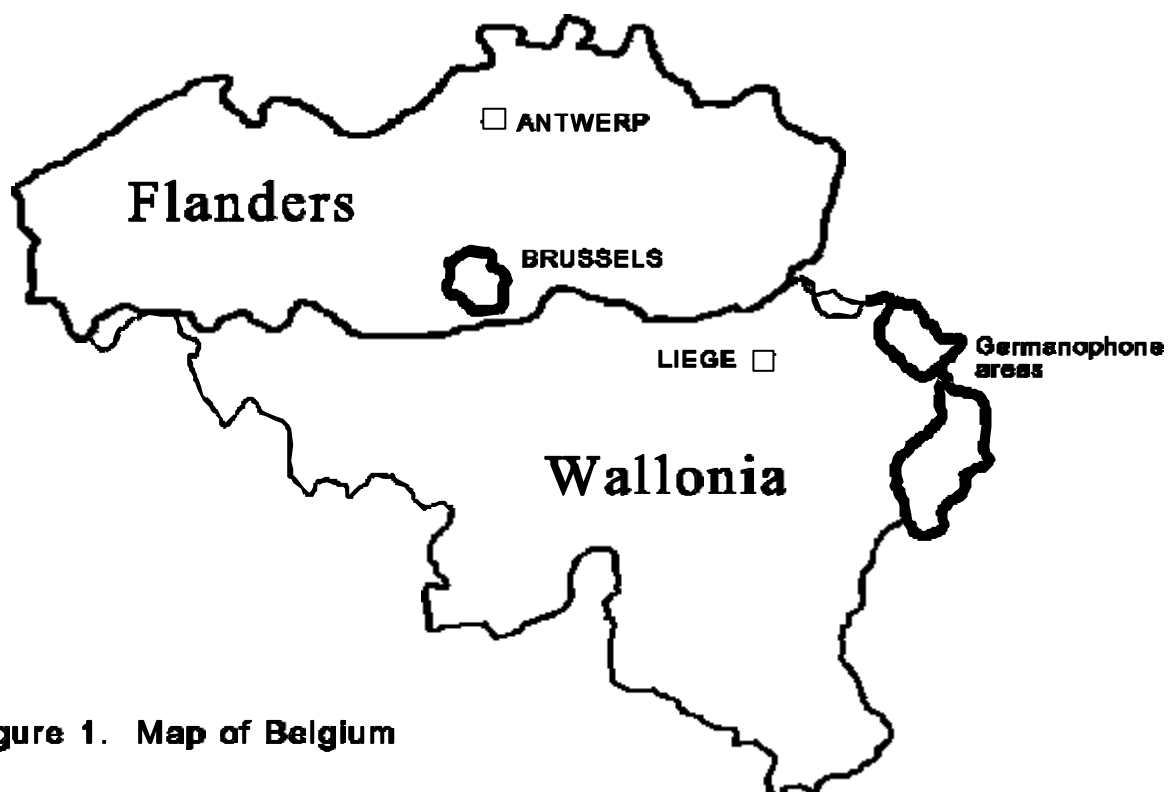
<sup>26</sup> Conseil consultatif pour les populations d'origine étrangère, in *Groupe de travail - Vie associative*, avril 1989, p. 3.

for coexistence of the different groups in Brussels was put forward. The mixed commission, which was installed for the first time on 6 February 1992, essentially disposed of a consultative power. It could examine regional projects or proposals relevant to the immigrant communities and was equally able to propose new initiatives.

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**Figure 1. Map of Belgium**

**Annex**