Federalization in the slipstream: How the German-speaking Community of Belgium became one of the smallest federal entities in the world

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Abstract: In last 50 years, Belgium has evolved from a central to a federal state. While this process was driven by the Flemish and Francophone communities (and influenced by the Brussels-Capital Region), a fourth much smaller entity known today as 'German-speaking Community' was also integrated into the federal arrangement. This article reviews the latter's political history to go beyond the common explanation that its statute was a consequence of the Belgian federalization dynamic. By using historical scholarship and testimonial interviews, it shows that neither the demand nor conferral of autonomy were automatic and that regionalist party pressures on the regional level and intra-party multi-level negotiations were equally necessary for the communities' recognition as federal entity. With lessons from what it presents as a least likely case of federal entities whose autonomy dynamics followed that of larger communities with strong regionalist pressures, the article develops the concept of 'federalization in the slipstream'.

Keywords: federalism, minority studies, political history, Ostbelgien, Belgium.

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Introduction

50 years ago, the Belgian state started to centrifugally reform its formerly central state structure and evolved through (so far) six state reforms into a fully-fledged federation. While this process was above all driven by the country's two major sub-state communities, the Flemish and the French-speaking, and influenced by the peculiar situation of the bilingual Brussels-Capital Region, a fourth much smaller entity was also integrated into the federal arrangement: it is known today as the 'German-speaking Community'.

The community is one of the smallest federal entities in the world because it has neither a large population (77,185) nor a substantial territory (846.1 km²), either of which is usually required to qualify federal entities for an own level of government. Furthermore, considering that it had neither its own institutional (autonomy) history, nor a special geographic condition, it is fair to say that in many other states, it would probably be at best a national minority with cultural and linguistic facilities.

Through the dynamics of the Belgian federalization process, however, it was able to be recognized as federal entity in its own right with far-reaching legislative competences. While this process was necessary and decisive for the German-speaking autonomy statute to be obtained, it was far from sufficient and the autonomy conferral was anything but automatic. Throughout the last 50 years, and especially at the beginning of the Belgian federalization process, an important political mobilization took place within the German-speaking Community to ask for recognition on equal footing with the other federal entities in the Belgian federation. Some aspects of this mobilization were specific to the peculiar historical evolution in the Belgo-German border region, but many comparative points with other centrifugal federal states exist, where the autonomy demands and statute from one strongly regionalist sub-state community led others to mobilize and demand equal consideration.

Existing political research (when not overlooking the entity due to its small size) has above all been concerned with describing the institutional features of the German-speaking Community, limiting its analysis to portraying the conferral as the consequence of the evolutions in the other federal entities. Historians, however, paid much greater attention to the political agency in the community and illustrated how the elites of the latter mobilized politically to secure its place in the Belgian federalization process. The objective of this article is to bring both elements together and to provide a comprehensive analysis of the political factors that were decisive for the German-speaking Community to become a federal entity. In addition to enriching the scholarship on a so far understudied case, the analysis aims at contributing to the debate on sub-state communities whose autonomy dynamics followed that of strong regionalist communities in their country with lessons from what I present below as a least likely case.

In a first section, I present the dynamics of territorial restructuring in centrifugal federal states with a special attention for what I qualify as federal entities 'from the second row'. This allows me to situate the relevance of the German-speaking Community as a least-likely case vis-à-vis them. In a second section, I detail the political history of the German-speaking Community by highlighting the major periods, evolutions and actors of the federalization process. In a third section, I draw on this historical evidence to discuss the place of the German-speaking Community at the Belgian federalization table and the role regionalist and traditional

parties have played for its autonomy arrangement to be conferred and progressively enlarged. I conclude with a restatement of the article's major lessons for what I call '*federalization in the slipstream*' – i.e. benefiting from other entities' federalization run, while needing to put significant own efforts to be recognized and stay in the federal peloton.

1. Analysing territorial restructuring in the German-speaking Community

1.1. Federalization in the slipstream: when territorial restructuring gets to the second row

Territorial restructuring, i.e. the reorganization of political power across different territorial units within a state, is traditionally explained as following the interplay of two dynamics – providing public goods at the optimal scale and recognizing the existence of political communities below the state level (Hooghe and Marks 2016). Among these dynamics, federalism scholars distinguish between centripetal and centrifugal federal trajectories, i.e. between federations that are created by entities that decide to come together and federations that are created by departing entities that want autonomy from the state (Burgess 2006: 103). Belgium and the German-speaking Community are casebook examples for a centrifugal federalism that followed community rather than scale dynamics. Much research has been dedicated to why sub-state communities mobilize and are recognized in such centrifugal and community driven processes – from sociological (Livingston 1952; Erk 2008), economic (Keating 2013) and institutional theories (Hall and Taylor 1996; Dodeigne et al. 2020) to (post)functionalist (Hooghe and Marks 2016) and rational-choice accounts (O'Neill 2003; Toubeau 2018).

The aforementioned scholarship has understandably dedicated a lot of attention to cases with strong regionalist parties and demands, as in Catalonia, Flanders and Scotland, that were able to exert significant political pressure on the central state in order to be recognized as constituent units with their own legislative sub-state autonomy. In the wake of these evolutions, however, cases with less sociological distinctiveness, weaker regionalist demands or a smaller population have also mobilized in order to be integrated in their states' multi-level arrangements and obtained comparable sub-state autonomy. This has been the case in the so-called 'non-historic' autonomous communities in Spain and the German-speaking Community in Belgium, for example. While they have received attention in single-case studies or small-n comparisons (e.g. Newton 1982; Dandoy, Sandri and Van Ingelgom 2010), few broader theoretical arguments have been advanced, and the those that have often explain the demanded or conferred autonomy through symmetries with larger and strongly regionalist sub-state communities within their state (Giordano and Roller 2004).

While it is correct to say that the mobilization and restructuring in strong regionalist cases preceded and influenced the dynamics in smaller and less regionalist ones, the former was not sufficient for the latter. There too, regional(ist) political actors and multi-level party politics have played an important role for the sub-state mobilization and conferral of autonomy (Hombrado 2011). This is what I metaphorically describe as '*federalization in the slipstream*', i.e. an autonomy race in which some sub-state communities 'from the second row' benefit from the autonomy run of those in the first row, while needing to put significant own effort to be recognized and stay in the autonomy peloton.

1.2. The German-speaking Community as case-study

Federal arrangements are usually enacted in sub-state communities that have either a population or a territorial space that is substantive enough to justify their own level of government (Anckar 2003). One type of exception to this rule exists in coming-together federations, such as Switzerland, where small cantons are recognized as federal entities because of their autonomy before the state was formed. Another type of exception can be found in small territories with a colonial past, like Ceuta and Melilla, or special geographical conditions, like Micronesia (see also Appendix 1 for an overview on small federal entities). In the absence of these conditions, sub-state communities which have neither a large population nor a substantive territorial space are usually treated as national minorities with linguistic and cultural facilities, because their tiny size does not allow them to exert sufficient symbolic or political pressure to convince state elites to give up legislative power and allow a sub-state level to exert it for so few people on such a small territory (Malloy and Palermo 2015).

