

Judging the hypothesis of a ‘Break-up’ of Federal Belgium: comparative perspectives

by

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Introduction :

The idea of a splitting of Belgium in two or three independent states has largely been exposed during the 2010-2011 crisis. But something was, most of the time, forgotten: the fact that splitting a country is not a further step in decentralization or state reform. It is something totally different from the kind of evolution Belgium has already experienced. Apart from the fact that state separations are, unless federalisation, very rare in the developed world, this kind of events follow different patterns from federalisation.

In this paper, we will try to apply, as much as possible, lessons from other cases of states separations in order to judge probability and conditions of a break-up of the Belgian federation. Studying hypothetical events is always difficult. In order to be as precise as possible, we will concentrate on the possibility of the most common scenario of Belgian splitting, namely a declaration of independence from the Flemish region. Consequently, we won't study scenarios of a declaration of independence from the francophone part of Belgium (the so-called “Plan B”) or other regions (Wallonia or Brussels). Likewise, the hypothesis of a “rattachement” of Wallonia (and possibly Brussels) to France – which is a sub-hypothesis within the hypothesis – won't be studied.

In order to center and circumscribe our study, we also exclude the possibility of a violent secession or civil war in Belgium. Indeed, we can argue that considering a Belgian civil war is unrealistic. The reasons are both internal and linked to the European and international context.

Firstly, manifestations of violence are rare in the Belgian linguistic conflict. We count only one dead since World War II¹. Massive demonstrations (Flemish marches on Brussels) and even violent ones (*Walen Buiten* in Leuven, clashes in Fourons) occurred. But these seem to have disappeared in the last 20 years and official nationalists demonstrations no longer mobilize more than 2000 participants. Even if a most unlikely civil war would happen, it won't probably last more than the few days or hours necessary to the international community to intervene. In a country in the heart of Europe, where the European Union and NATO have both their headquarters, and where live more than half a million of European citizens, a civil war cannot be

¹ Jacques Georgin in 1970.

allowed. Hence, the situation of Brussels can't be compared with Sarajevo nor Belgium's with a remote country in Caucasus or central Asia.

Research framework : independence as a process

In this paper, we study independence as a process. Following Pavkovic & Radan (2007 : 5) we identify three stages in this process :

1: the trigger : the process begins when representatives of a seceding entity officially declare their desire to become independent and leave the host state². Most of the time, this declaration is made by this seceding entity's government and/or parliament. Usually, this government hold a referendum and negotiations with the host state before proceeding to the next step.

2: Official declaration of independence. After negotiation with the host state and with foreign countries (successful or not) and if a referendum show popular support, the seceding entity officially declare independence.

3: International recognition : in order to succeed in becoming really independent and secure this position, the seceding entity must be recognized by a majority of other states and most important international organizations. The paramount of this process is the accession to the status of member of United Nations. Then the new state benefit from the protection of its sovereignty as all other member of United Nations.

As we will see, some seceding entities stop in stage 1 (ex. Quebec which loose referendum two times). Others are still in this stage (ex : Catalonia and Scotland). Other entities declared their independence but failed to be recognized (Biafra and Katanga) or are still trying to become member of United Nations (Kosovo).

Specificities of the Belgian case

Judging the hypothesis of a "break-up" of federal Belgium imply to take into account specificities of this case :

- developed and democratic country
- member of European Union
- for which independence can't result from a civil war or armed violence

These characteristics have two consequences. The first one concerns the process we described above. For a seceding entity which have a developed economy, is highly integrated in international trade and is already member of the European union, failing to secure an international recognition is not an option. Indeed, an unrecognized state can't enter an international organization (UN, NATO, EU). In case of a crisis it is difficult for it to use mediation or international arbitration. What is more, its insecure legal status deters foreign investors and can make importation and exportation of trades and goods difficult (Miller, 1986). Hence, for a so politically and economically integrated region such as Flanders (or whatever other Belgian region) this non-recognition, even temporarily, seems unbearable and impossible to accept both by population and economic elite. As a consequence, the official declaration of independence can not be made before having secured international recognition (once again, at least from EU and its member states). As a matter of fact, the official declaration of independence would be delayed until this international recognition is

² In this paper the central state or the state which the separatist entity belong to and want to live will be called the « host state ». The sub-federal entity which want to leave the host state will be called the « seceding entity ».

secured. The stages 2 and 3 described above are then merged and international recognition become the important issue.

As a consequence, this paper will be divided in two parts. The first one will focus on possibilities and probability of seeing Flanders to get to the stage 1 (triggering an independantist process). The second part will focus on possibilities for Flanders to secure international recognition from European Union and its member states.

Cases to compare :

The second consequence of characteristics of the Belgian case is that, in a comparative perspective, we must consider only cases which are close enough to it.

