



Toward a new electoral system for the Brussels Capital Region

by

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The present document spells out the arguments succinctly presented in “Un régime électoral pour le Bruxelles d’aujourd’hui”, a [position paper](#) published by *Brussels Studies*, and co-authored by eight Brussels-based members of the Re-Bel initiative. None of them, however, can be held responsible for any error that may remain in this Re-Bel e-book, nor assumed to share my views on issues not addressed in the position paper. This holds even more, needless to say, for the other people mentioned above.

EXECUTIVE SUMMARY

The electoral system for Brussels' regional elections uses two separate electoral colleges, one for French speakers and one for Dutch speakers. The most recent electoral results have shown that it no longer fulfils the purpose for which it was created and the subsequent stalemate suggests that it can have detrimental consequences for the functioning of Brussels' democracy. This dual electoral system has been designed for a Brussels that no longer exists.

However, it does serve a number of legitimate functions. The fulfilment of these functions does not require separate electoral colleges for French speakers and Dutch speakers, but it does require a guaranteed representation of each group in both the Brussels Parliament and the Brussels government. Any acceptable alternative system to the present system therefore needs to include (1) a criterion for the identification of Dutch-speaking versus French-speaking candidates, and (2) a formula for allocating seats to them.

As regards identification, the present conditions — irreversible choice of a language group, endorsement by one outgoing member of the language group or by 500 citizens with the corresponding identity card — can be left unchanged.

As regards seat allocation, three formulas are conceivable in order to achieve fixed quotas between language groups — the same as today (72/17) or any other — with a single electoral college. The “parallel” formula operates with lists that contain two sublists, respectively with French-speaking and Dutch-speaking candidates. The seats reserved for each language group are allocated to the corresponding sublists in proportion to the votes cast for the lists of which they are sublists. The “corrective” formula first allocates seats to lists and candidates in the usual way and next corrects the allocation to candidates if it deviates from the language groups' pre-determined quotas. The “hybrid” formula is the corrective formula with, on each list, two sublists, one for each language group.

Alternatively, one might think of securing a guaranteed representation by imposing a minimum threshold rather than fixed quotas. In this case, not all candidates need to declare themselves French- or Dutch-speaking. Variants of the corrective and of the hybrid formula can be designed accordingly. However, the relative strength of the language groups in the parliament would then be made dependent on the outcome of the elections, and this would endanger the pacification achieved thanks to a fixed representation.

All three formulas with fixed quotas could provide a way of fulfilling all the functions currently served by the dual-college system. They all make bilingual lists possible without preventing monolingual lists. However, the parallel formula threatens the latter's viability even if the electoral threshold of 5% were to be scrapped. For this reason, the corrective and hybrid formulas can be regarded as more promising. All three formulas are compatible with a direct election of the Brussels members of the Flemish Parliament, as well as with the requirement that the Brussels government should be endorsed by a double majority. This remains a necessity as long as the two components of the regional government form the executives of the Community Commissions. But the

adoption of a single-college formula would make it improbable that this requirement will generate the sort of deadlock that followed the June 2024 election.

DIAGNOSIS

1. A political system fit for a Brussels that no longer exists

The dual political system currently in force in the Brussels Capital Region essentially consists in

- (1) an electoral system for the regional parliamentary elections that operates with two electoral colleges, one for the francophone or French-speaking (henceforth FR) electors and candidates and one for the Nederlandstalige or Dutch-speaking (henceforth NL) electors and candidates,
- (2) in a formula for the formation of the regional government and for some legislative acts that require a majority in the parliament overall and in both the FR group and the NL group (i.e. the sets of members of parliament elected in the FR and NL electoral colleges, respectively), and
- (3) in the use of these two groups and the members of the regional government they choose as the assemblies and executives of the region's FR and NL Community Commissions (COCOF and VGC), competent for some language-sensitive matters devolved to the level of the Brussels region.¹

This system was concocted in the aftermath of the acute linguistic tensions of the 1960s and 1970s that led to the splitting up of all three national parties into two distinct parties, one NL and one FR, and to the rise of the monolingual parties Volksunie (VU) and Front démocratique des francophones (FDF). It was introduced in 1989, when the region of Brussels was officially created and its political institutions set up.²

At the time, the regional electorate could quite plausibly be viewed as consisting essentially of two mutually exclusive and jointly exhaustive communities, each with its own monolingual educational, cultural and care institutions, and with its own monolingual political parties, respectively shared with the officially quasi-monolingual regions of Flanders and Wallonia.³ Among most electors, there was a strong feeling of belonging to one or the other of these two communities and the linguistic issue dominated Brussels' political life. For most Brussels citizens, preferences on linguistic matters enjoyed a strong priority over preferences in other dimensions. It was hard to imagine that a FR elector would ever vote for a NL candidate, or conversely.

In this context, the dual-college system made a lot of sense. It provided an effective way of guaranteeing a fair representation of the NL minority in the region's assembly and executive and it helped secure the protection of its legitimate interests against those of the FR majority. There is no doubt that it contributed to pacifying the relations between FR and NL Brusselers in the following years.

¹ See Appendix 1 for a more comprehensive sketch.

² By virtue of the "special law" of 12 January 1989: [Bijzondere wet met betrekking tot de Brusselse Instellingen](#) / [Loi spéciale relative aux Institutions bruxelloises](#).

³ Only "quasi-monolingual" because a number of municipalities adjacent to a regional border grant "linguistic facilities" to the speakers of a second language and because nine Walloon municipalities form the German-speaking Community.

2. Radical transformation: five trends

Since then, however, Brussels underwent a radical transformation reflected in the following five interrelated trends.

1. The combination of immigration from abroad, emigration to Flanders and Wallonia, differential fertility and naturalizations resulted in a profound change in the composition of the population of the region and of its regional electorate. In the 1980s, the proportion of Brussels residents without Belgian citizenship, and hence without regional and federal voting rights, was around 25%. It is now gradually approaching 40%. Moreover, among Brussels residents with Belgian citizenship, the proportion of those of recent foreign origin rose from about 20% in the 1980s to 65% today.⁴
2. Among the shrinking minority of citizens of Belgian origin, i.e. with both parents born Belgian, this demographic diversification has triggered a process of self-selection. Many factors affect moves to and from Brussels, most evidently the cost of housing and the location of one's professional activity. But one factor is of a linguistic nature. Many of those who dislike living in a multilingual environment have left Brussels to live in Flanders or Wallonia, while many of those who enjoy it have stayed and been joined by (mostly young) people with similar tastes moving in from Flanders or Wallonia.
3. The identification with either the FR or the NL community has been declining steadily. The Taalbarometer of the VUB has consistently shown that the percentage of Brussels residents who identify primarily with Brussels or their commune is far higher than the percentage of those who identify primarily with being FR or NL speakers, Flemings or Walloons.⁵ It can plausibly be conjectured that today's typical Brusselers no longer perceive themselves as either FR or NL, but rather as multilinguals who speak and cherish unequally several languages, often with a language other than French and Dutch as the language with which they identify most.
4. Many FR Brusselers, especially but not only among the more highly educated, now send their children to NL schools. In these schools, 91% of the pupils have at least one non-NL parent, and 73% have none. Brussels' NL schools are attended by over four times more pupils with only French at home than pupils with only Dutch at home.⁶
5. No doubt in large part because of a legislation that protects the NL minority, the salience of language in shaping political cleavages has declined sharply since the 1980s. For the first time at the June 2024 federal election, bilingual lists were presented in the Brussels constituency by all three of the political families that split up along the linguistic line in the 1970s. The most emotional political issue in Brussels's politics is no longer the language regime but rather mobility, security or the place of religion. The

⁴ According to [Statbel](#) figures, the proportion of non-Belgians in Brussels's officially domiciled population was 37.2% on 1 January 2025 (not counting asylum seekers and other non-domiciled residents). At the same date, the proportion of Belgians of recent foreign origin, i.e. with at least one parent not born Belgian, was 40.8% of all legal residents and 65.0% of the Belgians among them. Extending regional voting rights to non-Belgians and thereby restoring what could pass as universal suffrage would therefore increase the proportion of electors of European origin (in Brussels, more numerous among non-Belgians than among Belgians of foreign origin). It would also further deepen the various trends highlighted here and thereby make the current dual electoral system even more problematic.

⁵ See Janssens (2018, chapter 8: "Taal en identiteit").

⁶ 36.7% versus 9.2% according to VGC data for 2023-24. More data about the spectacular transformation of the public of Brussels' Dutch-medium schools can be found in Brussels Council for Multilingualism (2024: section 3.3).

clash between *francophones* and *Vlamingen* has been replaced by tensions between cyclists and car drivers, between the youth and the police or between *laïcs* and Moslems.

This radical transformation of the Brussels population in general, and of the Brussels regional electorate in particular, has made the assumption underlying the dual model — the strict primacy of linguistic identity in electoral preferences — increasingly unrealistic. How unrealistic it has become is demonstrated by the glaring discrepancy between the swelling share of votes cast in the NL college and the shrinking share of NL citizens in the regional electorate. (See Appendix 2.)

Faced with the unmistakable dysfunctioning of the dual system, one might try to patch it up as much as one can (see Appendix 4). However, rather than attempting to rescue a system conceived for a Brussels that no longer exists, it makes more sense to explore the ways in which the legitimate functions served by that system could be fulfilled in the absence of its central feature: the dual electoral college.

3. The six functions of the dual-college system

The current dual-college system — two separate electoral systems for FR and NL electors and candidates — is meant to serve six main functions:

- 1. Government formation.** It makes it possible to require a majority in both the NL group and the FR group for a regional government to be formed.
- 2. Special majorities.** It makes it possible to require a majority in both language groups — as is the case when the parliament functions as the assembly of the Joint Community Commission (COCOM/GGC) —, or to make room for alarm bell procedures, on a limited number of language-sensitive matters.
- 3. Community Commissions.** It offers a way of determining the composition of the assemblies of the NL and FR Community Commissions (VGC and COCOF).
- 4. Communities.** It offers a way of selecting the Brussels representation in the parliaments of the FR and NL Communities (VG and FRB) and in the Senate (due to be abolished according to the plans of the federal government)
- 5. Counterpart.** Through a guaranteed representation of the NL minority in the regional government and through the requirement of double majorities in the regional parliament on some issues, it makes it possible to offer a compensation, in the Capital Region, for the guaranteed representation of the FR minority in the federal government and for the requirement of double majorities on some matters in the federal parliament.⁷

⁷ This compensation can be regarded as overcompensation in two ways. (1) Unlike the federal government, the regional government needs to be endorsed by a majority in both groups (see function 1). (2) On any plausible estimate of the respective minorities, the guaranteed overrepresentation of the minority is significantly stronger in the regional government than in the federal government. The latter feature is not unusual whenever it is felt that a small minority must at least be heard. Thus, Malta and Luxembourg are hugely overrepresented in the European Parliament, the European Commission and the European Council, and with 0.67% of Belgium's population the German Community has been given one of the 22 Belgian seats in the European Parliament (4.5%). But the combination of (1) and (2) makes it possible for a party that gets less than 2% of the total vote to veto the formation of a government supported by a comfortable majority — as has been the case in the aftermath of the June 2024 election. The challenge is to design a system that preserves overcompensations (1) and (2) while making such democratically problematic situations less likely.