The German-speaking Community of Belgium is an interesting exception in this respect because it was recognized in the centrifugal Belgian federalization process as a federal entity with legislative competences despite having both a small population (77 185 inhabitants, i.e 0,67% of the state population) and a small territory (846.1 km²). It did so even against two additional handicaps. First, the German-speakers did not have a shared institutional history or preceding autonomy, and this could have led Belgian state elites to consider them as not meriting federal status. Secondly, the territory of the German-speaking Community does not have clear geographical markers like mountains or rivers. On the contrary, its territory is even non-continuous (see Map 4 in Appendix 2). One should note, furthermore, that the autonomy demands were above all driven by regional elites and not accompanied by a large societal mobilization.

While these circumstances underline the exceptional character of the German-speaking Community among federal entities in centrifugal federations without special geographic condition or colonial past, the many comparable points with other sub-state communities whose mobilization followed the autonomy statutes obtained by larger entities with strong regionalist pressures shows that the German-speaking Community is in fact a 'least likely case' among these. This renders its study particularly interesting from a case-study point of view because one can consider that if federal and autonomy dynamics can spill-over to such a small entity, they can do so anywhere under similar conditions.

Existing political research on the German-speaking Community has above all been concerned with the institutional evolution of the entity's autonomy statute (Brassinne de la Buissière and Kreins 1984; Bayenet and Veiders 2007; Sägesser and Germani 2008; Bouhon, Niessen and Reuchamps 2015), sometimes in comparison with other territorial communities (Markusse 1999; Dandoy, Sandri and Van Ingelgom 2010). This sholarship does not, however, dedicate much analytical attention to the political dynamics behind the institutional conferral. Dewulf (2009) deserves mentioning as an exception for his analysis of the parallels between the German-speaking and Flemish autonomy processes.

Historical research, in turn, has dedicated much more attention to the political agency and mobilization that led to the conferral of the autonomy statute to the German-speakers and their recognition as federal sub-state entity in the Belgian federation (Pabst 1979; Jenniges 1998;

Cremer 2001; Jenniges 2001; Lejeune 2001; Brüll 2005; Wenselaers 2008; Brüll 2010; Minke 2010; Scharte 2010; Brüll 2011; Lejeune and Brüll 2014; Lejeune, Brüll and Quadflieg 2019).

The objective of this article is to draw on this scholarship and bring together the literature on the political history of the German-speaking Community and that on contemporary territorial restructuring. By analysing the factors that were decisive for the autonomy mobilization and conferral to the community, the article aims to contribute to the debate on sub-state entities whose autonomy dynamics followed that of strong regionalist communities and, thereby, to speak to the broader literature on comparative federalism and nationalism studies.

1.3. Data and method of analysis

To carry out the analysis, I rely on the literature on the political history of the German-speaking Community. While I review the community's history before World War II for reasons of contextualization, my focus is on the period from 1945 until the present – with a special attention for the years around 1973 and 1983 because those were the moments when the decisive steps towards the federal autonomy conferral of the German-speaking Community were taken. Unless stated otherwise, I draw on Minke (2010) for the period 1795-1918, on Minke (2010) and Brüll (2005, 2010) for the period 1919-1944, on Brüll (2005, 2010) and Cremer (2001) for the period 1945-1955, on Brüll (2005, 2010), Cremer (2001), Jenniges (2001) and Brassinne de la Buissière and Kreins (1984) for the period 1956-1984, and on Brüll (2005, 2010) and on Bouhon, Niessen and Reuchamps (2015) for the period 1985 until the present. For maps illustrating the political evolutions, see Appendix 2.

While most of the agency of regional political actors has been well documented in these works, some gaps exist concerning the reactions of state actors to the autonomy demands and their motivations when eventually agreeing to them. To this end, I carried out nine interviews with politicians from the community who have served in federal cabinets as well as in the community parliament and executive, and who were in contact with the national politicians in the crucial moments of the autonomy conferral (see Appendix 3). When drawing on those interviews, I refer to them throughout the historical section.

Drawing on my historical account based on existing research and the interviews, I construct a socio-historical analysis to identify the political factors that appeared decisive for the autonomy mobilization and conferral to occur. These factors were then compared with the explanations offered in the existing literature on territorial restructuring.

2. The political history of the German-speaking Community

2.1. Pre-modern and German period (Pre 1795-1918)

Before 1795, the territory that is known today as the German-speaking Community was subject to different political authorities. While the municipalities around Eupen belonged to the Duchy of Limburg, those around Sankt Vith belonged to the Duchy of Luxemburg (with the exception of Schönberg and Manderfeld that belonged to the Electorate of Trier). The region around Malmedy, which has long shared the political fate of the German-speaking Community, was administered by the Princely Abbey of Stavelot-Malmedy. In the regions of Eupen and Sank-

Vith that were geographically separated by a raised bog, the High Fens, two different lower German dialects were spoken. In Malmedy, a majority of the population spoke French dialects. At that time, the territory was not only divided politically and geographically between the north (the canton of Eupen) and the south (the cantons of Malmedy and Sankt Vith), but there were even little economic and social contacts.

In 1795, the territory was annexed by France and integrated into the Ourthe department (with the exception of Schönberg and Manderfeld that were integrated into the Sarre department). At the Congress of Vienna in 1815, it was decided that all of this territory should go to Prussia – even the region of Malmedy which was to constitute a French-speaking minority in the Prussian state.[1] Despite some pressures from the central government to standardise the language at the expense of the German and French dialects of the region, Prussia (which in 1871 became part of the German Second Empire) was accepted as the new home state since the 1870s. Even the First World War, whose consequences were felt seriously in the region of Eupen–Malmedy–Sankt Vith, did not change this sense of belonging (Scharte 2010).[2]

2.2. First Belgian period and World War II (1919-1944)

At the end of the First World War, Belgium claimed as war reparations the territories in the Belgo-German border region that had belonged to the former Duchies of Limburg and Luxembourg.[3] The Supreme War Council rejected its claims to territories belonging at that time to the Netherlands and Luxemburg. It accepted them, however, for the bordering German territories of Eupen, Malmedy and Sankt Vith, on condition that a popular consultation through secret ballot organized by the League of Nations approves the secession. Before the signing of the Treaty of Versailles in 1919, the terms were amended and replaced by a consultation in which citizens had to register openly on public lists to express their opposition. The organization was delegated to the Belgian authorities.

To create political and social conditions that would facilitate the integration of the territory into the Belgian state, a transitional administration under the command of the Belgian Lieutenant-General Herman Baltia was installed by Belgium in 1920. Exercising both legislative and executive powers, Baltia ensured some recognition for regional linguistic specificities but removed symbolic monuments and prevented public discussions about the Treaty of Versailles through latent press censorship. He organized the public registration by allowing citizens to manifest their opposition to the secession on two lists in Eupen and Malmedy. Given widespread fear of political reprisals, only 271 out of 33,726 eligible citizens expressed their opposition by putting their name on the lists. The others were considered tacit approvals and the League of Nations confirmed that Eupen–Malmedy–Sankt Vith were a part of Belgium on the 20th September 1920.

