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Political stalemate with dramatic consequences.

The historical and institutional background behind the failed migration and asylum policies of Belgium.

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1. Introduction

In the last decennia, there have been several political conflicts about the migration and asylum policy in Belgium. This resulted in quite dramatic consequences for the parties involved, hence the immigrants. Many foreigners without legal documents, the so called '*sans-papiers*', who faced expulsion, were so desperate that they turned to radical last resorts. The results were occupation of churches and universities, often together with hunger strikes and young men climbing into construction cranes and refusing to come out. Also the political stalemate leads to a major crisis in the availability of housing and care for asylum seekers. It went even so far that several NGOs worked together to put up *refugee tent camps* out of protest in the heart of the business district of Brussels.

Belgium is a rather complicated case when it comes to migration policy. It is burdened by two different approaches on each side of the language border, which grew to be so because of historic and political reasons. The objective of this paper is to look first at the history of migration in Belgium and the specific institutional set-up in Belgian context, to see if there we can find the root cause of the recent problems. Next we describe and analyse the political events of the last years that lead to the current crisis.

2. Belgium's Immigration Profile

Internal migration

Belgium is generally considered to be one of the most multilingual and multiracial countries of the European Union. This is partly thanks to historical circumstances that led Belgium to being a state with three different language communities, but also due to the rich immigration history. The story actually begins with internal migration. In the 19th century Belgium knew massive internal migration. Poor Flemish peasants were attracted by the blossoming Walloon industry. It is believed that in total 500 000 Flemings migrated to Wallonia. In Walloon cities like Liège or La Louvière there were Flemish neighbourhoods with Flemish cafés. Over time these have disappeared but traces can still easily be found, for example in the graveyards in Wallonia there are many Flemish names on the tombstones, or simply by opening a local phonebook and counting the amount of Flemish names. Many prominent Walloon politicians have Flemish ancestry. This phenomenon was only recently brought to attention of the general Flemish public, thanks to a book called 'Poor Wallonia', written by Pascal Verbeken. Verbeken travelled through Wallonia and noted the decayed glory of the now impoverished Walloon industrial basin and registers the stories of the (guest) workers. The book was inspired by a rediscovery of a book written a century earlier: 'Poor Flanders' by August De Winne. De Winne travels through the backward and underdeveloped Flanders of 1901 to note the "material and spiritual poverty". In a time that in Flanders the Belgian solidarity (hence the money transfers to Wallonia) was

more and more questioned and intolerance towards immigrants was on the rise, this confrontation with a not-so-distant past was sort of a revelation for many Flemings. But also for the Walloons the book was quite confronting. The Flemish guest workers were frowned upon with distrust and often just with plain racism. All today's clichés about immigrants – drunken, lazy, fighting thieves – were back then already in place to describe the Flemish. For Wallonia – that likes to see itself as an open and cosmopolitan region, often in contrast to 'racist and nationalist' Flanders – these stories were also an uneasy rediscovery. Belgian historian Marc Reynebeau called it “an inconvenient truth for everybody”.¹ (Reynebeau, 2010)

Immigration to Belgium

Before 1920 the immigration to Belgium was mainly a spontaneous process. Most of the immigrants came from the neighbouring countries. In 1910 the amount of foreigners in Belgium was 254.000, of which 32% came from France, 22% from Germany and 28% from The Netherlands. (Stengers, 1992) According to scholar Jean-Pierre Grimmeau we can distinguish four important timeframes in the period from 1921 to 1981. (Grimmeau, 1992) The first period, from 1921 to 1939, the big bulk of the immigrants still came from the neighbouring countries, however there were also people from Poland, Czechoslovakia, and Yugoslavia. The second period, from 1946 – 1958, the guest workers were mainly Italians. They are one of the oldest and biggest migrant

¹ I was originally planning to devote this entire paper to the subject but I soon found out that, although it is a very interesting and relevant topic, there's hardly any academic work written on it. The work available would not have been enough to fulfil the academic standards. Also it would have been impossible to conduct the research myself, given the available timeframe and my current stay in Istanbul.