6. Ambassadors. It guarantees the presence, in both the Brussels Parliament and the Brussels government, of a significant number of Brussels citizens linguistically and culturally equipped to serve as bi-directional ambassadors, i.e. to facilitate communication and collaboration between the Brussels Region and the officially monolingual NL region that surrounds it and the federal state in which NL citizens form the majority.⁸

This last function is the most important one for Brussels. Functions 3, 4 and 5 are contingent on some other institutional arrangement — the existence of Community Commissions, the powers exercised in Brussels by the Communities, the power-sharing deal at the federal level. Function 2 is intrinsically linked to the importance of linguistically sensitive matters in an officially bilingual region.⁹ Function 1 may be regarded as problematic in the deeply transformed context of today's Brussels. But it is required as long as the FR and NL segments of the regional government need to form the executives of the Community Commissions (COCOF and VGC).

In order to ensure that these six functions can be adequately fulfilled, one must guarantee that a sufficient number of members of each linguistic group, and in particular of the smaller one, are elected to the regional parliament. This demands an appropriate mechanism of seat allocation. ¹⁰ Any such mechanism entails the possibility of significant deviations from the principle of proportional representation. This possibility promptly materialized as soon as the number of seats allocated to each of the two electoral colleges was fixed (from 2014 onward). Once the double college is abolished, this deviation from proportional representation will need to happen in a single college. It will therefore be more flagrant, and hence likelier to be challenged.¹¹ However, the

⁸ This bi-directional ambassador role rests on the greater proximity and affinity that stem from the sharing of a language. It can be played whether or not the NL members of the Brussels government happen to belong to parties in power at the Flemish and/or at the federal level. If the party compositions of parliament and government in Flanders and in Brussels mirrored each other, the ambassador role would no doubt be facilitated. But this is less and less the case, and probably irreversibly so. In the 2014-2019 legislature, 10 out of the 17 guaranteed NL seats in the Brussels parliament were held by parties in the Flemish government (5 VLD, 3 N-VA, 2 CD&V). In the 2019-2024 legislature, this number was down to 7 (3 N-VA, 3 VLD, 1 CD&V). And in the present legislature, only 5 of the 17 seats in the NL group are held by parties in the Flemish government (2 N-VA, 2 Vooruit, 1 CD&V). Some may have hoped that the guaranteed representation organized through the dual college system would have enabled both the Flemish and the Walloon government to interfere, through shared party membership, with Brussels affairs. But this is clearly not a (seventh) function currently played by the dual college system.

⁹ This function would be even more crucial if the officially bilingual Brussels Capital Region were to be given the power to determine by itself its language regime, as the NL and FR Communities can do for their own respective monolingual areas. (Article 129 of the Constitution gives the French and Flemish Communities the right to determine the language regime within the officially monolingual FR and NL areas, but says nothing about the officially bilingual area, thereby leaving in federal hands the “residual” power to determine Brussels’ language regime.) In its memorandum, the Brussels Council for Multilingualism (2024: § 2.3) argues that such a transfer of competences to the Brussels region would make it possible to adjust more smoothly the linguistic legislation to the evolving needs of Brussels’ residents and visitors.

¹⁰ At the municipal level, no explicit mechanism is in place. In 2024, 78 candidates explicitly affiliated to NL parties were elected, down from 89 in 2018 ([Bruzze](#), 15 October 2024). This corresponds to 11.1% of the 703 local councillors. Candidates that could be regarded as NL more than FR and were elected on either the PTB-PVDA list or on the Team Fouad Ahidar list are not included in these estimates. For the various functions listed above to be securely fulfilled at the regional level, the size of the NL representation could not be similarly left to the vagaries of voting results.

¹¹ Note that, with a single electoral college, this systematic deviation from proportional representation will still concern language groups, but not necessarily lists. Deviation in terms of lists can still occur if the

justification used by the Constitutional Court for the decision to fix the number of seats allocated to the two colleges can easily be applied to guaranteed representation in a single college. Hence, no constitutional problem can be expected. 12

PROPOSALS

4. Two ways of identifying candidates

While not requiring a dual college, the fulfilment of the six functions does require that all candidates, or at least a large proportion of them, should be identified prior to the election as either FR or NL. An identification as either FR or NL is also needed for the members of the federal parliament because of the double majorities required for a number of legislative acts. This identification is tacitly determined by the official language of the region in which they are candidates, except for the candidates standing in the Brussels constituency, where the identification happens only *ex post* for those elected, through the choice of the language in which they take the oath.

In the Brussels region, with no representation spontaneously guaranteed for analogous territorial reasons, this procedure cannot be used.¹³ The system currently in place requires from all candidates that they should opt once and for all for one of the two language groups and that they should be endorsed either by at least one member of the corresponding language group of the outgoing Brussels Parliament, or by at least 500 Brussels regional electors with an identity card in the corresponding language.¹⁴

This condition is stronger than the one imposed in the Brussels constituency for the federal elections, but one outcome of the 2024 regional election has fed the suspicion that it is not strong enough: it did not prevent a candidate from being elected to the NL group in the Brussels Parliament without being able to address the parliament in Dutch. Can the current condition be strengthened and, if so, should it?

Dhondt rule happens to allocate to a monolingual list a seat it could not accept because of having no candidate of the relevant language group. (See in section 5 below the different ways in which this can happen under the parallel and corrective formulas.)

¹² See Arrêt n° 35/2003 of 25 March 2003, B16.8: “Par ailleurs, même s’il devait être démontré, lors des prochaines élections, qu’un déséquilibre existe entre le nombre de voix qui a été nécessaire pour obtenir un siège néerlandophone et pour obtenir un siège francophone, l’atteinte portée au principe de la représentation proportionnelle ne pourrait être jugée disproportionnée au regard de l’objectif poursuivi par le législateur spécial, à savoir assurer aux représentants du groupe linguistique le moins nombreux les conditions nécessaires à l’exercice de leur mandat, et, par là, garantir un fonctionnement démocratique normal des institutions concernées.” Moreover, the guarantee of a representation of the linguistic minority in Brussels must be viewed as a component of a broader framework: “La disposition attaquée s’inscrit dans le système institutionnel général de l’Etat belge qui vise à réaliser un équilibre entre les diverses communautés et régions du Royaume. Au sein de ce système institutionnel général, la Région de Bruxelles-Capitale est la seule entité fédérée bilingue, ce qui justifie qu’elle soit dotée d’organes et de mécanismes institutionnels propres.” (ibid. B.16.6.)

¹³ There are other multilingual local authorities in which geographical concentration is sufficient to guarantee the representation of the linguistic minority. This is the case, for example, for the English speakers in the City of Montreal (thanks to a majoritarian electoral system with single-seat constituencies) and for the German speakers in the Swiss canton of Fribourg.

¹⁴ Special Law of 12 January 1989, Art 17 §§3 and 5. At the communal level, candidates must be sponsored either by 2 outgoing councillors or by at least 50 or 100 citizens entitled to vote (depending on whether the commune has less or more than 20.000 inhabitants).

A tougher endorsement condition is one option. However, given the results of the latest election, even a trebling of the required number of endorsers would not protect the “purity” of the candidates in the NL college.¹⁵ Lifting this minimum requirement even higher (4 members out of 17, or 23.5% of the NL group of the outgoing parliament) would amount to an abusive protection of established parties against newcomers. It would operate as an anti-democratic form of political filtering more than as a form of linguistic certification.

As to the condition of being endorsed by 500 citizens with an identity card in the relevant language, it is already very hard to meet for candidates in the NL electoral college.¹⁶ And it can be expected to become ever harder as the share of NL identity card holders in the regional electorate keeps shrinking.¹⁷ Rather than toughening this condition, it would seem fair to soften it, by requiring less endorsements for candidates in the NL college than in the FR college.

An explicit linguistic condition therefore seems to provide a more attractive option. Formulating this condition by reference to the language of the last degree obtained by the candidate, as is sometimes suggested, will not do the job because a growing proportion of degrees is offered in English and because some candidates may have been educated for over 15 years in one language and only for one final year in the other. The linguistic condition could therefore more plausibly consist in requiring the NL candidates to have attended a NL school for at least, say, 10 years, and symmetrically for FR candidates.

This would not get rid of all unwelcome exclusions, however. Firstly, 23% of Brussels residents with Belgian citizenship are foreign-born, and many of them attended school in another country. Secondly, some potential candidates may have split their compulsory education between FR and NL schools. Moreover, among the growing number of native FR citizens who attended NL schools many would find it odd to stand as NL candidates.¹⁸ Some language proficiency test could be organized for candidates who find themselves in one of these situations, or at least for those among them who

¹⁵ Team Fouad Ahidar, which included the successful candidate who proved unable to address a parliamentary commission in Dutch, had three members elected in the 2024-2029 parliament.

¹⁶ Using the 2024 figures, the requirement of 500 endorsements amounted to 0.77% of the NL card holders (themselves 8.3% of the 785.000 residents of Brussels with Belgian nationality). This is proportionally more demanding than the requirement at the communal level (50 citizens for communes with up to 20.000 inhabitants, 100 citizens for more populated communes), which corresponds at the utmost to 0.5% of the inhabitants (100 in a commune with 20.001 inhabitants, but only 0.05% in the commune of Brussels). Above all, potential NL regional endorsers are far more difficult to find in local streets or markets than communal endorsements because the proportion of people with the appropriate identity card in a local random sample is over ten times smaller in the former than in the latter case (for which some non-Belgians and all Belgian FR card holders also qualify). The list Pro-Bruxsel did manage to gather enough NL (and FR) signatures in 2009, but could count on a willing outgoing member of parliament in 2014 and gave up in 2019. The list Agora gathered enough NL signatures in 2019 and gave up in 2024. In both cases, reaching the threshold of 500 signatures by NL card holders required 2-3 months of intensive effort with many volunteers.