[1] A peculiar solution was found for the tiny territory of 'Neutral-Moresnet', containing one of Europe's most important zinc mines. From 1815 to 1830, it was administered by both Prussia and the Netherlands. In 1830, the newly independent Belgium took over the Dutch role in the double administration. In 1919, it was fully integrated into Belgium, in light of the political evolutions in the border-region illustrated below.

[2] For a more detailed elaboration on the political sense of belonging at that time, see Minke (2010: 7-10).

[3] Bitburg, Dudeldorf, Eupen, Kronenburg, Neuerberg, Malmedy, Sankt Vith and Schleiden.

Institutionally, the region was integrated into the Province of Liège in 1925 (a decentralized sub-state entity) and attached to the electoral district of Verviers (which prevented a guaranteed representation in parliament). Except for primary education and communications with the administration and the judiciary, which were allowed in German, no specific linguistic, cultural or political autonomy was granted. The objective of the state elites was to progressively assimilate the region. In 1926, the major-elect of Eupen was prevented from taking office because of 'doubts about his political allegiance', and regional candidates had difficulties to be placed on election list-spots that would allow them to be elected to parliament.

The resulting grievances meant that the years following the integration into Belgium were characterized by deep social divisions between so called 'Pro-Belgians' and 'Pro-Germans'.[4] While the socialist party requested a new, properly organized popular consultation on the state membership of the region, a regional(ist) catholic party, the Christliche Volkspartei (Engl.: 'Christian People's Party'), was created in 1929 to advocate the revision of Versailles. Together, both parties obtained 75% of the votes in 1929. After Hitler's accession to power in Germany, the revisionist camp was split into supporters and opponents of the national-socialists. In 1935, the most radical of them founded the fascist party 'Heimattreue Front' (Engl.: 'Patriotic Front'), while the socialist party abandoned its revisionist claims in light of the events in Germany. In the 1939 elections, the Heimattreue Front obtained 45.2% of the votes, while traditional parties obtained 46.2%.

In 1940, Germany occupied Belgium and 'annexed' Eupen–Malmedy–Sankt Vith together with several bordering municipalities.[5] The annexation meant that these were henceforth considered as full members of the German state. As a consequence, national-socialist societal structures (NSDAP, NS-Frauenschaft and Hitlerjugend) were installed and after 1941, Germany was able to recruit 8 700 men from the region to fight in the German army (700 having volunteered). Despite initial enthusiasms about the annexation, the consequences of the war were once again felt seriously in the region.

2.3. Beginning of the second Belgian period and depoliticization (1945-1955)

After the end of the Second World War, Eupen–Malmedy–Sankt Vith returned to Belgium and through a severe state purge, the so called 'Säuberung' (Engl. 'cleansing'), about 25% of the inhabitants were legally prosecuted (compared to 4.15% in the rest of the country). 2.41% were eventually convicted (compared to 0.64% in the rest of the country) and a further 11.67% of the population were denied citizenship or deprived of their political rights (Gilissen 1951; Lejeune 2007). This purge was widely perceived as disproportionately harsh and as not taking into account the peculiar situation of the previously enforced state change and the annexation statute. It would take until 1989 for the Belgian state to share some of its war reparations with the soldiers who had been recruited against their will into the German army – an omnipresent issue whose grievances also indirectly affected later autonomy discussions.

As a consequence of the general rejection and shame of the recent German past, Belgium was accepted as the new home state. More importantly, the public life in the region was

[4] For a more nuanced discussion of the heterogeneity within these two ideal-typical groups, see Lejeune, Brüll and Quadflieg (2019).
[5] Baelen, Gemmenich, Henri-Chapelle, Hombourg, Membach, Montzen, Moresnet, Sippenaken, Welkenraedt.

'depoliticized' and the recent past largely suppressed from the collective memory. During the elections in the 1950s, the catholic party (CSP) received 70-80% of the votes (the second largest group of votes being up to 25% of blank ballots). Administratively, the region belonged to the district of Verviers and was largely administered by the deputy district commissioner Henri Hoen, born in Eupen but loyal to the Belgian administrative hierarchy. Primary education, communications with the administration and the judiciary were again allowed in German, but once more no specific linguistic, cultural or political autonomy was granted.

The autonomy question was put on the table by the two other linguistic communities in Belgium though. While the Flemish movement had been calling for a political bilingualism since the 1840s and, after being denied that, for monolingual cultural autonomy since the 1920s (Gevers, Willemsen and Witte 1998), the Walloon movement joined autonomy calls after World War II (Joris 1998). Since their claims were perceived by state elites as unavoidable but still quite controversial at that time, a reflection group composed of forty-two politicians – the so called Harmel Centre (after its president and later prime-minister Pierre Harmel) – met from 1948-1955 to develop a proposal addressing the autonomist claims. In its conclusions, it foresaw the administrative partition of Belgium into linguistic areas. On the request of the German-speaking MP, Peter Kofferschläger (CSP), who was one of the forty-two, the Centre sent a delegation to Eupen–Malmedy–Sankt Vith to discuss with the local authorities the measures to be taken. On this basis, the Centre called for enforcing the political ties between the cantons and the district of Verviers as well as the province of Liège, and for ensuring linguistic facilities in the administration.

2.4. Autonomy awakening and conferral (1956-1984)

By the mid-1950s, political parties in the German-speaking Community, predominantly the CSP, had gained enough self-confidence again to start discussing the preservation of their mother tongue through enhanced linguistic facilities in education and administration. When the 'Vereinigung zum Schutz und Pflege der Muttersprache' (Engl.: 'Association for the Preservation and Cultivation of the Mother Tongue') was founded in 1957 and became later the 'Arbeitsgemeinschaft Ostbelgien' (Engl.: 'Working Group Eastbelgium), editing its own journal 'Der Wegweiser' (Engl.: 'the Signpost'), the Belgian newspaper *Le Soir* started to accuse it of being a new version of the Patriotic Front and its initiators of being former Nazis. These claims were badly received in the region where the organization proved outspokenly pro-Belgian, notwithstanding its ambition for the protection of the German language, and receiving financial support from Germany.

In 1962, Flemish and French-speaking MPs agreed, along the lines of the Harmel-Centre, to enact a linguistic border that split the country into four linguistic areas with enhanced administrative facilities: the Dutch-speaking, the French-speaking area, a bilingual area in Brussels, and the German-speaking area (see Map 4 in Appendix 2). In many municipalities bordering another linguistic area, special linguistic facilities for inhabitants with that other language were envisaged. For the German-speaking area, this meant that the main language of the administration became German, with linguistic facilities for French-speaking inhabitants. Since the majority of the population in Malmedy and Waimes were French-speaking, their

municipalities were integrated in the French-speaking area, with linguistic facilities for German-speakers.

By the mid-1960s, the discussions within the (politically still dominant) CSP had led to further important internal conflicts. While some members called for their own institutional autonomy statute with the same prerogatives that would be conferred on the other two linguistic communities, and their own electoral district, other members defended a more limited self-administration without their own electoral district. The main argument of the latter was the need to block the emergence of a regionalist (let alone a revisionist) party that might undermine the political hegemony that they had secured internally (electorally) and externally (through the strong position of the Catholic party of the district of Verviers to which they belonged).[6] The main motivation of the former was to have an own political space with institutions and influence offering prospects of social accession.[7]

The division became even more salient in 1965 when the Mayor-Elect of Eupen, Hubert Mießen (CSP), was prevented from taking office by the minister of the interior because of a former conviction for collaboration. The party was divided over which candidate to nominate in his place – the more autonomist Rainer Pankert, or the more conservative Kurt Ortmann. Pankert was eventually nominated with the support of the opposition and dissident members of the CSP. The latter were excluded from the party for their dissent and formed an independent local party.