communities in Belgium. In 1946 the Belgian government made an agreement with the Italian government to allow 2000 Italian guest workers to come to Belgium every week. Over time the number of Italians in Belgium grew considerably big, “partly due to new arrivals but also to the fertility of this population”. (Zavattaro, Susanne, & Vercauteren, 1997) Italians are usually not mentioned in debates about immigration and generally considered the ‘best integrated’. For example: Elio Di Rupo, the current leader of the Walloon Socialist Party and a likely candidate to become the next Prime Minister of Belgium, is a son of Italian immigrants. Because of the great mine disaster in 1956 in Bois-du-Cazier where 136 Italians lost their life, the Italian government no longer wanted to send more workers to Belgium. Therefore the Belgian government needed to find new work forces, it did so by signing agreements with Spain in 1956 and Greece in 1957. In the third period, from 1962 to 1966, because of the economic boost and the lack of available workforces on the market, the Belgian government started recruiting workers from Marocco and Turkey. Also the influx from Greece and Spain increases. In the fourth period, from 1967 to 1982, the immigration from Italy, Greece, Spain and Turkey decreased while the immigration from Morocco increased. (Grimmeau, 1992)

In 1974 the Belgian government decided – in concert with many other European states – to end legal immigration. Many academicians are quit critical of this decision.

Sonia Gsir points out that from 1974 the “differentiated control” started: low-skilled workers (usually non EU citizens) were strictly controlled and registered, while on high-skilled workers (usually EU citizens) there was weak control. (Gsir, 2008) Of course migration to Belgium did not stop after 1974. Martiniello identifies five main patterns in which immigrants enter the country: family reunions, free movement of EU citizens, foreign students, refugees and asylum seekers, and illegal immigration. (Martiniello, 2003)

Migrant Population

At the moment Italians still make up the biggest group of foreign nationals in Belgium – about 179.015 legally reside in the country. (CGKO, 2008) Other sources say the number is around 200.000. (Martiniello & Rea, 2003) The statistics in Belgium are tricky though. People are registered according to their nationality, with no note of their ethnic origin. The available statistics can be thus quite misleading. Research shows us that the actual population of ‘foreign origin’ (including second and third generations) is sometimes 51% higher than the official numbers. (Timmerman, Vanderwaeren, & Crul, 2003) According to the official statistics, the Moroccan and Turkish populations, respectively the second and fifth biggest groups, decreased by more than 50%. This is not because of return to their countries of origin, but due to the large amount of Moroccans and Turks who obtained Belgian citizenship. Often forgotten is the fact that the biggest immigration flow from the past 25 years came from France and The Netherlands. Respectively they are the third and fourth population of foreigners. Most of them are the well-to-do that come to Belgium for the advantageous taxation regime. (CGKO, 2008)

Professor Marco Martiniello provides us with a staggering critique of the migration policy in Belgium. He states that since 1974 there has never been a clear vision behind immigration policy, nor a pro-active planning of it. Even more, the existing policy does not recognize that Belgium always was and is *de facto* a country of immigration. (Martiniello, Belgium's Immigration Policy, 2003) This finding seemed to be confirmed by the Belgian Centre for Equal Opportunities and Antiracism. In its annual report on migration in 2009 (presented in May 2010) it stated: “Belgium does not have a migration policy”.

The institutional framework and different concepts of citizenship

The institutional framework has a profound influence on migration policy in Belgium. Belgium is a federal state since 1985. Migration policymaking happens on all levels of governments: federal, the regions and the (linguistic) communities. The federal government is largely responsible for control over entry, stay and exit. The communities are responsible for person-linked matters, so in this case also integration-policy. The regional governments have territorial matters as their competence, which includes employment. (Gsir, 2008) In other words, as Martiniello puts it: “There is no ‘Belgian’ model of integration. Historically, different approaches developed in the north and in the south of the country.” (Martiniello, 2003)

The Flemish approach is one based on the Dutch model of multiculturalism. The Flemish concept of citizenship is basically very much composed of concepts like community, language, culture and territory. This is a result of their Flemish emancipation (that started with an emphasis on linguistic and cultural rights) against the hegemony of Francophone language and culture in Belgium. It seems that Flanders wants to provide the same linguistic and cultural rights for its own minorities. The existence of ethno-cultural minority groups is officially recognized and the Flemish community subsidises the self-organisations of migrants. Meanwhile Wallonia developed an integration regime close to that of the French republican model. It is a much more individualistic approach, with an emphasis on assimilation. As Ayhan Kaya notes, there is an official denial of ethno-cultural identities: “Self-organization of ethnic minorities is not endorsed. Ethnic associations may get funding for broadly defined activities [...] but there is a refusal at

discursive level to subsidize any activities with a dimension of ethno-cultural identity.” As in France, conformity to the hegemonic culture and language is expected. (Kaya, 2009)