¹⁷ In 2024, 8.3 of the Brussels citizens registered for voting at the municipal elections had a NL identity card. Among Brussels residents acquiring Belgian citizenship, 3.9% requested an identity card in Dutch in 2021, 3.6% in 2022 and 2023. (Answer by Minister Annelies Verlinden to a parliamentary question, reported by [Bruzz](#) on 31 October 2024.)

¹⁸ This is not an imaginary situation: several FR members of the Brussels Parliament are in that situation and would presumably have felt like cheaters had they been in the NL group.

actually got elected (which would make the procedure far less burdensome with no loss of effectiveness).

Such a requirement of sufficient competence in at least one of the region's official languages would seem to be a reasonable condition to impose on members of the Brussels Parliament. However, even if those who did not attend school for the required number of years in either French or Dutch are offered the option of taking a language test, this linguistic condition would violate Article 64 of the Constitution: *"To be eligible, a person must: 1° be Belgian; 2° enjoy civil and political rights; 3° be at least eighteen years of age; 4° be domiciled in Belgium. No other condition of eligibility may be required."*

To make room for a linguistic condition for Brussels' regional elections, this article would need to be revised, with unavoidable implications for the elections to the other two regional parliaments, indeed presumably for all elections taking place in Belgium. Along with universal suffrage, the universal right of eligibility is such a fundamental component of democratic equality that the prospect of such a revision seems very remote.¹⁹

An explicit linguistic condition, therefore, is not more promising than a tougher endorsement condition as a way of making the FR/NL identification more reliable. In any case, what the NL and FR labels should be meant to track, in Brussels' current context, is not an increasingly irrelevant distinction between "vrais francophones" and "echte Nederlandstaligen", let alone an imaginary cleavage between Brusselers belonging to a national community shared with the Walloons and the Flemings, respectively. What they should aim to capture is a distinction between candidates willing to serve as members of the assembly of either the NL or the FR Community Commission and claiming to be linguistically equipped to do so.²⁰

It is not unreasonable to expect from those in charge of composing the lists that they will check that at least the candidates with any chance of being elected possess the appropriate linguistic competence. This can be expected from them once they are no longer faced with the perverse incentive inherent in the dual-college system as it operates today. As long as less votes are needed to get seats in an overrepresented NL college, it makes electoral sense to present in that college even lists that include hardly anyone able to communicate in Dutch. Whether one can get rid of this perverse incentive while preserving a guaranteed representation for NL-speakers depends on the fine grain of alternative single-college electoral systems, to which we now turn.

5. Three formulas for the allocation of seats

If the seats are no longer allocated through two separate electoral colleges, how can they be allocated in fixed ratios to FR and NL candidates? The exploration to be conducted here will be confined to electoral systems that belong to the same family as the current

¹⁹ One way of trying to circumvent this constitutional obstacle would be to require a minimum number of members in each language group (see the threshold variant discussed in section 5), rather than fixed quotas. In that case, only a subset of the candidates would need to qualify as either NL or FR. However, some indirect eligibility rights would remain attached to being elected as NL or FR (namely, membership in the assembly of one of the Community Commissions). Even an optional linguistic qualification is therefore unlikely to be deemed compatible with universal eligibility.

²⁰ This does not amount to adding an eligibility condition, in violation of Article 64 of the Constitution. Any candidate for any parliament is implicitly asserting that he has the capacity, including linguistic, to exercise competently the function for which he is a candidate.

one, namely

- list-proportional representation²¹
- using the D'Hondt rule for the allocation of seats to lists,²²
- with a single constituency covering the territory of the whole region,
- with lists that include at most as many candidates as there are seats reserved for each of the two language groups, and
- with a single vote for each citizen that can be cast either for a list or for any number of individual candidates on the same list.²³

However, instead of two, the systems to be considered have a single electoral college, in which NL or FR monolingual lists and NL&FR bilingual lists can all be presented and in which all electors, whether with NL or FR identity cards, can vote for any candidate or set of candidates, whether NL or FR, on the same list.

The key difference between a dual-college system and a single-college system with reserved seats is the possibility of presenting bilingual lists. If only monolingual lists were allowed in a single college, with a fixed number of seats guaranteed to each set of monolingual seats, this would be equivalent to a dual-college system, irrespective of whether the two sets of lists are presented on the ballot forms in mixed order or separately. Single-college systems, as understood here, do allow monolingual lists, even though they involve, to an extent that varies from formula to formula, incentives to form bilingual lists. Some formulas also allow monolingual sublists, and none of them would prevent different themes from being emphasized by NL and FR candidates on the same list.

A first way, clearly too weak, of trying to achieve a sufficient representation of each language group is the one used in order to achieve a better balance between the two genders. The *tirette* system consists in requiring an alternation of genders at least on the top segment of each list. Duly adapted to the case of FR and NL groups (and hence presumably with a 4/1 rather than a 1/1 ratio), it would entail the prohibition of monolingual lists, which one can with good reason find undemocratic.²⁴ Even more decisively, this *tirette* system would not do the job because the representation it would

²¹ This excludes, for example, the Single-Transferable-Vote system, which asks voters (in small constituencies) to rank candidates, with votes transferred to the candidate ranked second if the most preferred one either has more votes than is needed to be elected or is eliminated owing to a lack of direct or transferred votes. This system is in place in Ireland and is sometimes proposed for ethnically divided societies in order to counter polarization. But it would involve a major departure from Belgium's voting habits without being suited to the challenges to be addressed in Brussels' current context.

²² The D'Hondt rule, used in Belgium for federal and regional elections (not municipal elections), consists of assigning to each list quotients obtained by dividing the number of votes cast for it by 1, 2, 3, 4, etc., then distributing the seats among the lists in the order of these quotients. If, for example, there are four seats to be shared between two lists that have obtained 12,000 and 6,000 votes respectively, three seats will go to the first (quotients 12,000, 6,000, 4,000, 3,000) and one to the second (quotients 6,000, 3,000, 2,000, 1,500).

²³ This excludes electoral systems that would keep the two colleges but would give each citizen two votes, one in the FR college and one in the NL college, as sometimes proposed both at the federal level, for example by Laurent de Briey (2000, 2009) and at the regional level, in particular by Sven Gatz: <https://svengatz.be/nl/brusselstem>. Such a system is worth discussing. But it would still prevent bilingual lists, would de facto give the FR electors the power to select the NL candidates (unless their prior identification as FR reduces the weight of their vote to a fraction of a vote by a NL elector) and would expect many electors to choose among parties and candidates they hardly know.

²⁴ By contrast and bizarrely perhaps, the fact that the *tirette* system entails the prohibition of single-gender lists seems never to have been accused of being undemocratic.

guarantee to each language group would not be among those elected but only among the candidates.

There are at least three ways in which a fixed representation can be guaranteed to each of the two language groups among the elected.²⁵ They will here be called the parallel formula, the corrective formula and the hybrid formula. They will be presented here using the current quotas of 17 NL seats and 72 FR seats, or roughly a 1 to 4 ratio, but could apply to any other absolute numbers and ratios.

The parallel formula. FR and NL candidates are presented on two separate sublists, as is the case for the “effective and “successor” candidates for the federal elections. The 72 FR seats and 17 NL seats are allocated in parallel to the sublists in proportion to the votes obtained by the lists, irrespective of the number of votes cast on the sublists of each list. The list votes are transferred to the top candidates on each sublist, as usual.²⁶ If a bilingual list is the product of collaboration between two parties, the order of the candidates can be determined independently by each. Monolingual lists are possible, but they may not be entitled to all the seats allocated to them by the D’Hondt rule. For example, a monolingual list to which 4 FR seats and 1 NL seat would have been allocated had it been bilingual can only get 4 of them if it is FR, and 1 of them if it is NL. The seats of which they are deprived as a result of not having candidates in the relevant language group will be allocated to the next eligible candidates of that language group on the lists to which the next seats would have been allocated by the D’Hondt rule had there been more seats.

The corrective formula. NL and FR candidates are presented in any order on the same list, as they are for the municipal elections. The D’Hondt rule is applied to the lists and allocates the seats to the candidates on each list in accordance with their individual votes and the usual transfers of the list votes. Once this is done, if one of the two language groups ends up with more seats than its quota — more than 72 or more than 17 —, a correction takes place. The last candidate elected from the overrepresented group is replaced by the first electable one from the underrepresented group on the same list or, if there is none on the same list, on the list to which an extra seat would have been allocated had more seats been available. And so on if one linguistic group is overrepresented by more than one seat.²⁷

²⁵ More formulas can be imagined, but none is likely to do a better job than those considered here. For example, one could think of a list-proportional system with bilingual and monolingual lists and fixed numbers of NL and FR seats distributed between lists in proportion to the number of votes cast on them for at least one NL or FR candidate, respectively. There are two variants for such a system. Firstly, suppose voters can only vote either only for NL candidates or only for FR candidates. Then the system would not differ fundamentally from a system in which only monolingual lists are allowed, nor therefore from a dual-college system. It would simply be more complicated. Secondly, suppose that voting for FR and NL candidates on the same list is allowed. The system would then entail unfair double counting for bilingual lists, and a perverse incentive to vote, even blindly, for both FR and NL candidates.

²⁶ The parallel formula is most intuitive in this variant, with two sublists next to each other. But it could also work with candidates being presented on a single list with NL or FR labels. The difference does not affect the number of NL and FR candidates elected overall nor on each list, but it does affect the way in which the list votes are allocated between the candidates. It may therefore affect which candidates will be elected. In the sublist variant, list votes amount to endorsing the preference order between NL candidates and between FR candidates separately. In the single-list variant, they amount to endorsing a preference order between all candidates together.

²⁷ This corrective formula is strictly analogous to the quota variant of the proposal of a federal constituency made in 2007 by the [Pavia Group](#). Note that a federal constituency (with, say, 15 seats out of 150) also makes sense without quotas. No fixed representation but strong thresholds of representation

The hybrid formula. A variant of the corrective formula could operate with two sublists, like the parallel formula, with list votes transferred in parallel to both sublists, either fully or in proportion to the quotas. Contrary to the parallel formula, it would initially allocate seats within each list irrespective of the sublist on which the candidates appear and, in case one group is overrepresented, reallocate one or more seats to candidates of the other group on the same list or on other lists, as in the single-list corrective formula described above. A difference with the latter may arise because of the way in which list votes are transferred to candidates. The overall number of FR and NL candidates elected is not affected, but the list on which they are elected may be, as well as which candidates are elected on this list.