In this perspective we set two criterias which cases must meet to qualify :

- non-violent
- in a liberal-democratic context. This last criteria does not mean that the process of separation in itself must be democratic but that it takes place in a democratic country in which citizens are equal (non-discrimination).
- in the post-cold war era³

These criteria exclude all independances resulting from decolonization and post-communist USSR and Yougoslavia break-up – which were the two big events which most states in the world result from. Indeed, even if most of decolonization independances were nonviolent and sometimes include a referendum, this process originate at least partly from an ethnic discrimination and a political subordination.

As Yougoslavia break-up implied violence, this was not the case of most post-USSR states. But even if referendum were set up in every republic, we could not say it was in a democratic context. What is more, Soviet Republics did not really decided to leave USSR as dissolution of Soviet Union was decided at the central level.

If we respect these criteria, we can consider only three cases of independence :

- Czechoslovakia (1993)
- Montenegro (2006)
- Kosovo⁴ (2008)

These three cases will help to judge whether and how Flanders would trigger an independence processe and whether and how it would secure a large international recognition.

But, concerning the triggering of an independence process (stage 1) we can also consider tries from governments of seceding entities to achieve it – whether this attempt failed or is still ongoing.

Then we can add three other cases in studying the trigerring :

- Quebec (referendums in 1980 and 1995)
- Scotland (referendum scheduled for september 2014)

³ The restriction to post-cold war era directly originates from the importance of international recognition. To compare with the belgian hypothetic case in this respect we must choose cases which take place in, globally, the same international configuration.

⁴ Events in Kosovo until 1999 are all but peaceful. Nevertheless, independence proclaimed in 2008 is not the result of a military situation but of negotiations between Kosovars and Serbs, with the mediation of United Nations.

- Catalonia (potential referendum planned for 2014)

What is more, if we focus on the triggering of an independentist process, we can suppress the temporal condition (post cold war era). Indeed, this condition is linked to the necessity of obtaining international recognition. If we focus only on the conditions under which a government (or a society) decide to become independent, then we can add peaceful and liberal-democratic secessions throughout history. This allow us to add only two more cases : independences of Norway from Sweden (1905) and of Iceland from Denmark (1944). Then we see that, comparing to other types of state creation, peaceful and liberal-democratic ones are very rare. We will see that this scarcity can be explained by the obstacles existing to achieve the process we described. Indeed, history teach that “attempts of secession often fail” (Wood, 1981).

As we add cases for stage 1 (triggering), we can also add cases for the second stage (international recognition). Indeed, international recognition does not depends on wheter secession is violent or not. Hence, we can add successful independences which took place after the end of the cold war :

- Eritrea (1993)
- East-Timor (1999)
- South Sudan (2011)

1. The beginning of an independentist process

To sum up, cases which can be compared with situation of Flanders are :

- Norway (1905)
- Iceland (1944)
- Czechoslovakia (1993)
- Quebec (1995)
- Montenegro (2006)
- Kosovo (2008)
- Scotland (2014)
- Catalonia

In order to determine most important variable which made a political entity to become a seceding one, we must distinguish two kinds of data : structural (pre)conditions and “triggerring conditions” (Pavkovic and Radan, 2007 : 27). Appendix (p.21) sum up whether these conditions are present in different cases.

1.1. Structural (pre)conditions

The first set of data to consider are general and structural conditions which make a sub-federal entity prone to have independentists or autonomists demands. We can sort these in three main categories.

Cultural particularities :

People in seceding entities are different from those in the rest of the host state. These differences can concern specific language, religion, ethnic origins or – which is more difficult to define – culture.

Political differences :

In this case, structural differences exists in the political sphere concerning vote and political preferences between citizens of the seceding entity and those of the host state. These differences can concern socio-economic issues (left/right) or societal ones (progressive/conservatives). These differences are materialized by differences in vote and/or values among the population. Vote gap between different part of the host country result in difficulties to form a federal government which represent every part of the country. This situation is also complicated when political parties exists only in the seceding entity or if a political party important in the rest of the host country is absent in the seceding entity⁵.

Economic differences :

A gap in wealth or even devolpment between different part of the country is a factor of independance.

⁵ Examples of specific parties can include N-VA (Flanders), SNP (Scotland), Bloc Québécois (Québec), HZDS (Slovakia). In Quebec and Catalonia, several political parties have no counterpart at the fédéral level : Parti Québécois, Coalition pour l’Avenir du Québec and Québec Solidaire in Québec, CiU and ERC in Catalonia. As a consequence, the political landscape is totally different at fédéral and sub-federal levels.

Firstly, because issues are not the same for different part of the country. One can have an unemployment problem as the other experience a workforce shortage. Then, public policies has to be different. If the difference is too important and concerns level of development, societies of seceding entity and the rest of the host state can be so different that they are not even able to understand each other.