4. Political crisis and non-governance

One of the burning topics on the Belgian political agenda associated with the migration question became the asylum policy and regularisation criteria. Immigration to Belgium after 1974 did not, of course, stop; on the contrary, it increased. Because of the lack of a legal framework for clandestine migration, asylum came one of the most important ways to enter the country. One of the main problems in Belgium was the extreme long waiting period for the asylum applications. This led to very dramatic situations of families who have been living in Belgium for years and that were completely integrated in the local society suddenly faced by expulsion. In 2000, for the first time since 1974, a general regularisation was held. This was the outcome of a long debate sparked by the tragic death of Semira Adamu in September 1998. Adama was suffocated with a pillow by Belgian gendarmeries during her repatriation on the plane to Nigeria. Regularisation in Belgium is a competence in the hands of the federal state. The 4 possible regularization criteria were the following: “having been engaged in the asylum procedure for an abnormally long period without having been informed of a decision (4 years in general, 3 years for families with minor children); not having the objective possibility of returning to one's country due to, for example, a war; suffering a serious illness; or having lived at least six years in the country without having received any official

notification to leave the country during the last five years. This last category of potential applicants is supposed to be integrated in Belgium.” (Martiniello, 2003)

In total 60.000 *sans-papiers* applied, in total 140 nationalities, the largest groups being Moroccan and Congolese. As explained by Brochmann (1999), general regularisation is always a double-sided sword. On the one hand it is a good way of getting people to come out of the shadowy aspects of illegality, on the other hand it is an incentive for more unwanted immigrants to come. So the Belgian government did everything to stress the one-time occurrence of the general regularisation. (Gsir, 2008)

The winners of the federal election of June 2007 (Christian democrats and right-liberals) promised to come up with new clear-cut regularisation criteria and a renewal of the asylum and migration policy. But the election of June 2007 was the starting point of one of the deepest governmental and institutional crises Belgium ever had. The negotiations on the formation of the government became the longest in history. It lasted 194 days. The conflict was about the Flemish demand for state reform. The Flemings wanted more competences for the regions and communities. The French-speaking refused. The two parties were unable to find an agreement. In December 2007 the King asked former Prime Minister Guy Verhofstadt to lead an interim government. On the Walloon side the Socialist Party joined in order to have a broad majority for a possible state reform (which till today never came). Verhofstadt III was in office until March 2008, when Leterme took over and Leterme I was founded. Meanwhile, in February 2008, Minister of Interior Patrick Dewael was forced to grant three-month residence permits to a group of 150 *sans-papiers* that were on a hunger strike for 50 days, in order for them to be able to make another application for regularisation. These actions were only the beginning. In the summer of 2008 there came huge pressure on the government because of several hunger strikes and the occupations of churches and universities by the *sans-papiers*,

backed by NGOs. One of the most dramatic scenes were the asylum seekers climbing into construction cranes and refusing to come out before they were promised a prolonging of their residence permit. It became a quit common practice that summer. Despite this there came no governmental action: in contrast of earlier promises they provided no clarity about the regularisation criteria or asylum procedure. This was a result of political differences in the government: the Flemings, especially the liberal party, wanted strict criteria, while the socialists and Christian democrats on Walloon side wanted a broad regularisation. The coalition partners were unable to reach an agreement. The problem was that with the formation of Leterme I the competence for asylum- and migration policy was cut up and shared between the Flemings and Walloons. Annemie Turtelboom (Flemish Liberal) became Minister of Migration and Asylum policy, while Marie Arena (Walloon Socialist) became responsible for the Ministry of Societal Integration. This was a big mistake, since both parties had a radical different view on what should be done, and, even worse, were able to block each other's way. The consequence was the fairly insane situation that two ministers of the same government were openly opposing each other. This had dire consequences for the asylum seekers. In Belgium the reception and care of asylum seekers is organized by the Federal agency of Fedasil. It has several open centres that host the asylum-seekers. Due to the increase of asylum seekers Fedasil became short of places. In 2008 it reported that it was hosting 16 281 people whereas their capacity was only 15 862 places. Fedasil cried for help. (Fedasil, 2009) But Arena refused to create new places, in order to force Turtelboom to a general regularization. In December 2008 the Federal government fell again, over the alleged violation of the separation of powers by members of the government in the Fortis case. It was quickly relaunched: Herman Van Rompuy replaced Leterme. Turtelboom and Arena remained in place. The dramatic situation for asylum-