The threshold variant. All three of these formulas aim to achieve strict quotas, i.e. a precise proportion for each language group in the parliament. A more relaxed way of guaranteeing a representation to each language group would consist in ensuring that each gets at least some predetermined percentage of the seats. Unlike the parallel formula, both the corrective and the hybrid formula admit of such a threshold variant. Instead of requiring that the parliament should count exactly 17 NL members and 72 FR members, one could require, for example, that each of the two language groups should count at least 20 members, or the NL group at least 10 and the FR group at least 40, or any other numbers that would fall short of the total number of seats providing at least two conditions are met: enough members in the NL group to provide a meaningful assembly for the VGC and enough members in the FR group to make up the delegation to the Parliament of the French Community. If it turns out that the threshold is not reached from the start for one of the two language groups, one proceeds as in the quota variant until the threshold is reached.²⁸

6. Stylized numerical illustrations

Suppose there are two lists one bilingual FR-NL that obtained 12.000 votes and one monolingual NL that obtained 4.000 votes. Hence, the D'Hondt quotients are (in thousands) 12, 6, 4, 3, 2.4, 2 for the bilingual list; 4, 2, 1.33, 1, 0.8, 0.66 for the monolingual list. There are 6 seats to be distributed between them, with a guaranteed representation of 4 FR and 2 NL.

Under the parallel formula, both NL seats are allocated to the bilingual list because it has the two highest quotients; all 4 FR seats are also allocated to the bilingual list because it has 3 of the 4 highest quotients and because the monolingual NL list, having no FR candidate, cannot claim the fourth FR seat.

Under the corrective formula, 5 of the seats are initially allocated to the bilingual list (5 of the top 6 quotients) and 1 to the monolingual list, thereby reflecting the bias inherent in the D'Hondt rule. (The smaller party gets 1/6 of the seats with 1/4 of the votes.) Suppose none of the NL candidates gets enough votes to get one of the bilingual list's five seats. This could easily happen, if only because their position on the list would not enable them to benefit from the list votes. Then the quota rule will require the list's fifth

would then still be guaranteed by the candidates elected in the ten provincial constituencies (currently 47 in Wallonia, 87 in Flanders) with fluctuations possible only in the Brussels constituency (currently 16 seats) and in the newly created federal constituency.

²⁸ Only the linguistically labelled candidates would count for double majorities, sit in the assemblies of the Community Commissions (VGC and COCOF) and be eligible for the Brussels delegation to the French Community Parliament.

seat to be transferred from the last elected FR candidate to the best placed NL candidate on the same list. It is not completely ruled out that the corrective formula's quota system would deprive the monolingual list of the seat allocated to it by the D'Hondt rule, but this would only happen in the most unlikely event that the first two to be elected on the bilingual list were NL candidates.

Under the hybrid formula, the seats are initially allocated as in the corrective formula. But the list votes are transferred to the top candidates on both the FR and NL sublists of the bilingual list. If there are many list votes and if they are transferred with the same weight to both sublists, the probability that both NL seats would be allocated to the bilingual list and none to the monolingual list is no longer negligible but remains quite low. (The top two NL candidates would need to get more preference votes than the top two FR candidates on the list.) If there are few list votes or if list votes are transferred in proportion to the quotas ($4/5$ to the top of the FR list, $1/5$ to the top of the NL list), it is even lower.

The corrective and the hybrid formula can accommodate a threshold variant, which requires, for example, that at least two FR candidates and at least one NL candidate be elected. In that case, the candidate elected on the NL list would satisfy the threshold condition and, assuming again that the 5 seats of the bilingual list went initially to FR candidates, no seat would need to be transferred from one of them to a NL candidate on the same list. However, depending on how popular the NL and FR candidates on the bilingual list manage to be, the final distribution of seats in the assembly can vary from 5 FR and 1 NL to 2 FR and 4 NL.

NB: This very simple illustration is meant to help understand the way the various formulas differ from each other. It is not meant to predict what effects they would have in real life, with a far larger number of seats and parties and with different quotas. The simulations of Appendix 3 give a more realistic approximation using real data. However, as emphasized there, how many votes and seats each list would obtain under the formulas being considered here cannot be extrapolated from the electoral scores obtained so far, whether at recent regional elections or at federal elections in the Brussels constituency. Given the new electoral rules, not only will some monolingual parties seek to form common lists with their sister parties, but monolingual parties without sister party will adjust their strategy so as to reach more than now beyond their linguistic community. This would not be cheating the new system but playing by its rules.

7. Fulfilling the dual-college system's six functions

Assuming that NL and FR candidates can be appropriately identified, all three quota formulas and the threshold formula make it possible to fulfil each of the six functions listed above without relying on two separate electoral colleges.

Function 1. The regional government can only be formed if it is endorsed by a majority of the elected FR candidates and a majority of the elected NL candidates, whether elected on bilingual or monolingual lists.

Function 2. The FR and NL candidates who are elected will form the language groups needed for votes on any matter that requires a double majority.

Function 2 and 3. The FR and NL candidates who are elected will form the assemblies of the FR and NL Community Commissions, respectively.

Function 4. A subset among them could be selected by their respective groups to be the Brussels members in the parliaments of the FR and NL Communities.

Functions 5. The Brussels government could still consist, like now, of five senior ministers, at least two NL, and three secretaries of state, at least one NL. The compensation for the FR overrepresentation in the federal government would thereby be preserved

Functions 6. A strong presence of NL “ambassadors” (to Flanders and to the NL part of the federal authorities) in both Brussels’ parliament and in its government would be guaranteed.

QUESTIONS

8. What about the direct election of the Brussels members of the Flemish Parliament?

Since 2004, when regional elections took place for the first time with fixed number of seats allocated to the two colleges, the six Brussels members of the Flemish Parliament have been elected directly by the electors who choose to vote in the NL electoral college. This formula is no longer possible once the separate electoral colleges are abolished. What could be the alternative?

As suggested above, one could in principle use the formula currently in place for the Brussels representation in the Parliament of the French Community: 19 of the 72 FR members of the Brussels Parliament are selected to join the 75 members of the Walloon Parliament. However, this formula is quite similar to the one in place for the first three legislatures of the Brussels Parliament (1989-2004) but was judged unworkable by the NL group. A subset of the members of the NL group of the Brussels Parliament, namely the first six to be elected, were then also members of the Flemish Parliament. But doing a good job in both parliaments and their committees turned out to be unrealistic with such a small number of members (11 at the time the change was decided), moreover spread among a fairly large number of parties. By contrast, finding 19 volunteers out of 72 members willing to invest time and energy in the Community parliament, while leaving enough fellow party members to do the various jobs in the regional parliament is considerably easier on the FR side. Using again such an indirect election formula on the NL side can therefore be regarded as excluded.

The other option consists in maintaining a direct election. This would not need to imply the administrative complication and cost of a separate direct election, on the model of the election of the English School Board in Montreal.²⁹ Like now, a subset of electors

²⁹ Montreal’s English School Board is the institution that most resembles our Community Parliaments or Community Commission assemblies in the bilingual context of the province of Québec. Its electoral body consists of those adults who attended an English-medium school in Québec and/or are the parents of children who attend or attended such a school. Implementing such a system in today’s Brussels would be tricky, if only because there are now four times more pure French native speakers than pure Dutch native

taking part in the regional election could be offered a second vote. Keeping as close as possible to the present system would require giving this second vote to the subset of electors who voted for at least one NL candidate on any list, bilingual or monolingual. But there is a simpler formula, easy to implement in today's technological context: giving this second vote to the subset of electors with a NL identity card. With electronic voting now generalized in Brussels, the additional administrative complication would be insignificant. Moreover, no privacy problem should arise. The language of the identity card is publicly known, as it is matched by the language of the postal address in the list of electors at the candidates' disposal before every election in Brussels.

If the language of the card is easy to change and has no other implication, this would not amount to creating a subnationality. It would of course offer no guarantee that those voting for the Flemish Parliament are genuinely "Flemish". But this is even less the case for those who get the second vote today. And above all, this should not be the purpose. From a democratic viewpoint, it is perfectly sound that Brusselers with any native language should be entitled to vote for the parliament and government in charge of the schools attended by their children. And it is most improbable that more than a negligible proportion of the population would take a NL identity card without having any stake in the Flemish Community's policies.³⁰ At the same time, electors would remain fully free, irrespective of the language of their identity card, to vote for FR candidates, for NL candidates or both in the elections for Brussels' regional parliament.

9. Will pacification be preserved?

Thanks to the fixed quotas introduced in 2004, there is no conflict between the two linguistic groups about the number of seats to be attributed to each of them. This would still be the case under all three quota formulas presented above, but not under the threshold variants allowed by the corrective and the hybrid formula.

These threshold formulas possess the advantage that not all candidates need to declare themselves NL or FR. Some may resent having to do that, for example because they want to assert their bilingualism, or their being native of neither language, or their linguistic neutrality. Some may also be unable to truthfully claim that they are linguistically competent enough to take part in the assembly of one of the Community Commissions. The threshold variants would also make it possible to respect universal eligibility to the Brussels Parliament even if an explicit linguistic condition were to be imposed for membership in one of the two language groups (see section 4 above). Moreover, they possess the advantage of not being tied forever to an arbitrarily picked 4/1 ratio.

speakers among the parents of Brussels' Dutch-medium schools (see Brussels Council for Multilingualism 2024: section 3.3). In Quebec, only Canadian English native speakers are allowed to send their children to English-medium schools (a regime analogous to the one briefly in force in Brussels, before the reinstatement of the "*liberté du père de famille*").

³⁰ Extending this formula to the Brussels members of the parliament of the French community would make for a more elegant system. The stakes in the Brussels regional election would thereby be clearly distinguished from the stakes in the Community election. And citizens could choose the language of their identity card according to the Community whose policies they most care to influence. However, this would entail an additional 19 parliamentarians that could not be justified, as the additional 6 Flemish parliamentarians could, by the usefulness of having a sufficient number of "ambassadors" with the neighbouring region. Consequently, this symmetric formula only stands a chance of being taken seriously if the size of the regional parliament is significantly reduced, for example to 50 members (40 FR, 10 NL).

Yet, the threshold variant suffers from one major disadvantage. It does provide more security to both language groups, especially the smaller one, than the system that was in place before 2004, when the size of the language groups was entirely dependent on election results. But it is more conflict-prone than the formulas with strict quotas. In both the corrective and hybrid versions of the threshold variant, the relative size of the two language groups in the parliament will be affected by strategic block votes for either NL or FR candidates. In the corrective variant, it will be additionally affected by the order of the candidates on the lists, and hence the likelihood of benefiting from the transfer of list votes. These possibilities would undermine one of the pillars of the pacification achieved between Brussels' two language groups — at this stage arguably a decisive argument in favour of opting instead for one of the quota formulas.