Secondly, if the seceding entity is richer than the rest of the host state, an economic rationally choosen independence (theorized by Hechter, 1992) can occur. Nowadays in Europe, most independantist or autonomist regions are richer than the rest of their host country.

Neverthelss these (pre)conditions are not sufficient to lead to independence. Bavaria is an exemple of German Land which display all differences listed above. There are cultural and linguistic differences and Bavaria is the bastion of catholic religion in Germany. It is far richer than the rest of Germany and, on top of that, people massively vote for a conservative right wing party which doesn't exist outside Bavaria. Nevertheless, there never was (except marginally) an independentist movement in Bavaria.

In fact, all differences listed above can fuel autonomists, federalists as well as independentist demands. The logical answer to such a situation may consists in allowing a certain degree of autonomy to sub-federal entities in order that they can decide their own public policies. To understand what lead to an attempt of independence, we must determine what makes independentist demands emerge instead of (or after) federalist/autonomist ones. In other words, what is the trigger that lead to independence ?

1.2. Triggerring conditions

In violent secession, the trigger is most of the time a violent event or a repression from central states authorities against an ethnic minority. In our non-violent cases, things are more complex and diverse.

According to Smith (1985) independence attempts happen when an autonomist demand from the sub-federal entity cannot be satisfied by the government of the host state. Whether because this government simply refuses this demand or because it is unable to satisfy it. For example, in Canada, Lake Meech agreement (1987) which contented Quebec was refused by some anglophone provinces.

This explication works perfectly for 4 of our cases⁶ :

- Norway : the trigger was Swedish King Olaf's refusal to promulgate the "consular law", which would established a parallel consular service for Norway.
- Tchecoslovakia : splitting of the country result in the incapacity from Czechs to answer to Slovak demand for confederalism.
- Quebec : after Lake Meech's fail, another attempt was made with Charlottetown agreement (1992). This last attempt was refused both by Quebec and by some anglophone provinces. 1995 referendum on independence is the direct consequence of this situation.

⁶ Even if they not qualify to be among our cases, we can also mention Slovenian and Croatians sécession. Indeed, these ones originates from the demand of the two republics for radical economic reforms and looser fédéral ties. These two demands where refused by the Yougoslav fédéral government.

- Catalonia : demands of fiscal autonomy and further cultural recognition are systematically rejected by Madrid since 2011. The 2006 Status of Autonomy was even restricted by a decision of Spain's Constitutional Court in 2010.

Neglected minorities and *de facto* separation

But Smith's theory fail to explain other cases such as Montenegro, Kosovo, Scotland or Iceland. Concerning Montenegro and Kosovo, discussion took place with Serbia after Milosevic left the power. Serbian government was aware of his bad situation and was ready to any concession in terms of autonomy. Nevertheless, Montenegro and Kosovo both decided to become independent countries.

To explain this decision, we propose to use the concept of "neglected minority" and state that sub-federal entities are prone to prefer independence rather than autonomy if they see themselves as a minority neglected by central power in the host state.

The concept of neglected minority can be directly linked to a theoretical justification to secede, based on "the right to live in a functioning and protective state. Therefore, if a host state has systematically abused some interests or rights of a group living on a territory, this principle allows the group to secede from the abusive or non-functioning host state." (Pavkovic & Radan, 2007 : 28). Use of this right is obvious concerning decolonisation or cases such as Kosovo, East-Timor or South-Sudan. But this idea is also present at least in Quebec, Catalan and Montenegro cases. The minority is then not really discriminated but neglected.

Indeed, the idea of an injustice can be a powerful incentive to seek independence. Pavkovic & Radan (2007 : 44) notes that "secessionist movements (...) can thus share either a common national identity or a common sense of injustice or, in most cases, both". This feeling of injustice is fueled by the exploitation by independentist movements of grievances. Grievances are defined as "the claims that particular social or political arrangements are unjust or inequitable in themselves or in their consequences. In short, grievances are claims regarding the injustice(s) to which individuals and groups are exposed" (Pavkovic & Radan, 2007 : 47). Pavkovic & Radan classify these grievances in 3 categories :

- unequal distribution of power/ressource/status within the state between different groups
- harm
- aline rule or domination

These examples of grievances fit perfectly for decolonisation or if the seceding entity is under a non-democratic rule. In developed federal states, the softer concept of "neglected minority" may be more appropriate. This concept encompass the first and third category of grievances but another one has to be added : the impossibility to understand or listen to demands (i.e. Smith's explanation).

The main difference with Smith's explanation is that, instead a succession of real events, being a neglected minority is a feeling. Even it is based on real attitudes from government from the host state, it is broader than the utilitarist and rational frame in which sub-federal entity become independent because it appears to be the only way to get the autonomy they ask for. In case of Montenegro and Kosovo, these territories were neglected and disregarded by Milosevic's Serbia for years. Even if the new power wanted to initiate a new relationship, mental distance gone too far for a

too long period. New Serbian power failed to change that feeling even if, rationally, Montenegro and Kosovo could stay with Serbia while enjoying a maximal autonomy.