seekers persisted. In July 2009 suddenly an agreement between the coalition partners was reached. This was only possible after Turtelboom and Arena were dismissed, since they had made the issue a matter one of personal honor. Arena was replaced by someone from her own party, Philippe Courard. The competences of Turtelboom went to a Walloon, Melchior Wathelot of the christen-democratic party. The new agreement consisted of a broad regularization with not very strict criteria and the competence of asylum and migration policy came to lie completely with the French speaking. Generally the agreement is considered to be a defeat for the Flemish liberals. The good news was that now the criteria were somewhat clearer. Yet, the agreement did not solve much. The shortage of places in the Fedasil centers grew dramatic. Hundreds of people (including children) were forced to sleep on the street. Many of them filed a lawsuit against the Belgian government, which they won. Fedasil had to rent hotel rooms to solve problem. The financial and humanitarian cost was huge. The problem still exists. In May 2010 250 asylum-seekers were again forced on the street. Also in May 2010 still more than 1000 people were 'temporarily' hosted in hotels. The top woman of Fedasil resigned and Fedasil personnel threatened to strike if no improvement would come quickly. In April 2010 the federal government fell once again over institutional and linguistic conflicts between the two communities. Elections are in June 2010 and without a doubt the government formation will be long and difficult. This means Fedasil and the *sans-papiers* can't look forward to any improvement any time soon. (Delepeleire, 2010)

It is fair to say that there has not been any decent governance (better to speak of non-governance) since June 2007 due to the institutional and communitarian political stalemate. The asylum crisis is proof that the political stagnation in Belgium has dramatic and real-life consequences for some people. The problem with the asylum and

migration policy in Belgium is that it consists of several cleavages. Belgian sociologist and political scientist Luc Huyse identifies three traditional political cleavages in Belgium: the religious cleavage (concerning the division between state and church), the social-economical cleavage and the communitarian cleavage (between Flemings and Walloons). (Huyse, 1987) Historian Els Witte has asserted that these *cross-cutting cleavages* also have a stabilizing role. (Witte, Craeybeckx, & Meynen, 1997) Yet, Flanders is traditionally more Catholic and conservative. Wallonia is generally a socialist and non-religious bastion. The Flemings identify themselves as Flemish, while the Walloons have a pro-Belgian attitude. The consequence is that sometimes the different cleavages come together and reinforce each other. (Huyse, 1987) We might be looking at a similar process when it comes to the migration and asylum crisis. As earlier explained, the Flemings and Walloons have different perspectives on citizenship. The Flemings have a *culturalist* approach while Wallonia is *assimilationist*. This is the first cleavage. The second cleavage is the generally a conflict between left and right. The liberals are in favour of only economic migration of high-skilled workers; the left in Belgium is more inclined to a tolerant migration regime. We have seen this in the conflict between Turtelboom and Arena. These two political dichotomies come at a time that the 'communitarian cleavage' is deeper than ever, which make it very hard for the Flemings and the Walloons to work together on the federal level. It is sad to say but it seems that the hunger strikes and dramatic situation of the *sans-papiers* generally affected the Walloon public opinion more than the Flemish. While in Wallonia the humanitarian aspect of migration is underlined, in Flanders they are more concerned about economical immigration, integration issues and sham-marriages.² This results in the fact

² This presumption is not based on any scientific research, but it is clear impression when comparing the French and Dutch media plus looking at the amount of solidarity

that the political elites of both sides of the countries have different priorities. We feel that we can say that the failed migration and asylum policy is a result of a collision and reinforcement of different political and societal cleavages.

5. Conclusion

This paper has begun with discussing the internal migration in Belgium in the 19th century. It gives us a more nuanced picture of the relationship between Flanders and Wallonia, and shows that migration is a very old phenomenon in Belgium.

Immigration to Belgium really started off after the Second World War. The Belgian government actively attracted many foreign nationals to come as guest workers. Four major periods were identified. In 1974 it officially ended legal immigration. Of course migration to Belgium never stopped. Belgium generally lacked a vision behind its migration policy. Equally, Belgium lacks reliable statistics. “There are no complete numbers of the amount of people that enter and exit the country”, the Centre for Equal Opportunities and Education complained. (CGKO, 2008)

Much of the difficulties have to do with the specific institutional set-up of Belgium. Migration policy is spread over all levels of government. Plus there is a radical different view on citizenship in both sides of the country. As noted, Flanders as a multicultural integration system while Wallonia has an integration regime based on the republican/assimilationist model. This also causes for confusion and contradiction in the migration policies of Belgium.

actions organized on both sides of the language border.

This paper described the events that lead to what is known as the asylum crisis of the last three years. There seemed to be several different mechanisms at work, that have to do with political differences. Three different cleavages seemed to come together and reinforce each other. The political stalemate has dramatic consequences for many people. No improvement is in sight. Much depends on the government formation talks of summer 2010.

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