As regards conflict avoidance, there is, however, a potentially significant difference between the various quota formulas. In the corrective formula, NL and FR candidates appear on the same list (as they do at municipal elections and at the federal elections in the Brussels constituency). Given the role given to list votes, this means that the order in which NL and FR candidates are placed on the list, while not affecting the total number of NL and FR candidates elected to the parliament, will affect the number of FR and NL candidates elected on any particular list. This is a potential source of conflict between the NL and FR components of bilingual lists.

In the parallel and hybrid formulas, by contrast, this potential source of conflict is avoided. Each of the two components of a bilingual list has its own sublist, with the list votes transferred in parallel on both sublists (as they are on the lists of “effectives” and “successors” at federal elections). This makes it possible for the NL minority to select autonomously its candidates and to determine the order in which they appear, a feature that is particularly relevant when the bilingual list results from a deal between pre-existing NL and FR parties. This difference should not be exaggerated, however, and the advantage of sublists, as regards conflict-proneness, may prove more theoretical than real because of the way in which joint lists are likely to be formed, spontaneously or not.

Firstly, under the corrective formula, each of the two components of a bilingual list can be left to determine autonomously the order in which its candidates will appear on the list, and hence who among them will enjoy greater visibility and have a chance of benefiting from list votes. This could conceivably be encouraged by some formal conditions for the presentation of bilingual lists. Secondly, the corrective formula is compatible with imposing on bilingual lists some rule analogous to the *tirette* rule for alternating genders at the top of the list. But this is likely to be a superfluous constraint, as it is in the interest of any bilingual list that wishes to be part of a governmental coalition endorsed by a double majority to grant sufficiently good places to some of its NL candidates. Moreover, the option of list links (*apparentements/lijtverbanden*) between sister parties, impossible under a dual-college system, becomes possible with a single college under the corrective formula and can offer an alternative to bilingual lists when more party autonomy is regarded as desirable.

Most importantly, as the list votes are shared between the two sublists of a bilingual list in the parallel and hybrid formulas, each of its components can legitimately claim a say in the composition and order of the sublist of the other component. Moreover, the experience of joint lists between sister parties, quite old at the municipal level, more recent at the federal level, shows that NL and FR parties can compose mutually beneficial joint lists even in the absence of quotas. This will be even easier for

linguistically “colourless” parties that will more easily emerge with a single college and associate NL and FR candidates without seeing them as two separate groups.

10. Can a majority be allowed to choose the representatives of a minority?

Whenever there are guaranteed seats for a minority in a shared electoral college, it can be said that the representatives of the minority are selected mostly by the majority. This was a key issue in the hot debate that led to India’s current electoral system. Ambedkar wanted the Dalit members of India’s federal parliament elected in separate colleges. Gandhi went on hunger strike to prevent this and got his way: there is a guaranteed representation of Dalits, but elected in constituencies they share with all other castes and always form a minority.³¹

This issue came up in Belgium when it was proposed that the seat in the European Parliament reserved for the German-speaking minority should no longer be allocated in a constituency comprising only residents of the communes of the German-speaking Community could participate, but henceforth in a constituency comprising all residents of Wallonia and Brussels (with a formula analogous to the corrective formula described above). The Council of State judged that this proposal was not acceptable.³² Two reasons were invoked. Firstly, if a German-speaking candidate is elected thanks to the quota, this can be said to violate the voters’ preferences, which, in the absence of the guaranteed representation, would have resulted in the election of another candidate. Secondly, “German-speaking votes are included in a college of which they represent only a small part” and “the German-speaking candidate could very well be elected even though he only received a very small number of votes in the German-speaking region”.

This merger of two electoral colleges with the preservation of a guaranteed representation of candidates from the smaller college might be thought to be analogous to the sort of electoral reform discussed here: the merger of Brussels’ two electoral colleges combined with the maintenance of quotas for each of the two groups. Such a reform would therefore seem to be exposed to the same objections as those raised by the Council of State in the case of the German-speakers’ representation to the European parliament. But there is a crucial difference rooted in the nature of the constituencies to be merged.

In the Brussels case, the electorate is the same in both of the existing electoral colleges whose merger is being proposed. Under the present dual electoral system, it can therefore already be said that the preferences of the electorate are not respected when candidates are elected in the NL college on lists that would have had less seats with the same number of votes had there been no quotas imposed through the allocation of fixed numbers of seats to each of the two colleges. And under the present dual electoral system, it is already the case that NL candidates can be elected even with a tiny number of votes from NL voters. Consequently, the reform proposals considered here cannot be

³¹ See Francesca R. Jensenius, *Social Justice through Inclusion. The consequences of electoral quotas in India*, Oxford University Press, 2017.

³² Avis 36.079/2 (14 November 2004) “à la demande du Vice-Premier Ministre et Ministre de l’Intérieur [Patrick Dewael] sur un avant-projet de loi “organisant la répartition entre les collèges électoraux du nombre de membres belges à élire au Parlement européen”. Many thanks to Emmanuel Slautsky for having drawn my attention to this arrest.

rejected on the formal ground articulated by the Council of State, which would apply just as much to the present system.

11. Will monolingual NL lists be viable?

However, these proposals may still be criticized on the ground that the NL minority would de facto be dominated by the FR majority because they would make monolingual NL lists unviable and thereby also limit the bargaining power of the NL components of bilingual lists.

If the NL minority considers that its interests are not adequately taken into account in bilingual lists, it has the option of presenting monolingual NL lists. This holds under each of the formulas explored here. But this option is more or less realistic, depending on the formula. Remember that at the June 2024 election, no NL party obtained more than 3.9% of the total vote (which corresponded to 22.8% of the NL vote). Under the parallel formula, for a list to be attributed one of the 17 NL seats by the D'Hondt formula, it would need to obtain close to 5% of the total vote.³³ The D'Hondt seat distribution rule could still attribute FR seats to that party (1.4% of the total vote would certainly suffice to secure a first FR seat). However, being represented exclusively in the FR group and in the assembly of the COCOF is not exactly an attractive prospect for a NL party.

Under the corrective and hybrid schemes, monolingual NL lists could easily be allocated one or more NL seats by the D'Hondt rule without appealing more than now to a non-NL electorate or using the precarious mechanism of *apparentements/lijstvebindingen* between NL lists. 1 % of the total vote would be more than sufficient for a first seat.³⁴ Under the hybrid rule, however, how easy it would be for a monolingual list to get seats will be affected by the rule for the transfer of list votes: more difficult if list votes are transferred equally to the two sublists (as they are to the lists of effective and successor candidates at federan elections), easier if list votes are shared, for example, in a 1 to 4 ratio between the NL and FR sublists of a bilingual list, while being transferred in full in monolingual lists. Under the corrective rule, monolingual NL lists will find it harder to get seats if the bilingual lists give many NL candidates places that enable them to benefit from the list votes. But in contrast with the parallel formula, the probability that an NL list would end up with no seats after application of the D'Hondt rule is very low.³⁵

Under all three formulas, however, it is the electoral threshold — the percentage of the total vote required in order to get a first seat — that would be the main obstacle to the viability of pure NL lists.³⁶ And independent viability — the plausibility of exit — is also a key determinant of the bargaining power of the NL component in any bilingual list. This forces us to address a fundamental democratic trade off that holds more generally for any specific component of any list: young or old, secular or religious, residents of the

³³ 1/17 is 5.88%, but the 17th D'Hondt quotient always corresponds to a somewhat lower percentage of the total number of valid votes. For example, in the simulations of Appendix 3, to 4.65%

³⁴ In the simulations of Appendix 3, the 89th seat corresponds to $4.943/518.926 = 0.95\%$.

³⁵ See the stylized illustration in section 6 and the simulations in Appendix 3.

³⁶ There is currently an electoral threshold of 5% applied separately to each of the electoral colleges. Since $1/17 = 5.88\%$ provides an implicit threshold, the explicit threshold is operative only at the margin in the NL college. (As mentioned in a previous footnote, it can happen that the 17th seat would be attributed by the D'Hondt rule to a party with less than 5%: 4.65% in the simulation of Appendix 3.) But it is binding in the FR college (with an implicit threshold of $1/72 = 1.4\%$) and would be even more binding with a single college and an unchanged number of seats ($1/89 = 1.1\%$).

left or right side of the canal, Brusselers of Flemish, Walloon, Moroccan, Turkish or Sub-Saharan origin. If the lists that include some of their representatives do not accommodate sufficiently the interests of one of these components, pressure arises to present a separate list. The lower the electoral threshold, the greater the viability of such lists, the greater the bargaining power of the corresponding components (whether linguistic, ethnic, generational, geographic, etc.) in mixed lists, and the more open the electoral space to new challengers. There is, therefore, a democratic case for no threshold, or a for low one. However — and this is the democratic trade-off —, the lower the threshold, the more fragmented the political landscape is likely to be, and the greater the difficulty of forming solid government coalitions — which in Brussels is difficult enough.

Realizing this trade-off should invite us to look for a compromise. The present system gives NL parties a privilege not granted to (potential) parties representing other minorities: their lists can get seats as soon as they attract at least 0.85% of the total vote (which corresponds to 5% of the NL vote at the June 2024 regional election). A “Turkish” party, for example, would not similarly be allowed to get a seat as soon as it obtains 5 % of the Turkish vote. Generalizing the threshold of 5% of the total vote may be considered excessive. But raising it for the NL parties — and lowering it for any other minority-linked party — to 3% of the total vote sounds like a sensible compromise. This is lower than the highest score by an NL party at the 2024 election (3.9% for Groen), but it is higher than the score of all other NL parties, among them the two NL parties without FR sister parties: the N-VA and VB, with respectively 2.0 and 1.8% of the total vote. However, most of the issues on which these parties are taking a salient stand today have nothing to do with language. It therefore makes sense for them to recruit FR candidates who genuinely endorse their programme in order to make sure they reach the 3% threshold. This is exactly what the N-VA did by presenting lists in all Walloon constituencies at the June 2024 federal election.

12. Will deadlocks be avoided?

The requirement of a majority in both language groups no doubt contributes to the probability of deadlocks in the formation of the Brussels government of the sort experienced after the June 2024 election. As noted in section 3, requiring such a double majority amounts to giving the NL minority in the Brussels population a blocking power that is not enjoyed by the proportionally far larger FR minority at the federal level. Had there been such a requirement, the formation of federal governments would no doubt have been on average even more laborious and would have dragged even longer.