In this perspective, refusal from host state of institutional demands from an autonomist/independentist entity wouldn't be the direct cause of secessionist process. Instead, it is the feeling of being neglected by a state that doesn't understand or doesn't care about their demands.

Nevertheless, even if it is broader than Smith's model, focus on "neglected minority" fail to explain two triggers : Iceland and Scotland. None of these seceding entities can, as far as we know, consider themselves as neglected minorities. Concerning Iceland, we must recognize that our actual knowledge about this case does not allow us to make a definitive statement. But we must have in mind that Iceland is 1.800 km away from Denmark and that, in 1944, the two countries hadn't any contact since four years⁷. Once again, mental (and real) distance was important and couldn't have been bridged. But contrary to Kosovo and Montenegro cases, the government of the host state is not responsible for this situation.

In fact, in these 3 cases, independence consisted mainly in officializing a *de facto* separation of several years.

So, without using the psychological concept of "neglected minority", we can state that every peaceful secession happened in the following situations : refusal of an autonomist demand or a *de facto* separation for several years.

Nevertheless, Scottish will of independence remains an exception. It can't really be explained by the feeling of being a neglected minority. Indeed London never refused further devolution and accepted that Scottish people decide their future without any constraint nor international mediation – which is exceptional.

But we can note that Scotland has a very strong identity. It is also an exceptional case in this respect as everyone (including unionist Scots and English) agree that Scotland is a nation. So the will to become a state could appear as just logical. But the fact that British government never neglected Scottish and, instead, proclaim that it will respect Scottish's wish whatever it is, could precisely lead to a win of the "no" in the incoming referendum.

1.3. The Belgian case : could Flanders be a "neglected minority" ?

If we apply these criteria to Flanders, we see that this region qualifies for the general preconditions stated above. There is a cultural specificity based on language. Flemish economy is stronger than those of the rest of Belgium and Flemish could rationally calculate that secession would be profitable for them. To end with, electoral results in Flanders are structurally in favor of right-wing parties as those in Wallonia structurally favor left-wing parties.

The question is whether these factors could result in a secessionist demand or just federalist/autonomist ones. In other words, could Flanders be, or become a "neglected minority" ?

⁷ Great Britain occupied Iceland in 1940 while Denmark was occupied by Nazi Germany the same year.

The answer of this question is obviously negative as Flemish are not a minority but represent the majority in Belgium. Even if they could have been a “minorized majority” in the past, it is no longer the case. In almost every case of secession (peaceful or violent), it is always the minority who quit the majority. The only exceptions concern non-democratic or colonial context where people are not equal⁸.

What is more the mechanism described by Smith of an autonomist demand refused can't really work. As a minority francophone can't rule Belgium without the consent of at least a significant majority of Flemish parties. The francophone refusal of a state reform from 2007 to 2010 wasn't a success – except for Flemish separatists – and could not stand in the long run. Yet, Catalan and Quebec cases shows that the refusal as to be repeated and constant to lead to such an extreme action as the triggering of an independence process.

We are far from the situation in Spain or Canada when a government can exclude from government principal political parties from Catalonia or Quebec. On top of that, a recent study shows that there are no consensus among Flemish society and political parties about the desired degree of autonomy for Flanders (Sinardet, Reuchamps & Dodeigne, 2013).

As a conclusion, we can say that the triggering of an independentist process by Flemish government is very unlikely. If it happens, it would be the first in recent's world history that a majority would leave a country. Even if this process began, its success is dubious.

⁸ An European example is the secession of Belgium itself from Netherlands. In 1830, Belgium was more populated than Netherlands (3,5 millions versus 2 millions).

2. Judging the possibilities of successful independence : the recognition issue

Contrary to a widespread idea, international recognition is far from automatic. This false idea largely comes from the fact that, in essence, we know very few about largely unrecognized or *de facto* states. For example, Transnistria, South Ossetia, Abkhazia or Somaliland are independent entities, but not recognized – or only marginally.

Beforehand, we must precise that there is no obligation in international law to recognize a new state as a peer in the international system⁹. The only exception concerns the right for colonized people to self-determination¹⁰. Apart from this limitation, international recognition is a discretionary and fully political act (Verhoven, 1975). Consequently, a state's decision to recognize a new peer in the international system is based on its interpretation of its own national interest.