1968 was an important year. The CSP suffered for the first time important electoral losses (especially in the southern part) in an election that had been preceded by serious communitarian conflicts between Flemish- and French-speakers around the division of the University of Leuven (Laporte 1999), as well as by calls for their own institutional autonomy statute and electoral district by the Working Group Eastbelgium (see above). The winner on the German-speaking side was the liberal party (PFF) which sent the political newcomer Michel Louis through co-option to the Senate (the Belgian upper house). Since the liberal party remained nevertheless in the opposition, Louis was allowed to speak openly in favour of considering the German-speakers equally in the forthcoming state reform. Despite having Willy Schyns re-elected at the Chamber (the Belgian lower house), the pressure on the CSP increased even further when their co-option candidate for the Senate, Johann Weynand, was not considered by the national party bureau. Previously, the 'arranged' presence of a German-speaking member in Parliament had always constituted some form of appeasement and an important argument against those calling for their own electoral district.

In 1969, Louis (PFF) was invited to join Schyns (CSP) in the 'group of 28', a commission with politicians of all parties installed following the events of Louvain that was to negotiate on how to solve the Belgian communitarian issue. Furthermore, in a meeting of the mayors of the German-speaking municipalities convened by the mayors of Eupen (Rainer Pankert, now independent) and Sankt Vith (Wilhelm Pip, CSP), Louis was able to convince most of them about the importance of their own institutional autonomy statute equalling that of the other

[6] One should note that the fear of a new Patriotic Front went beyond the CSP and also concerned other parties and societal organisations (e.g. the Vereinigung zum Schutz der Muttersprache, see above).

[7] Young party members that had studied at the University of Leuven had furthermore been inspired by the autonomist demands that Flemish student movements vehemently defended and that would lead in the end of the 1960s to several political incidents (see below).

communities and having their own electoral district. A resolution with these terms was adopted by the mayors' group.

In 1970, the 'Deutschostbelgische Hochschulbund' (Engl.: German-Eastbelgian High School Union) was founded as a pressure group and restated the calls of the Working Group Eastbelgium (see above). Once more, Belgian newspapers overstated by reporting 'separatist tendencies in the east'. Within the German-speaking Community, the 'Interessengemeinschaft zur Förderung der Zweisprachigkeit' (Engl.: 'Interestgroup for the Promotion of Bilingualism') was founded as an opposing group.

Meanwhile, and still in 1970, the discussion of the legal texts of the first state reform had started in parliament. Through the intervention of Michel Louis (PFF), the texts adopted by the Senate foresaw their own directly elected council with cultural autonomy prerogatives for what would be called the 'German Culture-Community' (the name mirrored the French- and Flemish Culture-Communities). In the Chamber, however, Willy Schyns (CSP) spoke out against this version of the texts, especially against direct election. Eventually, the Chamber decided not to specify the German-speaking statute and to leave it for a later law. For the French and Flemish Culture-Communities, however, their own (indirectly elected) assemblies with legislative cultural competences were created in December 1970.

This evolution influenced heavily the upcoming municipal elections in Eupen (still in 1970). The CSP campaigned against the 'autonomist extremists', i.e. the independent local list around incumbent mayor Rainer Pankert, but the latter largely won the elections. When in the 1971 national election campaign, Johann Weynand (CSP) was denied the first list-spot of the catholic party's list to the election of the Senate in the electoral district of Verviers, the straw broke the camel's back and the members of the CSP in favour of an enlarged autonomy statute and their own electoral district founded an alternative list to compete in the lower house elections, the 'Christlich Unabhängige Wählerunion' (CUW, Engl.: Independent Christian Citizens' Union). The CUW immediately obtained 19,9% of the votes in the three cantons of Eupen–Malmedy–Sankt Vith (in Eupen even 29,9%). Once against, despite promises, Weynand was not even co-opted after the elections and when the CSP denied a proposed cooperation with the CUW, the latter changed its name and formally constituted the regionalist 'Partei der Deutschsprachigen Belgier' (PDB, Engl.: 'Party of German-speaking Belgians'). Despite the explicit reference to Belgium in the name and its federalist position, the party was repeatedly accused of irredentism – both outside and inside the community.

Different autonomy proposals were made in 1972 (the most prominent being the one by Deputy Prime Minister Leo Tindemans (a Flemish christian-democrat, CVP) foreseeing a directly elected municipal federation with administrative competences) but they were all rejected due to disagreements of the German-speaking parties (most notably the CSP opposing a direct election and legislative competences, which were both requested by the PDB and the PFF).

By 1973, tempers had somewhat cooled and Willy Schyns (CSP) was integrated in the national government as Secretary of State for the East-Cantons. His cabinet was charged with elaborating a new legislative proposal on the autonomy statute, in collaboration with the cabinets of Edmond Leburton (Prime Minister and Walloon socialist) and Willy De Clercq (Deputy Prime Minister and Flemish liberal), both comprising German-speaking staff members

(with links to the traditional German-speaking parties).[8] After elaboration, the proposal was discussed by the Council of ministers and while the principle of administrative (non-legislative) competences was agreed upon, the other ministers (and especially Deputy Prime Minister Tindemans)[9] insisted that the assembly to be directly elected (something Schyns had initially tried to avoid).[10] In the Chamber and Senate, amendments to confer legislative competences upon the assembly were introduced by Flemish and Francophone regionalists (sympathetic to the PDB and PFF positions) but none were accepted.[11] On 10th July 1973, the law was adopted as foreseen by the government.

Consequently, the first Council of the 'German Culture-Community' was installed on 23rd October 1973. The Culture-Community comprised of the then twenty-five mainly German-speaking municipalities of the three cantons, while the two mainly French-speaking municipalities of Malmedy and Waimes stayed in the French Culture-Community. After a transition phase with indirectly designated members (based on the proportions of the 1971 elections results), the first direct election took place on 10th March 1974 with twenty-five MPs to be elected.[12] In the years to follow, numerous administrative regulations in cultural matters were adopted, despite the limited competences and budget of the Council.

Quite soon, however, the institutional incompleteness with the need for confirmatory laws to be adopted by the national state and national ministers to execute the decisions became obvious – to both the community councillors and the national ministers.[13] In parallel, the regionalist PDB (which constituted the second largest party with 29,4%-30,1% of the votes between 1977 and 1981) used the parliamentary platform to denounce these shortcomings and to vehemently restate their initial claims: (i) legislative competences (in the same fields as the other communities), (ii) their own executive and (iii) a guaranteed representation in the lower house. Through their repeated institutionalist lobbying, the PDB managed in 1977 to convince the other parties of adopting a joint resolution comprising these major claims.[14] Despite this novel inter-partisan unity, the resolution remained at first without reaction at the national level. The same can be said for the reform proposals that are introduced in 1979 by the MPs Willy Schyns (CSP, foreseeing legislative competences but no own executive) and Fred Evers (PFF, foreseeing both legislative competences and own executive).