At the federal level, however, the coherence of the institutions does not necessitate such a requirement. The parliaments of the Communities are not made up of the respective language groups in the federal parliament nor their governments of their respective segments of the federal government. In Brussels, instead, the assemblies of the VGC and the COCOF are made up of the corresponding groups in the regional parliament and their executives of the corresponding segments in the Brussels government. In order to function smoothly, these executives need a majority in their respective assemblies, i.e. in the corresponding groups of the Brussels Parliament. This amounts to requiring the regional government to be endorsed by a majority in both the FR and NL language groups of the Brussels parliament. Given the trends sketched in section 2, the NL minority is now just one among many in the Brussels population. Giving that minority

the power to block the formation of the Brussels government has therefore become problematic from a democratic point of view — now far more problematic than giving a similar veto power to the FR minority at the federal level would be.

Abolishing the VGC and the COCOF or turning them into bodies with authorities appointed by the Region or the Communities or both would get rid of the institutional necessity of the double majority. Even with the Community Commissions in place, this institutional necessity would disappear if their assemblies were elected independently, as discussed above (section 7) for the Brussels representation in the Flemish parliament. And even with the present system of language groups in the Brussels Parliament functioning as assemblies for the Community Commissions, this necessity would also disappear if the latter's executives were not segments of the regional parliament, but autonomously formed with the support of distinct majorities.³⁷ This would require the creation of some additional minister positions (possibly with a *double casquette*). This not an absurd proposal, but in the present context perhaps even less realistic than the abolition of the Community Commissions as legislative or quasi-legislative entities.

Without ruling out these options for a more remote future, let us suppose that the current set up for the Community Commissions remains unchanged. The Brussels government will then keep needing to be endorsed by a majority in each language group. Each of the single-college formulas discussed above is compatible with this feature of the institutional arrangement currently in place. It is important to observe, however, that the significance of this feature would be quite different under a single-college system from what it is under the present system. In the dual-college system, this feature amounts to giving monolingual NL parties that comprise at least 50% of the candidates elected to the NL group the right to block the formation of the government and to choose autonomously its NL members. In a single-college system, what this feature requires is that the governments should be supported by parties whose lists, henceforth likely to be mostly bilingual (or at least linked by cross-language intra-family list links), total over 50% of the candidates elected to both the NL group and the FR group, without granting either of these groups the power to determine autonomously the composition of their component of the government.

NL-FR compromises, if any are needed, will have been made prior to the negotiations for the formation of the government within most lists, and these negotiations can therefore get off the ground more promptly on the bulk of the regional matters, which have nothing to do with linguistic sensitivities. No electoral system that entails the need for governmental coalitions can be made immune to deadlocks, but these can be made less likely by getting rid of a feature that invites them.

With a single electoral college, both the FR and the NL members of the government can be regarded as chosen by the Brussels *demos* as a whole, not by their respective segments of the population. Consequently, the requirement of a double majority is arguably compatible, even in the profoundly altered demographic and linguistic situation of the Brussels region, with the principle of democratic equality between all Brussels citizens. The NL ministers could still play their role as bi-directional ambassadors with Flanders and the federal level. This role is no doubt easier to play when they belong to the same parties as those in power at the other levels. But, as the

³⁷ Thanks to Guillaume Delvaux for bringing this option to my attention.

present situation illustrates, there is no reason to expect this to be significantly less the case with a single college than under the present system.³⁸

Nor should one expect these NL ministers to play less well their role as members of the executive of the VGC or the COCOF if their choice is affected by the relative electoral strength of each list among the whole Brussels electorate and not — as under the present system — among the segment of the Brussels electorate that opted, whether for substantive or strategic reasons, to vote for NL or FR candidates, respectively. Under the obsolete perception of the Brussels population consisting of two mutually exclusive tribes, it would be unacceptable that the majority tribe should influence significantly the composition of the assembly and executive dealing specifically with the affairs of the minority. But given what Brussels has now become, the VGC is mainly competent for services that serve mostly non-members of the “minority tribe”.³⁹ While one must be able to expect from those elected to the assembly and executive of the VGC that they should be competent to manage its competences and committed to doing it well, in cooperation with the Vlaamse Gemeenschap, it is not unreasonable to expect their selection to reflect the preferences of the whole of the Brussels electorate.

CONCLUSION

In the context of a Brussels Region that underwent a profound transformation in the last four decennia, an appropriately designed single-college system would be more democratic than the present dual-college system. All votes would have the same weight. There would no longer be an incentive to present a list of *faux Flamands* because seats could be gained with less votes in one of the electoral colleges. A single-college system would also be more democratic to the extent that members of parliament and ministers would be accountable to the whole electorate that benefits or suffers from their decisions, not either only to its supposedly FR segment or only to its supposedly NL segment. And it would be more democratic in so far as it would no longer artificially prevent political parties from presenting bilingual lists.

Under each of the formulas considered, each linguistic component of bilingual lists could be given some autonomy and monolingual lists would be allowed, just as they are now. But their viability will depend on the formula chosen and above all on the height of the electoral threshold, if kept. Direct elections to the Flemish Parliament would still be possible. And Brussels governments could still be required to be endorsed by a double majority. But with most members of parliament expected to be elected on bilingual lists, the negotiations for the formation of a government would take a different shape, less likely to lead to the stalemate we have been experiencing in the aftermath of the June 2024 election.

Brussels’ political institutions must keep pace with Brussel’ reality so as to be able to best serve the general interest of its population and to treat fairly each of its components. To guide this evolution, bold imagination and critical scrutiny need to work

³⁸ In the present legislature, only 5 of the 17 seats in the NL group are held by parties in the Flemish government (2 N-VA, 2 Vooruit, 1 CD&V).

³⁹ As mentioned in section 2, nearly three quarters of the pupils in Brussels’ NL schools have no native NL parent.

hand in hand, without taboo or naivety. Making Brussels function better is also in the interest of the rest of the country. Hoping that the 1989 special law will be appropriately amended by the federal parliament may therefore not be an idle wish. But possible reforms must first be the subject of well-informed, no-nonsense reflection and discussion among Brussels citizens and their representatives.

APPENDICES

Appendix 1. A sketch of the current system

Regional parliament. Since the creation of the Brussels Capital Region in 1989, the elections for the Brussel regional parliament are held every five years on the same day as the European elections, with voting rights for Belgian citizens only and with open-list-proportional representation (in the D'Hondt version) in a single territorial district. However, there are two electoral colleges, one *Francophone* (i.e. French-speaking, henceforth FR), and one *Nederlandstalig* (i.e. Dutch-speaking, henceforth NL). Electors can choose freely in which of the two colleges they cast their vote. From 2004 onwards, the number of members elected in each electoral college has been fixed: 72 in the FR college, 17 in the NL college, irrespective of the total number of votes cast on the lists presented in each college. There is an explicit electoral threshold of 5% that applies separately to each of the two colleges.

Regional government. The regional executive counts strictly speaking five members: a minister-president (who could theoretically be either FR or NL, but is de facto always FR), and four senior ministers (necessarily 2 FR and 2 NL). In addition, there are three junior ministers called secretaries of state (formally at least one of them NL, de facto only one NL so far). The government needs to be approved by a majority in the whole parliament and in each of its language groups. If this does not work, the five senior ministers are elected each in turn. The minister-president only needs a majority overall, the other four need a majority in their own linguistic group and overall. This fall-back option has never been activated. There is no other option. There cannot be new elections until the end of the five-year legislature.

Community Parliaments. The Flemish and the French Community are in charge of education, culture, research, medias and some aspects of social policy in Flanders and Brussels and in Wallonia and Brussels, respectively. Voters who opt for the NL college can in addition elect at the same time 6 Brussels representatives in the Parliament of the Flemish community. 19 out of the 72 deputies elected in the FR college have to be chosen by the FR group in order to form the Parliament of the French Community, together with the 75 members of the Walloon Parliament.

Community Commissions. There is a French and a Flemish Community Commission (COCOF and VGC) in charge of some person-related and therefore presumptively language-sensitive competences decentralized at the level of the Brussels Region. Their assemblies are composed of the members of the Brussels Parliament elected, respectively, in the FR and NL electoral colleges. Their executives consist in the FR and NL members of the regional government, respectively.

Common Community Commission. In addition, there is a Common Community Commission (COCOM/GGC). Its assembly consists of all the members of the Brussels Parliament, but its decisions require a majority in each of its two language groups (and in a second vote, if needed, an overall majority and the support of at least one third of the members of each language group). Its executive consists in the five senior ministers

of the Brussels government, including the minister-president, but the latter only with a consultative vote.

Municipal councils. The Brussels region counts 19 municipalities, with municipal council members (703 in total) elected by Belgian citizens, other EU citizens and non-EU citizens domiciled in Belgium for at least five years, with open-list-proportional representation (in the Imperiali version) and a single electoral college. The municipal executive headed by a mayor (bourgmestre/burgemeester) needs to be supported by a simple majority in the municipal council. If the municipal executive includes at least one NL member, the municipality is entitled to a federal subsidy the level of which depends on the size of its population.

Federal Chamber. The Brussels region forms an electoral district for the federal elections, with 16 members (out of 150) elected by Belgian citizens only, with D'Hondt-type open-list-proportional representation and again without separate electoral colleges. The federal government needs to be endorsed by a simple majority in the Chamber, but it needs to be composed of an equal number of FR and NL ministers, not counting the prime minister, who can be either FR or NL. For all the members of the Chamber elected in one of the ten provincial constituencies, belonging to the FR or NL group is determined by the official language of the region in which that constituency is located (87 NL, 47 FR). For the 16 elected in the Brussels constituency, it is determined by the language in which the oath is being taken (at the June 2024 election 14 FR and 2 NL, both elected on bilingual lists).

Federal Senate. The abolition of the senate is part of the programme of the current federal government. For the time being, the Senate is composed of 60 senators, with at least one of them a member of the Parliament of the Flemish Community elected in Brussels, and with at least five of them members of the FR group of the Brussels Parliament.

Appendix 2.

NL voters versus NL natives: a glaring discrepancy

Since the creation of the Brussels Parliament in 1989, the successive regional elections yielded the shares of votes cast in the NL electoral college shown in the table below.⁴⁰ The guaranteed representation of 19.1% (17 out of 89 seats) was introduced in 2004.

1989: 15.3%
1995: 13.7%
1999: 14.2%
2004: 13.5%
2009: 11.2%
2014: 11.6%
2019: 15.3%
2024: 17.1%.