2.1 Determining the conditions for a quick and general recognition

If we study recent new states independences, it appears that we are in an international context where conditions for a quick and general recognition are very demanding. Indeed, states are mainly concerned in their preservation and integrity and are, therefore, reluctant to give incentives that independence and recognition could be easy. This is particularly true for Asian and African countries which see themselves as fragile because of ethnic diversity. This is also the case for the United States of America which show a recognition policy based on an “anti-secessionist bias” (Paquin, 2010). As we will see below, European countries also demonstrate a rather restrictive policy. Indeed some big European countries (Great Britain, France, Spain, Italy) are confronted with regional demands of autonomy or independence (Scotland, Corsica, Catalonia, Basque Country, etc.). Central and Eastern Europe countries are also reluctant to encourage new claims considering their ethnic diversity. All these countries are concerned by the domino effect a precedent could initiate.

These attitudes lead to a clearly conservative international context where states are unwilling to accept new members in the international community, unless certain conditions are respected.

This said, what are the conditions under which a new state can secure recognition? Considering recent independence cases, it appears that, in order to secure a quick and general recognition the two following cumulative conditions must be fulfilled¹¹:

⁹ Conversely, situations exist where recognition is forbidden (see: CIJ, advisory opinion Namibia 1971, advisory opinion Mur 2004).

¹⁰ Even if this right of self-determination does not legally imply recognition, states coming from decolonization benefited from large and easy recognition.

¹¹ This sequence may be reversed and it is also possible to make referendum first in order to have a mandate to negotiate splitting. But the question of the referendum must be clear about the fact that people vote for independence. This question created a debate in 1995 in Canada about Quebec's referendum which question was considered unclear by the federalists. In the first referendum in 1980, the position of nationalist Quebecois leader was that a referendum must be held to have a mandate to negotiate. After the negotiation, another one has to be organized to endorse its result.

1: A negotiated agreement between the seceding entity and the host state (or the other entities). This condition excludes the possibility of a unilateral declaration of independence.

2: A referendum (or popular consultation) in the seceding entity to secure the fact that population favors independence.

We can verify the necessity of having these two conditions by considering recent independences. These are shown in the following table :

Case	Negotiated agreement	Referendum	Recognition	Necessity of the two conditions
Czechoslovakia (1993)	yes	no	yes	no
Eritrea (1993)	yes	yes	yes	yes
East Timor (1999)	yes	yes	yes	yes
Montenegro (2006)	yes	yes	yes	yes
Kosovo (2008)	no	no but referendum election	no	yes
South Sudan (2011)	yes	yes	yes	yes
Quebec (1995)	No	Yes	NA	yes concerning the necessity of referendum
Scotland (2014)	yes	yes	NA	yes if recognized

Considering the scarcity of cases, we add two cases that are hypothetical. First one is Quebec, which held referendums in 1980 and 1995. Both failed to find a majority for independence. The second is the Scottish referendum will take place in 2014. As independence was not declared, it is impossible to say whether recognition would happen. But both cases confirm the necessity to hold a referendum.

We will study three European real cases (Czechoslovakia, Kosovo and Montenegro) more precisely in order to understand the action of European countries in such a context. By doing so, we will concentrate on the two cumulative conditions presented.

2.1.1 Montenegro: a model case of splitting?

To begin with, it seems useful to detail what seems to be the closest case to a hypothetical Belgian splitting: Montenegro's independence which occurred in 2006.

Montenegro's willingness for independence was obvious since the end of the 90's. At that time, the Yugoslav federal state still formally existed but was in fact replaced by a confederal way of governance. Serbian and Montenegrin governments tried to find an agreement but without any success. Then European Union intervened in order to avoid a separation that could have negative consequences on Bosnia and Kosovo.

From the outset, Europeans did all they can to avoid Montenegro's independence. Apart from the regional situation, the goal was also to prevent creating a precedent. Spain in particular feared to give a bad incentive to Basque and Catalan independantists (ICG, 2006 : 2).

But Europeans failed to put together again the two parts of the rest of Yugoslavia. In 2003, a confederal constitution was established in which it is specified that Montenegro couldn't become independent within the next three years.

Once this delay had expired, EU helped both parties to find an agreement about their separation. The EU imposed precisely the pattern described in our hypothesis: a negotiated agreement followed by a referendum. The discussion mainly concerned modalities of the latter. Once again, European mediation favored the anti-independentist side by setting the necessary level of support of independence at 55% of voters - instead of 50% plus one vote which is the common rule.

2.1.2. Kosovo : The necessity of a negotiated agreement

Between NATO intervention (1999) and the declaration of independence (2008), multiples attempts were made in order to find an agreement between Serbia and Kosovo - all in vain. Eventually, independence appeared to be the only solution for the former Serbia's province and Kosovars decided to proclaim it unilaterally. Before that, legislative elections gave more than 80% of votes to parties who proclaimed that they would declare independence soon after the election. Even if no referendum was held, we can consider that popular support for independence was secured.