In 1980, the second reform of the Belgian state was enacted and regional assemblies with legislative competences in territorial matters were created for the 'Regions' of Flanders and Wallonia. The competences of the Flemish and Francophone Communities were furthermore

[8] Reported in the interviews with Ferdi Dupont (socialist party, SP) and Bernd Gentges (PFF).

[9] Tindemans had developed a strong sympathy for minorities and, in particular, for the German-speaking Community. As Deputy-Primeminister for institutional affairs, he was furthermore in regular contact with the German-speaking journalist Hubert Jenniges (a strong advocate of the direct election) and received delegations from all German-speaking parties (also the PDB) to form his opinion.

[10] See the minutes of the Council of Ministers, 27 April 1973, min. n°15, doc. n°155: 1-5.

[11] See the parliamentary documents: Chamber of Representatives, 1972-1973, n°619-3 and n°619-5; Senate, 1972-1973, n°389, n°396 and n°403.

[12] The number of 25 had been taken over from the 1972 proposal by Tindemans, who had foreseen a municipal federation with one representative from each of the 25 municipalities at that time

[13] Reported in the interviews with Bruno Fagnoul, Albert Gehlen, Bernd Gentges, Joseph Maraite and Lorenz Paasch.

[14] See the parliamentary document: Council of the German Culture-Community, 21 November 1977, 'Resolution on the extension of the competences of the Council of the German Culture-Community in the wake of the restructuring of the state'.

enlarged to personal matters. The German Culture-Community, however, did not obtain additional competences. Furthermore, through the complex Belgian state architecture with two sub-state levels (Regions and Communities), it was integrated into the Walloon Region. This integration was badly received by all German-speaking parties, especially by the PDB who had requested both Community and Regional competences. On 28th September 1980, that they called 'Black-Sunday', they attached black flags to street masts all over the community as a sign of protest.

The Eyskens government tried to solve the problem in 1981 by introducing a proposal that foresaw legislative competences and an own executive for the community. However, against the advice of the Council of the German Culture-Community (supported by all parties), it did not allow for exercising legislative competences in regional matters. In response to the amendment that the liberal MP Evers had introduced in the Chamber for nevertheless allowing these, the government argued that it would make the German-speaking Community a more advanced entity than the others.[15] Since the amendment was rejected, MPs of the regionalist (VU-FDF-RW) and liberal parties (PRL-PVV) sided with Evers and quit the chamber before the vote was held. In the absence of a sufficient quorum, the law could not be adopted.

While protests in the community (fuelled by the PDB) went on, it took until 1982 for another proposal to be elaborated. Drafts were made in the cabinet of liberal Deputy Prime Minister Gol (in charge of institutional affairs), in collaboration with the cabinet of the christian-democrat Prime Minister Martens and associating some members of the socialist party from time to time because the government needed their support to reach a two-thirds majority (all of them comprised German-speaking staff members – again with links to the traditional German-speaking parties).[16] The proposal foresaw legislative competences in the same fields as the other communities, their own executive and the possibility for regional competences to be transferred from the Walloon Region to the German-speaking Community based on a special law to be adopted by the federal parliament. The latter option was opposed by francophone MPs, however, because they feared that transfers could be imposed on them by a Flemish majority in parliament. A modified proposal was then made by the government in 1983, allowing for competence transfers between the Walloon Region and the German-speaking Community based on decrees that both have to adopt jointly by simple majorities. While the text was initially only accepted by Christian democrats and liberals (being member of the coalition), socialists eventually granted their support because they were promised to be included in the first German-speaking community government.[17]

The so-called 'Eastbelgium-Laws' were adopted on 31st December 1983 and the community obtained henceforth legislative competences in the field of personal and cultural matters (and the possibility of regional competences to be transferred by the Walloon Region). On 30th January 1984, the first executive was installed with three ministers: one christian-democrat, one liberal and one socialist. The name of the entity was changed to 'Community' (no longer 'Culture-community'), in light of the changes that the second state reform had made for the French and Flemish Communities. Before the adoption of the laws, however, there had

[15] See the document of the Chamber of Representatives, 1979, n°10-16/4: 8-9.
[16] Reported in the interviews with Yves Kreins and Karl-Heinz Lambertz.
[17] For further details, see Brassine de la Buissière and Kreins (1984). Confirmation was given in the interviews with Karl-Heinz Lambertz and Bruno Fagnoul.

been a huge controversy in the community council on whether to request the entity to be called 'German' Community (in light of the names of the others) or 'German-speaking' Community (to avoid too close associations with Germany and the own still repressed war-past). While the PDB defended the former, traditional parties favoured and adopted the latter.[18]

2.5. Autonomy consolidation (1985-2020)

With the adoption of the East-Belgium-Laws, the German-speaking Community obtained a much more comfortable place in the Belgian federalization dynamic because the recognition as community in its own right rendered further competence transfers to the other communities also immediately applicable to it. This was the case in 1989 when the third state reform transferred most educational matters to the communities,[19] together with the prerogative for federal entities to carry out international relations in their fields of competence. The fourth state reform in 1993 formalized the federal state structure by constitutionally recognizing that "Belgium is a federal State composed of Communities and Regions" (*Belgian Constitution*, article 1). The fifth state reform attributed further competences to the regions in 2001 and, most importantly, reformed the financing mechanism of all federal entities. The sixth reform of the state profoundly modified the equilibrium of the Belgian federation in 2014 because the budget of the competences conferred to communities and regions exceeded for the first time that of the national state. In its wake, the German-speaking Community became competent for family allowances, health care infrastructure, person care, small parts of the justice sector, film control and telecommunications. Most importantly, it obtained 'constitutive autonomy', i.e. the possibility to determine the rules of functioning of its own institutions.[20]

Unlike the transfer of community competences that followed the dynamics of the Belgian federalization process without major contentions from 1984 onwards, the transfer of regional competences (to be transferred from the Walloon Region to the German-speaking Community because in regional terms the latter belongs to the former, see above) was a permanent negotiation between the executives of both federal entities. In 1994, they agreed on transferring competences in the field of landscape and monument preservation, a former community competence that had been transferred to the regions in the fourth state reform and was therefore 'removed' from the German-speaking Community. While transferring these competences 'back' was rather easily acceptable for both executives, the transfer nevertheless created a precedent. In the wake of this dynamic, the first genuine transfer of regional competences occurred in 2000 with several competences in the employment sector. This time, however, it was only after lengthy and persistent negotiations, facilitated by the congruence of parties in

[18] See *Grenz-Echo*. 1983. 'Deutsch… und 1933', 4 April 1983: 18.

[19] The law on the use of language in the administration of 1961 (see above) foresees linguistic facilities for municipalities bordering the Flemish-Walloon language border and for French-speakers in the German language area. Given that national politicians did not want the communities to be able to modify the linguistic legislation in these special areas and since all municipalities of the German-speaking Community do have these linguistic facilities, the community was exempted until 1997 from the possibility of altering the use of language regulations in the education.