Could the fluctuations in the share of votes cast in the NL electoral college be explained by parallel fluctuations in the proportions of NL speakers in the regional electorate? Since 2000 and approximately every 6 years, the Taalbarometer of the Vrije Universiteit Brussel publishes the results of a survey based on a representative sample of the Brussels population. It includes estimates for the native languages of adult legal residents of the Brussels region. The percentages of respondents who mention Dutch as their single native language are indicated below, with in brackets the percentages obtained by adding the percentages mentioning both Dutch and French.⁴¹

2000: 9.1% (19.2%)
2006: 6.8% (15.5%)
2012: 5.4% (19.5%)
2017: 5.6% (16.3%)
2024: 6.3% (11.8%).

In this light, it is clear at once that the recent increase in the share of votes cast in the NL college — starting timidly in 2014 and reaching a record in the most recent election — cannot possibly be explained by a sudden upward trend break in the proportion of native Dutch speakers in the Brussels population.⁴²

However, given the high and steadily growing share of (non-voting) foreigners in the Brussels population (28.5% in 2000, 37.2% in 2025) and therefore in the sample, these figures significantly and increasingly underestimate the share of Dutch native speakers in the electorate. One can try to obtain more accurate estimates by assuming that all native Dutch speakers are Belgian citizens (and none citizen of the Netherlands). The estimated shares of native speakers of Dutch in the regional electorate would then be significantly higher, but show a similar decline: between 2000 and 2024 from 12.7 to

⁴⁰ Source: the excellent Wikipedia articles on each of these elections.

⁴¹ Source: Janssens (2012) for Taalbarometers 1-3, Rudi Janssens (personal communication) for Taalbarometer 4 (2017) and Mathis Saeys (personal communication) for Taalbarometer 5 (2024).

⁴² Similarly, the modest boost in the share of votes cast in the NL college observed in 1999 could not be attributed to an increase in the proportion of native NL residents. What happened then is that the far-right party Vlaams Blok campaigned in both languages and became the first party in the NL college with 4 of the 11 NL seats in 1999 and 6 of the 17 NL seats in 2004. This could only be achieved thanks to the support of many FR voters. In 2004, Vlaams Blok was forced by a court decision to be dissolved on the ground of being racist and was reborn as a somewhat tidied up Vlaams Belang. Its presence in Brussels has become more marginal since (with 2 seats out of 17 in 2024, and none of the 703 members of the municipal councils).

10.0% for monolingual native NL speakers, and from 26.9 to 18.7% if the bilingual natives of French and Dutch are included.⁴³

Another useful source of information is the language of the identity cards indicated on the list of electors provided to all parties prior to each municipal election. According to figures published by [Bruzz](#) on 5 June 2024, the proportion of electors registered with a Dutch identity card went up from 7.8 to 8.3% between 2018 and 2024. This may partly reflect an increase in the number of citizens of the Netherlands who registered to vote for the municipal and European elections or in the number of bilingual NL-FR or allophone citizens who opted for a NL identity card. But even if this increase in the percentage of NL registrations were entirely due to an increase in the proportion of NL electors in the regional electorate, this would only account for about a quarter of the increase in the votes cast in the NL college from 2019 to 2024.

On the basis of all these figures, it can safely be conjectured that a large proportion of the votes cast in the NL college in 2024, possibly close to half of them, were not cast by people who could qualify as NL citizens in anything like the sense intended by the 1989 legislator. This conjecture is confirmed by a survey conducted by a team from the ULB after the June 2024 regional election among 1122 Brussels citizens who took part in that election.⁴⁴ Respondents had a choice between filling in the form in French or in Dutch. 84.2% chose to do so in French (call them “FR citizens”), and 15.8% in Dutch (call them “NL citizens”). Among those who cast their vote in the FR college, 97.2% were FR citizens in this sense and 2.9 NL citizens. Among those who cast their vote in the NL college, 42.3% were FR citizens and 57.7 NL citizens.⁴⁵

Part of the explanation for the popularity of the NL college is of a strategic nature. As long as the guaranteed share of seats allocated to the NL college (17/89 or 19.1%) exceeds the share of votes cast in the NL college, a vote in this college weighs more than a vote in the FR college. There is therefore an incentive both to vote and to present candidates in the NL college. Moreover, all the parties with candidates in the NL college campaign in French as well as in Dutch and welcome votes from citizens who appreciate their policies, whatever their native language. However, such strategic voting behaviour could only become significant and such campaign can only be successful because of the cumulative impact of the five trends listed in section 2 above, which all contributed to weakening the salience of the linguistic cleavage.⁴⁶

No one aware of these trends should be surprised that even some “pure” FR citizens vote for candidates in the NL college whose programme best matches their views or whose

⁴³ These estimates are consistent with the 2024 Taalbarometer data for the subset of the respondents who have Belgian citizenship: 10.8% as single native language, 17.5% in combination with other languages. (Data supplied by Mathis Saeys.)

⁴⁴ Van Haute and Biesemans (2025).

⁴⁵ With a large margin of error (and therefore the greatest caution) due to the small size of the sub-samples concerned, the shares of the votes for NL parties cast by FR citizens (as defined) are as follows: Team Ahidar (and other small lists) 62.9%, Open VLD 62.5%, PVDA 55.6%, VB 46.7%, N-VA 42.9%, Groen 39.6%, CD&V 27.3%, Vooruit 12.1%. Using these estimates, one can (even more cautiously) speculate about what the distribution of seats would have been if only NL citizens (as defined) had voted in the NL college. The ranks of the seats assigned to the parties using the D’Hondt quotients are indicated in brackets: Groen (1,3,8,11,17), Vooruit (2,9,15), N-VA (4,12), Team Ahidar (5,14), VB (6,16), CD&V (7), OpenVLD (10), PVDA (13). Groen (from 4 to 5) and Vooruit (from 2 to 3) would have won one seat each compared to the actual results, while Team Ahidar (from 3 to 2) and OpenVLD (from 2 to 1) would each have lost one.

⁴⁶ See Blanckaert, Erzeel and Caluwaerts (2025).

work, in the previous legislature, they particularly appreciated. Nor should they be surprised that people with a native language other than French and Dutch and who are regarded as FR because they master French somewhat better than Dutch should stand as candidates in the NL college. With an increasing share of the votes cast in the NL college, the strategic advantage may vanish or even be reversed in future elections with an unchanged system. But the mutually reinforcing trends sketched above will keep subverting the simple rationale for the dual system: ensuring that a neatly identified minority of genuine NL Brussels citizens can elect their own genuine NL representatives in the Brussels Parliament, who can themselves choose their own genuine NL ministers in the Brussels government.

Appendix 3. Parallel versus corrective formula: an illustration by Kris Deschouwer

The difference between the parallel and the corrective/hybrid formula, especially as regards their impact on monolingual NL lists, can be illustrated as follows. The example is based on the results of the federal elections of June 2024 in the Brussels constituency. We adopt the current distribution of seats between the two groups (72/17) but do not apply a 5% threshold. (Had we done so, the three lists with the smallest shares of votes would have obtained no seat, whatever the formula.)

Parallel formula. With the parallel formula, the first list receiving seats is MR / Open VLD. It receives one NL and one FR seat. Next is the PS / Vooruit, also receiving one seat for each group. Then comes PTB-PvdA, etc. Number 10 in the rank order of the D'Hondt distribution goes to Défi, which we assume is monolingual FR and cannot receive a seat reserved for NL candidates. The 10th seat for the NL group would then go to PS-Vooruit, the list ranked at position 11 according to the D'Hondt distribution. Once 17 seats have been allocated to each group, the 55 remaining seats all go to FR candidates. That means that in this example N-VA and VB cannot claim any seat on the assumption that their lists are monolingual NL. The four seats (numbers 28,31, 60 and 68) that would be allocated to these parties if the distribution according to the D'Hondt rule took no account of the quotas will be allocated to FR candidates on other lists, unless N-VA and VB have FR candidates on their lists. In the latter case, both N-VA and VB would have two candidates elected, both sitting in the FR group in the parliament.

Allocation of seats with the parallel formula and the D'Hondt rule using the results of the June 2024 elections for the Chamber in the Brussels constituency (518.926 valid votes, FR seats in red / NL seats in blue)

	MR – Open VLD	PS – Vooruit	PTB – PvdA	Ecolo – Groen	LesEng – CD&V	Défi	Team Fouad Ahidar	N-VA	VB
	23,15%	18,60%	16,75%	11,30%	9,52%	6,58%	4,78%	2,79%	2,46%
1	120155 (1) (1)	96516 (2) (2)	86927 (3) (3)	58645 (5) (5)	49425 (6) (6)	34143 (10) (10)	24826 (15) (14)	14472 (28)	12754 (31)
2	60078 (4) (4)	48258 (7) (7)	43464 (8) (8)	29323 (13) (12)	24713 (16) (15)	17072 (22)	12413 (33)	7236 (60)	6377 (68)
3	40052 (9) (9)	32172 (11) (10)	28976 (14) (13)	19548	16475	11381	8275	4824	4251
4	30039 (12) (11)	24129 (17) (16)	21732 (18) (17)	14661	12356	8536	6207	3618	3189
6	20026	16086	14488	9774	8238	5691	4138	2412	2126
7	17165	13788	12418	8378	7061	4878	3547	2067	1822
8	15019	12065	10866	7331	6178	4268	3103	1809	1594
9	13351	10724	9659	6516	5492	3794	2758	1608	1417
10	12016	9652	8693	5865	4943	3414	2483	1447	1275
11	10923	8774	7902	5331	4493	3104	2257	1316	1159
12	10013	8043	7244	4887	4119	2845	2069	1206	1063
13	9243	7424	6687	4511	3802	2626	1910	1113	981

14	8583	6894	6209	4189	3530	2439	1773	1034	911
15	8010	6434	5795	3910	3295	2276	1655	965	850
16	7510	6032	5433	3665	3089	2134	1552	905	797
17	7068	5677	5113	3450	2907	2008	1460	851	750
18	6675	5362	4829	3258	2746	1897	1379	804	709
19	6324	5080	4575	3087	2601	1797	1307	762	671
20	6008	4826	4346	2932	2471	1707	1241	724	638
21	5722	4596	4139	2793	2354	1626	1182	689	607
22	5462	4387	3951	2666	2247	1552	1128	658	580
23	5224	4196	3779	2550	2149	1484	1079	629	555
24	5006	4022	3622	2444	2059	1423	1034	603	531

* The D'Hondt system divides the result for each party by 1, 2, 3, 4 etc, and then allocates seats according to the order of these quotients.