Despite this clear popular support and the diplomatic support of the United States and European big countries, Kosovo is still not recognized by a majority of UN member states. More important, five EU members (Spain, Slovakia, Cyprus, Romania and Greece) still refuse to recognize the new country. This non-recognition seems long-standing as long as an agreement hasn't been found with Serbia¹². This non-recognition is directly linked to this absence of agreement.

Even if most of European Union members recognized Kosovo, this is clearly not a quick and general recognition. Therefore, is it a negative case that confirms the necessity of a negotiated agreement. It is interesting to notice that, despite the pressure from the United States to recognize Kosovo, Spain still refuses to comply even if it has close relations with the USA. The internal problems seem to have, in this case, precedence on the relation between Spain and its main allies (USA and main European countries).

Most recently, Scottish and Catalan cases underlines the necessity of a negotiated agreement. Preparing their referendums, both Scotland and Catalonia ask whether, as they are already part of EU, they would be obliged to formally re-integrate it if they would become independent cases. The answer from European Commission was clear and positive. As a consequence, for integrating EU, a new state must secure a negotiated agreement with his host state. Indeed, every member-state of the EU (and the host state remain one of it) can veto the integration of a new member. Consequently, the host state could block the EU integration of its former seceding entity. There is no doubt that they use this power in case of unilateral declaration of

¹² Most notably, Spain declared that it will never recognize Kosovo.

independence. Considering the political, economic and symbolic importance of being part of UE, we can say that negotiated agreement with the host state is mandatory for seceding entities which are already part of UE (Catalonia, Scotland or Flanders).

2.1.3. The necessity of a referendum

If we consider the recent cases of independence, holding a referendum always seems to go with it. This was the case in Eritrea, East Timor, Montenegro and, most recently, South Soudan. The two Quebec's attempts to declare "sovereignty" were also made through an attempt to win a referendum.

The promised Scottish referendum on independence enforces the idea that an independence, to be legitimate, must be supported by the people directly concerned. Concerning Catalonia, the question is not whether a referendum is necessary but rather if it is sufficient.

An exception to explain: Czechoslovakia

Nevertheless, the "velvet divorce" which took place in 1992-1993 is a unique case of splitting a country in a democracy, without any violence but without consulting the population in any way. It must be reminded that, contrary to what happened in Kosovo, no main political party officially favored independence before the 1992 elections – and probably no one thought that the country could disappear after it.

Some factors, either internal or linked to international environments and perceptions of Czechoslovakia could explain why this case is exceptional.

In her book dedicated to this divorce, Abby Innes (2001) puts forward that one of the main reasons for this outcome consists in the political culture inherited from communism. This allowed political representatives to do something they were not elected for without consulting population or civil society. The most striking event might be Parliament's refusal to hold a referendum in spite of a petition, with two millions of signatures, asking for it. President Vaclav Havel presented it in the parliament but Slovaks MPs used their veto power against it. In well-established democracies, this situation can be considered as exceptional and unlikely to happen.

What is more, the fact that nobody (even political leaders) expected a country splitting is not only exceptional: it largely facilitated it. There was no lobby organized against the splitting or defending Czech or Slovak interests on specific issues. Under these conditions, an agreement is far easier to reach.

The international situation in 1992-93 also makes the Czechoslovak case so unique. Indeed, this split happened in the aftermaths of the explosion of Yugoslavia and USSR. Western observers tended to think that these artificial constructions built after World War I were bound to disappear.

More precisely, the acceptance by Europeans of the "velvet divorce" has much to do with the failure of these Europeans to prevent or alter the Yugoslav conflict. This bloody civil war and the incapacity of Europeans to deal with it probably led them to allow the Czechoslovakian pacific and consensual splitting even without popular support.

Another difference with a hypothetical Belgium's splitting is that – if we consider pacific movements and not terrorist armed actions – independentists and autonomists

were less threatening in Europe in 1992 than they are now. This has changed when the Montenegro case (2006) occurred and explains the unwillingness of Europeans to permit independence.

What is more, the Czechoslovak case was seen as part of Central Europe and post-communists context, so very different from Western Europe one. Even if in fact the Czechoslovak case was closer to potential Flemish or Catalan cases than the Yugoslav one, it wasn't perceived as such. Therefore the incentive for further independences was supposed to be limited to an area (Central and Eastern Europe) and an historical context (fall of communism). In contrast, Flanders's independence would clearly be linked to Catalan issue for example.

Last but not least, Czechoslovakia was far less internationally integrated in 1993, both politically and economically, than today's Belgium. Czechoslovakia wasn't a member of NATO or European Union, as WTO didn't exist at that time. So Slovakia and Czech Republic only had to re-join the United Nations¹³.

The risk to allow independence without popular support

Considering table 1, if we base our analysis only on the results displayed, we can note that a referendum or its absence seems to have no impact on the international recognition. Whether there is a referendum or not, the state is quickly and generally recognized in presence of a negotiated agreement.