[20] The German-speaking Community and the Brussels-Capital Region were the only remaining entities not to obtain this prerogative that had already been conferred to the others in 1993. This was changed in 2014 following longstanding demands of both the Brussels-Capital Region and the German-speaking Community.

both executives, that an agreement was found.[21] In 2004, some competences for the regulation of local government were transferred in the wake of the fifth state reform that had made them a regional competence. Once again, negotiations were lengthy but facilitated by congruent coalitions on both sides. In 2014, another transfer was made for competences in field of tourism, a former community competence that had been attributed to the regions in the sixth state reform and that the Walloon Region consented to transfer 'back'. In 2014 and 2015, the executives agreed on transferring the remaining competences for the regulation of local government, employment and monument preservation. Despite coalitions not being congruent anymore, the negotiations succeeded – amongst others due to the fact that substantive transfers in these fields had been made previously.[22] In 2019, the most substantive transfer (in budgetary terms) of regional competences as of today occurred when the German-speaking Community and the Walloon Region agreed upon transferring competences in the field of territorial planning, residential construction and parts of the energy sector (related to residential construction). Coalitions were still incongruent but the negotiations succeeded this time because the Walloon liberal party had been supporting the transfers for most of the legislature from their position in the opposition and when a political affair around the governing socialist party surprisingly brought them to power in 2017, they had to keep their word and carry out the transfer.

In parallel to all these evolutions, a major political event was the dissolution of the regionalist PDB in 2009. Since 1981, the party had continuously lost votes and went from seven seats in 1981 to three seats in 2004. The reasons for this decline were the realization of its major demands – the full recognition as community and the exercise of regional competences – and the endorsement of its positions by all the traditional parties which, taken together, led to a loss of distinctiveness.[23] In the absence of another major political stance being defined, the party eventually decided to dissolve. In the wake, the regional party ProDG (Engl.: 'Pro German-speaking Community') was founded. While it took over many of the former PDB members and politicians, it presented itself as 'independent movement' without explicit left-right stance and does no longer feature an explicit regionalist claim (at least compared to the other parties). After obtaining the minister-presidentship in 2014, it became the largest party of the community in 2019 and was thereby the first to ever overtake the christian-democrats.

While as of today, the main autonomy requests by the German-speaking Community are met, two more claims persist. On the one hand, the German-speaking Community wants to exercise the provincial competences on its territory. In Belgium, provinces are decentralized entities situated in-between the municipal and the federated sub-state level (regions and communities). In the case of the German-speaking Community, however, the Province of Liège to which it belongs, is paradoxically larger than the community itself. With a transfer of the provincial competences (officially requested since a parliamentary resolution of 1992), decision makers want to remove what they consider to be an unnecessary decentralization level, but also to get rid of provincial taxes. On the other hand, the German-speaking Community wants a guaranteed representation in the national lower house and, as long as they are part of it, in the

[21] Reported in the interview with Karl-Heinz Lambertz.
[22] Confirmed in the interview with Karl-Heinz Lambertz.
[23] One should note that in 1987, the party was involved in a major corruption affair and accused of illegal indirect financing through the German 'Hermann-Niermann-Stiftung', a German foundation who had been directed by nationalist extremists and supported radical-right organizations.

parliament of the Walloon Region (a request repeatedly issued since the very first resolution of 1977).

In 2011, the parliament of the German-speaking Community adopted a 'declaration of principles' in which it declared itself to be "ready, willing and capable of exercising all competences that were or will be transferred to the Belgian federal entities through the reforms of the state, when the appropriate financial means are provided". The main vision behind this declaration is to replace the current Belgian federal system with two sub-state levels, the regions and communities, by a more symmetric system composed of four federal entities with the same competences: Flanders, Wallonia, Brussels and 'Eastbelgium'[24].

3. Regionalist threats, regional unanimity and intra-party multi-level lobbying: how to stay in the federal slipstream

When analysing these historical developments in order to identify the factors that were crucial for the German-speaking Community to become a federal entity, the decisive factors can be grouped around two interesting developments for comparative federal and nationalism studies: (i) the role of the regionalist PDB and the pressure it exerted on the German-speaking branches of the traditional parties, as well as (ii) the intra-party lobbying that all German-speaking branches of the traditional parties had to undertake to convince their national elites because their own influence at the main federal negotiation tables was marginal.

The role of the regionalist PDB in the German-speaking autonomy dynamics is interesting because the mechanism with which it exerted political influence differed from that observed among regionalist parties in large sub-state communities. While the latter exert their pressure on state elites through substantive electoral threats (Toubeau 2018), the small electoral base of the German-speaking Community (less than 1% of the state population) did not allow the PDB to be considered as a serious competitor on the state level. Instead, it exerted its electoral threat vis-à-vis the regional branches of the traditional parties and gathered a substantive amount of voters in different elections (and even some local offices).

The birth of the PDB, however, does comprise similarities with regionalist parties in larger sub-state communities, like the Flemish *Volksunie* (VU, Engl.: People's Union), for example (Dewulf 2009). Drawing on linguistic distinctiveness, pre-existing political grievances and the possibility of an own political spaces with opportunities for self-determination and social upward mobility, both the PDB and the VU were born when the main traditional party of the community did not take a sufficiently autonomous stance in their eyes. In the case of the PDB, self-rule demands exacerbated when national elites failed to ensure shared rule through *de facto* representation in parliament.

[24] This term has been coined by the government (and used for marketing purposes) to substitute the linguistic community label with a more 'territorialized' term – aiming at obtaining both symmetry and recognition among the other Belgian regions. It has been criticized recently, however, for omitting the fact that, historically, 'Eastbelgium' did not only refer to the German-speaking municipalities but also to those of Malmedy and Waimes. In the absence of a more suitable term for what Jenniges (2001: 21-25) called the "land without a name", it continues to be used.

As in larger sub-state communities, the German-speaking branches of the traditional parties reacted to these pressures. While their position remained at first more limited than that of the PDB, it progressively increased when institutional incompleteness became obvious and, at the very latest, when the political and material advantages of their own institutions benefited those who had previously rejected them.

The place of German-speakers at the federal negotiation tables, however, remained very limited even if their autonomy demands started to be shared by a larger number of parties. All state reforms were indeed mainly negotiated by Flemish and Francophone political elites. While German-speakers were consulted – through regional party officials and national MPs when they did not have own institutions, through their parliament and executive after these had been put in place – their influence on the direction of the Belgian federalization process was marginal.

The recognition as a federal entity only became possible on an *ad hoc* basis when all regional branches of the traditional parties agreed on the minimal terms of such a statute, and after they had all intensively lobbied their national party branches. The legal text of both the 1973 and the 1983 statutes were elaborated by German-speaking representatives in national government cabinets that collaborated with each other. In 1973, this was done by the Christian-Democrat, liberal and socialist parties who were all member of the coalition. In 1983, the government was only composed of Christian-Democrats and liberals but the support of the socialist party was gathered through ensuring it would be represented in the first German-speaking government.