Corrective and hybrid formulas. If we apply the corrective (or hybrid) formula to the same example, we distribute all 89 seats in one go with the D'Hondt formula. Which of these seats go to NL or FR candidates depends on the rank order *within* each of the lists, based on the combination of list votes and preference votes. When the distribution reaches N-VA – seat number 28 – the chance that this seat cannot go to a NL candidate on the list is very low. The N-VA would only lose that seat if 17 of the 27 previous seats had already been allocated to NL candidates on bilingual lists. That is very unlikely. And seat number 31 for VB would then almost certainly also be kept by VB. The D'Hondt rule also allocates seat number 60 to N-VA and seat number 68 to VB. At that point the quota of NL seats will almost certainly be full, and both lists will not receive their second seat. These seats would in this example go to Ecolo (seat number 90) and to Défi (number 91).

**Allocation of seats with the corrective (or hybrid) formula and the D'Hondt rule
using the results of the June 2024 elections for the Chamber in the Brussels
constituency
(518.926 valid votes)**

	MR – Open VLD	PS – Vooruit	PTB – PvdA	Ecolo – Groen	LesEng – CD&V	Défi	Team Fouad Ahidar	N-VA	VB
	23,15%	18,60%	16,75%	11,30%	9,52%	6,58%	4,78%	2,79%	2,46%
1	120155 (1)	96516 (2)	86927 (3)	58645 (5)	49425 (6)	34143 (10)	24826 (15)	14472 (28)	12754 (31)
2	60078 (4)	48258 (7)	43464 (8)	29323 (13)	24713 (16)	17072 (22)	12413 (33)	7236 (60)	6377 (68)
3	40052 (9)	32172 (11)	28976 (14)	19548 (20)	16475 (23)	11381 (37)	8275 (51)	4824	4251
4	30039 (12)	24129 (17)	21732 (18)	14661 (26)	12356 (34)	8536 (49)	6207 (71)	3618	3189
6	20026 (19)	16086 (24)	14488 (27)	9774 (42)	8238 (52)	5691 (78)	4138	2412	2126
7	17165 (21)	13788 (29)	12418 (32)	8378 (50)	7061 (62)	4878 (91)	3547	2067	1822

8	15019 (25)	12065 (35)	10866 (39)	7331 (58)	6178 (72)	4268	3103	1809	1594
9	13351 (30)	10724 (40)	9659 (43)	6516 (66)	5492 (80)	3794	2758	1608	1417
10	12016 (36)	9652 (44)	8693 (47)	5865 (75)	4943 (89)	3414	2483	1447	1275
11	10923 (38)	8774 (46)	7902 (55)	5331 (84)	4493	3104	2257	1316	1159
12	10013 (41)	8043 (53)	7244 (59)	4887 (90)	4119	2845	2069	1206	1063
13	9243 (45)	7424 (57)	6687 (64)	4511	3802	2626	1910	1113	981
14	8583 (48)	6894 (63)	6209 (70)	4189	3530	2439	1773	1034	911
15	8010 (54)	6434 (73)	5795 (76)	3910	3295	2276	1655	965	850
16	7510 (56)	6032 (79)	5433 (82)	3665	3089	2134	1552	905	797
17	7068 (61)	5677 (83)	5113 (86)	3450	2907	2008	1460	851	750
18	6675 (65)	5362 (87)	4829	3258	2746	1897	1379	804	709
19	6324 (69)	5080	4575	3087	2601	1797	1307	762	671
20	6008 (74)	4826	4346	2932	2471	1707	1241	724	638
21	5722 (77)	4596	4139	2793	2354	1626	1182	689	607
22	5462 (81)	4387	3951	2666	2247	1552	1128	658	580
23	5224 (85)	4196	3779	2550	2149	1484	1079	629	555
24	5006 (88)	4022	3622	2444	2059	1423	1034	603	531

* The D'Hondt system divides the result for each party by 1, 2, 3, 4 etc, and then allocates seats according to the order of these quotients.

These simulations based on previous elections always come with some important caveats. First of all, a new election will produce a different result that cannot be predicted, and hence would require different calculations. Above all, an electoral system does not only have arithmetic effects that can easily be computed, but also behavioural effects. An electoral system affects the behaviour of parties, individual candidates and voters. If a new party is introduced for the Brussels regional elections, voters will be given a different party offer and will adapt to that. And the parties will have decided on the way in which they want to make the best of the new system. In the simulations we have assumed that the bilingual lists would be drafted by parties of the same family. A new system in which bilingual lists are possible, might also lead to the creation of new lists or new combinations that do not necessarily mirror the party competition as it has existed in Brussels so far.

Appendix 4.

Could the dual-college system be rescued ?

The present document explores various ways in which the legitimate objective of guaranteeing a NL presence in Brussels' parliament and government can be achieved in a context in which the dual electoral college has become dysfunctional. In so doing, it disregards the option of trying to rescue the present system by preventing its "misuse" by parties and voters. This option amounts to leaving unchanged the way in which seats are currently allocated and the government formed while tightening the conditions that define genuine NL citizens allowed to vote and/or be candidates in the NL college.

As regards electors, the most straightforward strategy would consist in imposing the sort of linguistic condition discussed in section 4 above in the case of candidates. In order to be allowed to vote in the FR or the NL college, one would need to have attended a FR or NL school for some minimum number of years or, if this is not satisfied on either side, pass a language test in the relevant language. Even if it needs to be done only the first time that a citizen participates in a Brussels regional election, verifying this condition for every elector would be a costly administrative nightmare. Moreover, it would violate the principle of universal suffrage even more blatantly than imposing a similar condition to candidates would violate the constitutional right of eligibility. The idea of subjecting voting rights to a capacity condition has a long history, but the option of reviving it can safely be discarded.

Relying on the language of the identity card avoids both the administrative and the constitutional obstacle. All Belgian citizens possess an identity card in Dutch, French or German. In Brussels, every citizen can choose freely between French and Dutch when the card is first issued and can switch to the other language at any time with a short time lag.⁴⁷ At the moment, however, voters can choose freely to cast their vote in the FR or the NL electoral college, irrespective of the language of their identity card. With electronic voting, it would not be much of an administrative hassle to restrict to holders of a NL identity card the right to vote in the NL college, and to holders of a FR card the right to vote in the FR college. A similar restriction was proposed in section 8 above to enable a direct election to the Flemish Parliament under a single-college regime.

Restricting the vote to each of the colleges to electors with the appropriate identity card would not do that much to discourage voting across the linguistic divide as long as the language of the card is easily modifiable and no other consequence is attached to it. To discourage it more significantly, one would need to make the choice of the language of the card irreversible, or at least modifiable only after several years or for narrowly specified reasons. One could also link to the language of the identity card the by-default language of communication with regional and municipal administrative services.

Such steps would turn the choice of the language of the identity card into something like a lasting commitment to one or the other of Belgium's two main communities and would arguably count as a major move in the direction of creating a sub-nationality. Such a move would be problematic for several reasons. It would prevent Brussels citizens from expressing their support for politicians whose project for the region they share but who happen to belong to the other language group. It would prevent many of them from

⁴⁷ In Flanders and Wallonia, except for the municipalities with linguistic facilities, the language of the identity card is necessarily the official language of the region.

voting for the organs that govern the education of their children. It would keep superposing an artificial binary partition on Brussels' segmented reality. It would make the cohesion of the Brussels population even harder to achieve. Moreover, the institutionalization of an unalterable ethnic identity would arguably clash with the European Convention of Human Rights.⁴⁸

As regards candidates, there is already now a restriction to candidates with an identity card in the language of the electoral college in which they stand. And once they have been candidates in one college, they can only stand again in the same college at any subsequent regional election. If all citizens had to make an irreversible choice for the language of their identity card, as considered above, this condition would be automatically fulfilled.

As noted in section 4 above, imposing in addition a linguistic condition on all candidates would raise no serious administrative difficulty, at least if it only needs to be verified for those actually elected. But it clashes with the universal right of eligibility asserted in Article 64 of the Belgian Constitution. No democracy will easily give it up.

The other option would be to strengthen the existing endorsement condition. The condition of being endorsed by 500 citizens with an identity card in the language of the candidate would be automatically strengthened if the language of the identity card were made unalterable, if it determined in which college one is allowed to vote and/or if some other administrative consequences were attached to it. There would then be a subset of the population that could qualify more reliably as genuinely NL and could therefore serve more credibly as endorsers of genuine NL candidates.

However, as argued above, creating such a subnationality would be very problematic for several reasons. Moreover, if it were introduced, it would make this first form of endorsement even more demanding than it is today and even less likely to be used (see section 4 above). Nor is there much promise in tightening the second form of endorsement, namely by at least one member of the outgoing parliament. For it to be effective in the present context, it would amount to a democratically unacceptable barrier to entry (see also section 4).

Neither on the side of the voters nor on the side of the candidates can there therefore be any serious hope of rescuing the original idea behind the dual electoral college. But suppose one could overcome the various obstacles listed above and reverse the increasingly obvious malfunctioning of the dual college system: "genuine" NL citizens choose "genuine" NL members of parliament, a majority among whom is required for the formation of the regional government and is entitled to choose autonomously its NL ministers. Would this produce an admissible democratic system in today's Brussels?

The percentage of NL card holders among Brussels citizens registered for the 2024 municipal elections was 8.3%.⁴⁹ Since only 3.5% among Brusselers acquiring Belgian citizenship requested an identity card in Dutch in 2023, this proportion can be expected to fall. And it would probably fall even more if one were to make the language choice unalterable or to attach administrative consequences to it.⁵⁰ In today's Brussels,

⁴⁸ See Dumont and van Drooghenbroek (2011).

⁴⁹ See the data published by [Bruzz](#) on the basis of the electoral lists for the October 2024 municipal election.

⁵⁰ Attaching socio-economic consequences to this choice, as in the confederal model presented in 2014 by the N-VA could boost that proportion, but it would do so by swelling the ranks of NL card holders with

rescuing the dual-college system would therefore amount to endowing one minority among many, and one that is shrinking, with powers out of proportion with its size — including a veto power over the formation of the regional government. It is hard to see how this *communautarisme à la Belge* could be reconciled with the fundamental democratic principle of equality between all the citizens of the Brussels Capital Region.

Brusselers committed to democracy must therefore keep searching for ways of eliminating the perversity of the present dual system while recognizing the legitimacy and usefulness of some form of guaranteed representation for both of Brussels' historical linguistic communities.

opportunistic *faux Flamand*, not with the authentic NL citizens which the rescue of the dual college model demands.

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