But we must consider two facts. The first one is that, except for the Czechoslovakian divorce, we see no case of independence proclaimed without secured popular support. Referendum seems to become a standard element of independence. The condition imposed by the European Union to Montenegro leads to consider the Czechoslovak case as an exception that Europeans don't want to confirm.

The other element to have in mind is to consider that some European countries, fearing to create a precedent, are reluctant to recognize new states. In fact, recognizing a country without referendum – the agreement with host state being only supported by political elite – could appear as a very dangerous message. Indeed, it could be, for an independentist region, an incentive to block a federal system as much as possible, hoping that the central government, tired of all these problems, would start negotiations about separation. Many European countries have an interest in raising as high as possible standards for independence. Taking such an important decision on behalf of the people as leaving a country to create a new one without their consent could easily be considered as undemocratic. Thus, countries with potential separated regions would probably use this weakness to refuse recognition.

Consequently a risk of non-recognition exists if there is no referendum. Considering the dramatic damages a non-recognition could imply, we can assume that not holding a referendum is a risk unlikely to be taken. Indeed, if the new state fails to be recognized, it could be difficult to go back and reintegrate the federal system.

¹³ This observation leads to the idea that, contrary to a widely admitted point of view, international integration and globalisation make independence more difficult. Indeed, a less integrated country (such as Kosovo for example) can endure a period of incomplete recognition. A country as politically and economically integrated as Belgium does not have this possibility. In other words, leaving a poorly integrated state is, for the new state, a far less important loss than leaving a highly integrated one.

Economical and political damages to such an adventure and drawback could be disastrous.

2.2. The Belgian case

These international constraints established, we can consider how they could be met in Belgium and especially Flanders. In the following considerations we will focus about potential obstacles if Flanders wants to follow the sequence supposed necessary to gain independence and international recognition rapidly and widely.

2.2.1. The negotiated agreement

A splitting agreement between Flanders and Francophones (or with Wallonia and Brussels separately) would count numerous points of possible frictions or impossibilities. But we can identify two particular problems where reaching an agreement for Flemish and Francophones would be particularly difficult if not impossible.

2.2.1.1. The Belgian debt

The amount of the Belgian debt (around 100% of GDP) could be a problem regarding both its repartition and the splitting process in itself.

Firstly, splitting could be problematic as Wallonia's capacity to assume its share of the federal debt is dubious. Indeed, Wallonia has his own debt. Adding to it a share of the federal debt could be unbearable. Wallonia would then face serious economic and financial problems if it had to assume alone its share of the federal debt. The consequence would be that Wallonia would not accept the splitting of the country unless Flanders takes far more than its normal share.

A second problem, linked to the latter, concerns market's fear about the splitting of the debt. If a splitting process of the Belgian federation was to begin, markets would have to face numerous uncertainties: would the debt be paid off? Which part of the federal debt each new state would assume? Would these new states be able to pay off their share of the debt?

In such a context of uncertainty, markets may impose very high rates to any loan taken out during the period between the beginning of the splitting process and the moment where answers to all these questions would be given. This period could be very long. We can recall that the splitting process in Czechoslovakia lasted six months and that Belgium's splitting would without doubt be more difficult to achieve than Czechoslovakian's one. How and at which interest rate Belgium would take loan during this period? The question remains open.

Because of this uncertainty inherent to the splitting process, maybe splitting itself is something a country indebted around 100% of its GDP can't really afford.

2.2.1.2 Brussels

Brussels is usually presented as an obstacle to a Belgian splitting. This idea has been exposed numerous times, so we won't detail all the arguments describing Brussels as the bond of Belgium. We will just recall that the current situation where every region or entity has access to Brussels suits everyone. This situation would end in the scenario of a splitting of Belgium. Indeed, in the current international system, every territory belongs to one and only one state. It is also useful to recall that the co-gestion of a territory disappeared since the end of the colonial era and that the European Union is not willing (and probably not able) to manage a city (idea of the European district).

Once again some sort of arrangement is theoretically possible (as everything is theoretically possible). But for the moment, we don't see a realistic solution that would be acceptable for both parties. To solve this problem, the most likely solution would be simply that Flanders give up Brussels – whether it becomes an independent city-state or joins Wallonia.

But Flemish won't abandon Brussels for symbolic and economic reasons. In fact this question of Brussels reveals that Flanders has no “bounded territory” which is considered as a pre-requisite to be an independent state (Pavkovic & Radan, 2005 : 34). In numerous secessions, some territories are contested (South-Sudan or Indian reserves in Quebec), but they are not essential for the new state. For Flanders, Bruxelles is different as it is crucial. Indeed this city is the official capital of the region and is of primary economic importance. As long as the question whether Brussels belong to Flanders is not settled, independence of Flanders is not even conceivable.