Once the German-speaking Community was recognized as federal entity, the competence enlargements that were enacted during the later state reforms became almost all also applicable to her. For the transfer of regional competences, however, multi-level party politics proved again of importance. While the symmetry of coalitions had facilitated the conclusion of the first transfers that could later be invoked as precedents, majority and opposition dynamics enforced parties to hold claims in government that they had made in opposition.

Conclusion

In this article, I have reviewed the political history of what is called today the 'German-speaking Community of Belgium'. I did so in order to show how this sub-state community was able to be recognized as federal entity in its own right, despite being one of the smallest in the world.

In my analysis, I went beyond the explanation commonly used by political scientists stating that the community's statute was a consequence of the Belgian federalization dynamics driven by the two other main communities – the Flemish and French-speaking ones. While this provided a necessary and decisive window of opportunity for the German-speaking autonomy processes to be launched, I used existing historical scholarship and complementary testimonial interviews to show that neither the demand nor the conferral of autonomy was automatic and that an important party-political mobilization was equally necessary for the recognition of the community as federal entity. This mobilization came on the one hand with the local electoral threat of a regionalist party that pressured the regional branches of the traditional parties to take-up the autonomy question. On the other hand, it was only once the regional branches of all traditional parties agreed on a common position and after they had intensively lobbied their

national party elites that the latter agreed to recognize the German-speaking Community as a federal sub-state entity with legislative powers in its own right.

Beyond enriching the empirical literature on a so far understudied case, the broader aim of the article was to inform the federalism and nationalism literature with evidence from a least likely case of sub-state entities whose autonomy dynamics followed that of strong regionalist communities. It shows us that territorial mobilization and restructuring in large sub-state entities can even spill-over to very small entities. In such cases, however, regionalist party threats work on the regional rather than on the national level and intra-party multi-level negotiations (and incentives) across several parties are necessary for convincing states elites.

More generally, I would metaphorically describe this process as '*federalization in the slipstream*' – referring to an autonomy race in which sub-state communities from the second row benefit from the autonomy run of those in the first row, while needing to put significant own efforts to be recognized and stay in the autonomy peloton. Other cases to which this concept could apply are entities in federal or quasi-federal states that received autonomy from the second row too, like the so-called 'non-historic' autonomous communities in Spain. From a counterfactual perspective, however, it would also be interesting to test its applicability to sub-state communities in federal or quasi-federal states where political parties have demanded but not yet received equal recognition in federal arrangement, like Cornwall in the United Kingdom, for example. Such lessons would not only be of interest for federalism and nationalism studies, but also for minority studies. This calls for further debate between both about the sharing of power and the functioning of democracy in small political spaces.

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Appendices

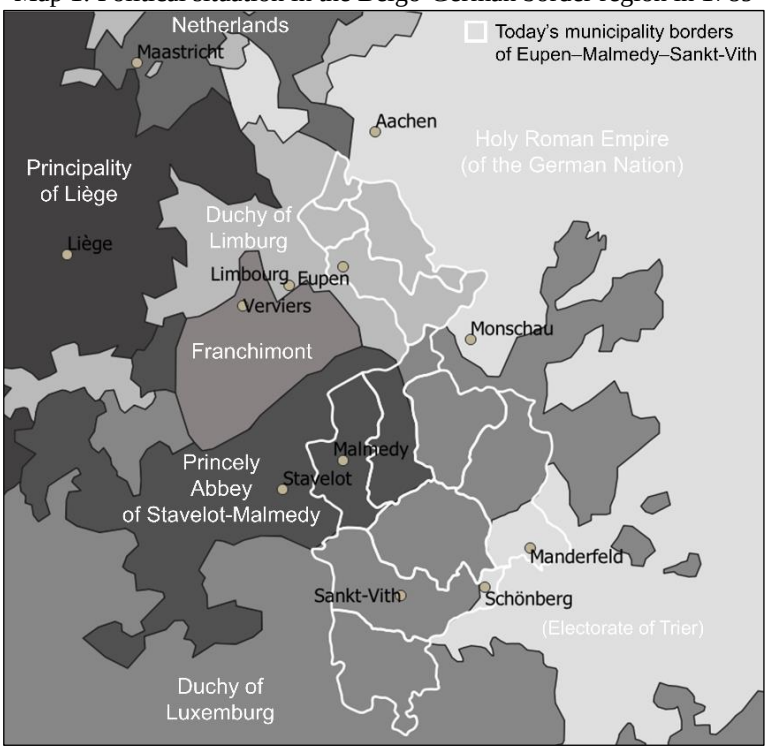
Appendix 1. Entities in federal states with less than 100.000 inhabitants*

Entity	State	Population
Appenzell Ausserrhoden	Switzerland	55 178
Appenzell Innerrhoden	Switzerland	16 105
Ceuta	Spain	84 829
Chuuk	Micronesia	48 654
German-speaking Community	Belgium	77 185
Glarus	Switzerland	40 349
Kosrae	Micronesia	6 616
Melilla	Spain	84 689
Moheli	Comoros	35 400
Nevis	Saint-Kitts and Nevis	12 277
Nidwalden	Switzerland	42 969
Obwalden	Switzerland	37 575
Palau states	Palau	44 - 12 676
Pohnpei	Micronesia	36 196
Saint-Kitts	Saint-Kitts and Nevis	34 918
Uri	Switzerland	36 299
Yap	Micronesia	11 377

* Most recent available data from state sources have been used.

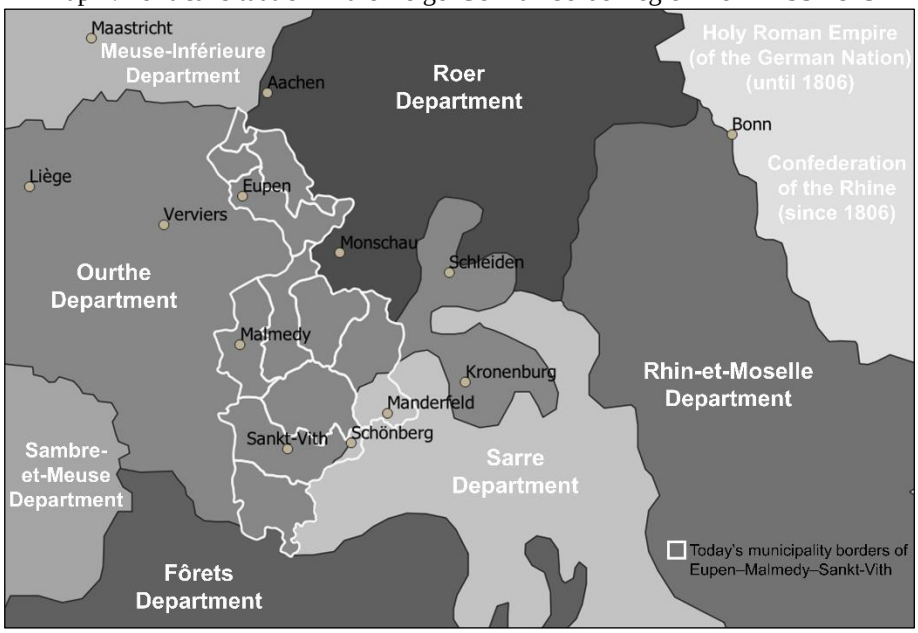
Appendix 2. Maps illustrating the political history of the German-speaking Community