2.2.2 The referendum or popular consultation

Before treating this question we must answer to a legal point that can be put forward: the impossibility to hold a referendum in Belgium as the Constitution does not allow it. It is possible to answer that by entering in a process of Belgium splitting, one no longer has to comply with the Belgian Constitution but with rules decided by international community in a whole or by some states in order to be recognized. Moreover splitting the country is, no more than referendums, allowed by Belgian Constitution. Finally, if holding an official referendum is a real problem, a popular consultation could be organized. Indeed, the important point is to ensure people's support for the independence.

This juridical problem solved, we have to wonder about the possibility to gather a majority of Flemish in favour of independence. At the moment, this possibility seems close to nil. Indeed, every data, whether from academic research¹⁴ or polls, show that no more than 15% of Flemish people favour independence for their region. More important, the 2010-2011 crisis – often described as the worst Belgium ever suffered

¹⁴ Pole Interuniversitaire Opinion publique et Politique (PIOP, UCL), Center for Sociological Research (CeSO, KUL), and especially Institute of Social and Political Opinion Research (ISPO, KUL) produced various studies that all confirms approximately the same part of Flemish favouring independence: from 10 to 15%.

and endangering the very existence of the country – has no real consequence on this proportion.

This stability regardless political situation could be explained by the fact that desire for independence is more related to deep feelings like identity than to a political situation. Logically, we could think that Flemish who favour independence feel only Flemish and not Belgian. If we look at the results of the Moreno question in Flanders, we see that only 8% of the region's inhabitants feel only Flemish, 11% only Belgians while 80% feel, at various degree, both Flemish and Belgian (De Winter, 2007 : 581). The link between favouring independence and pure regional identity could explain the stability because sociological data (like identities) are far more stable than political ones (results of elections).

If we look at other cases of regions with independentists demands (Quebec, Scotland, Catalonia) we can observe a very stable percentage of population in favour of independence. A correlation also appears between this data and the percentage of people feeling only Quebecois/Scottish/Catalan (Moreno question). But recent evolution in Catalonia shows that dramatic changes are possible – even if this Catalan evolution must be confirmed.

Finally, no data shows that young Flemish are more pro-independence than the rest of the population¹⁵.

As a conclusion, we can say that the proportion of the population favouring independence seems to be a very stable data and we see no clue that this proportion could change in Flanders. Anyway, with a current situation at 15%, reaching a majority implies a dramatic change impossible to forecast.

¹⁵ When a difference can be distinguished, young generations seems less in favour of independence.

Conclusion:

At the end of this study we can conclude that Flanders meet none of the conditions to become independent.

To begin with, as the majority group in Belgium, Flemish has no reason to ask for it. They are no longer, and won't be in the future, dominated by a Francophone elite. In such circumstances, economic, cultural and political particularities of Flanders may lead to demands of more autonomy but not for independence.

What is more, as long as Flanders hadn't clarified its position vis-à-vis Brussels, this theoretically seceding entity won't have a bounded territory. In this situation, independence of Flanders is not only impossible but inconceivable.

In the unlikely event that Flanders initiate a separatist process, it has little – or no – hope to succeed in it under current circumstances. From what was stated in part 2.2, we can identify three types of locks that would prevent a splitting of Belgium: debt, Brussels status, and Flemish population's unwillingness to leave Belgium. None of them are, theoretically, impossible to unlock. But this is not an easy task and it probably won't be achieved in short or medium term. International and European contexts about independence and recognition could also be modified. It could happen, for example, after an independence of regions such as Catalonia or Scotland. These regions seem to face fewer difficulties than Flanders to achieve independence.

But, for now, in the hypothesis of an absolute deadlock between Flemish and Francophones, the “solution” put forward by the European Union would most probably be the same as in Montenegro in 2003: not a splitting but a confederal sort of state. The difference would be that without people's willing to leave Belgium, Flanders would not follow the path Montenegro did in 2006. Indeed, independence processes of Montenegro and Kosovo reveal that independence is considered as a last possibility, only when all other options have been investigated for several years.

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Appendix : Factors for trigerring a separatist process

Variables	Czechoslovakia	Quebec	Kosovo	Montenegro	Scotland	Catalonia	Norway	Iceland	Flanders
cultural/linguistic differences	+	+	+	-	+	+	+	+	+
- <i>Religious differences</i>	+	+	+	-	+	-	-	-	-
- <i>Linguistic differences</i>		+	+	-	-	+	+	+	+
Economic differences	+	-	-	+	-	+	+	+	+
Political gap	+	-	-	+	+	-	?	?	+
Unsatisfied demand	+	+	-	-	-	+	+	-	not likely
<i>De facto</i> separation	-	-	+	+	-	-	-	+	-
neglected minority	+	+	++	+	-	+	+	-	-