Map 1: Political situation in the Belgo-German border region in 1789



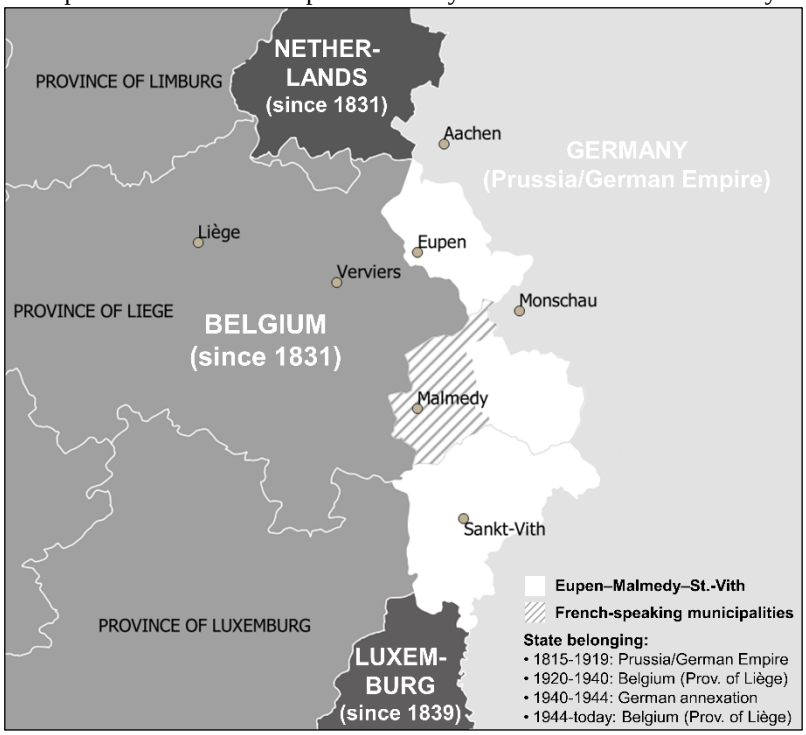
Cartography: Christoph Niessen. Material: David Rumsey Map Collection (Stanford University) & Belgian Geographical Institute.

Map 2: Political situation in the Belgo-German border region from 1795-1815



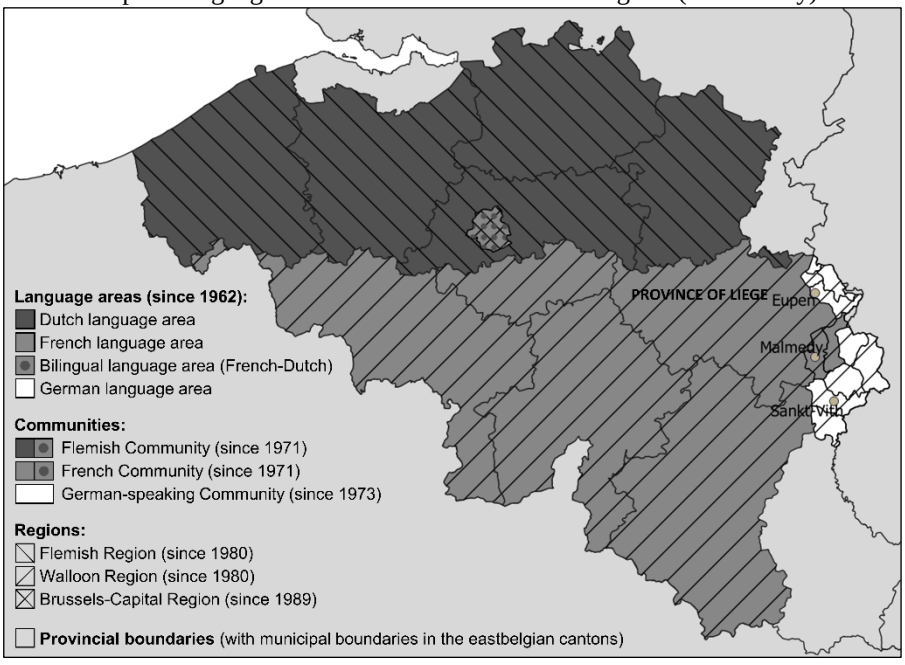
Cartography: Christoph Niessen. Material: David Rumsey Map Collection (Stanford University) & Belgian Geographical Institute.

Map 3: The cantons of Eupen–Malmedy–Sankt-Vith from 1815-today



Cartography: Christoph Niessen. Material: Belgian Geographical Institute.

Map 4: Language areas and federal entities in Belgium (1962-today)



Cartography: Christoph Niessen. Material: Belgian Geographical Institute.

Appendix 3. Testimonial interviews carried out

Interviewee	Functions	Party
Manfred Beckers	Head-clerk of the parliament (1973-2005)	–
Ferdi Dupont	Member of the staff of federal minister A. Cools (1969-1971) Member of the staff of federal minister E. Leburton (1971-1973) Member of the Council of the German Culture-Community (1973-1980) Member of the Belgian Chamber of Representatives (1977-1979) Member of the staff of federal minister G. Spitaels (1980-1980)	SP
Bruno Fagnoul	Member of the staff of federal minister J. Gol (1981-1983) Minister-president of the German-speaking Community (1983-1986) Minister of the German-speaking Community (1986-1990) Member of the Parliament of the German-speaking Community (1990-1995)	PFF
Albert Gehlen	President of the CSP (1971-1976) Member of the Council of the German Culture-Community (1973-1981) President of the Council of the German Culture-Community (1977-1981) Member of the Belgian Chamber of Representatives (1981-1995) Member of the Council of the Walloon Region (1981-1995) Member of the Council of the German-speaking Community (1995-2004)	CSP
Bernd Gentges	Member of the cabinet of federal minister W. De Clercq (1973-1974) Member of the Council of the German Culture-Community (1974-1979) President of the PFF (1983-1991) Member of the Council of the German-speaking Community (1984-1990, 1995-1999) Minister of the German-speaking Community (1990-1995, 1999-2009)	PFF
Yves Kreins	Member of the juridical service of the Council of the German Culture-Community (1974-1980) Member of staff of the federal minister J. Gol (1981-1985)	PFF
Karl-Heinz Lambertz	Member of the staff of federal minister W. Calewaert (1980-1981) Member of the Council of the German-speaking Community (1981-1990) President of the SP (1984-1990) Minister of the German-speaking Community (1990-1999) Minister-president of the German-speaking Community (1999-2014) President of the Parliament of the German-speaking Community (2014-2016, 2019-today) Community Senator (2016-2019)	SP
Joseph Maraite	Member of the staff of federal ministers J. Michel, M. Hansenne and W. Martens (1977-1981) Member of the Council of the German Culture-Community (1977-1983) Minister of the German-speaking Community (1984-1986) Minister-president of the German-speaking Community (1986-1999) Member of the Parliament of the German-speaking Community (1999-2009)	CSP
Lorenz Paasch	Member of the Council of the German Culture-Community (1973-1983) Member of the Council of the German-speaking Community (1983-2004) Member of the Parliament of the German-speaking Community (2004-2009)	PDB