

## **XI. THE FLEMISH OMBUDSMAN SPEAKS DUTCH IN A CONCILIATORY TONE**

**Bart Weekers**

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**About the Author**

Born in 1968, Bart Weekers studied Law and Communication Sciences in Namur, Louvain and Liege. After working for the Council of State, he became the Flemish Ombudsman a few years ago.

As such, he is responsible for looking into situations where citizens are dissatisfied. While things generally run well between government and citizens, occasionally problems arise. Examples include an unjustified fine for fare-dodging, problems with a study grant, smells, noise or other nuisances in a neighbourhood. Whenever citizens have problems with the government, Bart and his team try to find a solution.

Bart is currently fascinated by citizen dissatisfaction with things the government is doing with partners: discontent with schools and nursing homes, but also problems with electricity bills or cleaning help via service cheques. It's his task to look for ways to provide high-quality answers to such discontent.

## INTRODUCTION

This chapter deals with the place of the Dutch language in the complaint landscape at the Flemish Ombudsman Service<sup>1</sup> and the way in which the latter approaches language complaints in order to achieve its basic fundamental objective: to connect and reconcile. It begins with a general presentation of the special position of the Dutch language and of the Flemish Ombudsman Service. It then goes on to explain how the Ombudsman focuses on using reconciliatory language when dealing with language complaints. The guiding principle is that, as the official language of Flanders, Dutch goes hand in hand with a careful balance of customer-friendliness and pragmatism in the relationship between the citizen and the Flemish government.

## THE POSITION OF THE DUTCH LANGUAGE

Dutch is spoken by 24 million people worldwide. The *Taalunie* (Dutch Language Union), the policy and knowledge organization for Dutch, reports that 17 million of them live in the Netherlands (Dutchmen), the northern neighbouring country of Belgium.<sup>2</sup> There are 6.5 million Dutch speakers in Belgium (Flemings), and a further 400,000 Dutch speakers live overseas, mainly in South America. In the Republic of Suriname, South America, Dutch is also the official language.

This makes Dutch one of the 40 most spoken languages in the world (more than 6000 languages are spoken worldwide). Dutch is the twelfth most-used language on the Internet and an important language on social media. Dutch ranks eighth in the European Union (based on the number of native speakers), i.e. higher than Swedish, for instance.<sup>3</sup> At the same time, on a world scale, Dutch comes far behind Chinese, which has 1 billion native speakers, English (350 million), Spanish (250 million), Hindi (200 million) and Arabic (150 million).

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1. Decree of 7 July 1998 establishing the Flemish Ombudsman Service, *Belgisch Staatsblad* (Belgian Official Gazette) of 25 August 1998, amended on several occasions, hereinafter referred to as the 'Ombudsman Decree'.

2. <[www.taalunieversum.org](http://www.taalunieversum.org)> (accessed 22 February 2019).

3. <[www.taalunieversum.org/inhoud/feiten-en-cijfers#europa](http://www.taalunieversum.org/inhoud/feiten-en-cijfers#europa)> (accessed 22 February 2019).

## DUTCH: THE LANGUAGE OF FLANDERS

Belgium is a country of 11.3 million inhabitants, the majority of whom (6.5 million) are Dutch-speaking: the Flemish. On the one hand, there is Dutch-speaking Flanders in the north, French-speaking Wallonia, with 3.6 million inhabitants in the south, and bilingual (Dutch-French) Brussels in the centre of the country. On the other hand, there are three constitutionally protected language groups: French and Dutch, and a small group of (80,000) German-speakers in the east of the country, at the border with Germany.

The language history of Belgium is one of constant tension and of searching for solutions. This history is well-documented in countless books and other publications.<sup>4</sup> This chapter confines itself therefore to noting that French was dominant at first for a long time after the unitary state of Belgium gained independence in 1830. Subsequently, language and the feeling of being linguistically oppressed emerged as a crucial element in the tensions between the communities, i.e. the Dutch-speakers in Flanders and the French-speakers, mainly concentrated in the northern part of the country, Wallonia. There were numerous specific disagreements concerning the language legislation, the language border, the Francization of Brussels, the status of the municipalities with language facilities and the *Voerstreek* (Voer region), and *Leuven Vlaams* (the struggle to split the Catholic University of Leuven along linguistic lines in the 1960s). As a result, Belgium is now a federal state, after a series of successive reforms between 1970 and 2011.<sup>5</sup>

The Belgian compromise of the state reforms has had an impact on numerous levels. For instance, there is now a layered legal order, under the supra-national umbrella of the European Union. Belgium now has various divisions according to the competences. Flemish democracy has been conferred its own institutions through this division, which include the Flemish Parliament, the state parliament of Dutch-speaking Flanders, with which the Flemish Ombudsman Service is closely connected.

## THE LANGUAGE REGIME IN BELGIUM

In terms of language, the compromise culminated in regions that are officially unilingual, with the exception of Brussels. As a result, Dutch is the official language in Flanders, although a well-defined language protection

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4. E. Witte and H. Van Velthoven, *Strijden om taal. De Belgische taalkwestie in historisch perspectief* (Pelckmans, 2010).

5. E. Witte, D. Luyten and A. Meynen, *Politieke geschiedenis van België* (Manteau, 2016).

was added for French-speakers in certain municipalities around Brussels and the language border with Wallonia.

The language regime, as laid down in law, constantly affects the interests of people. It is therefore logical that said laws should ensure that the Brussels fire department be staffed sufficiently with people who are proficient in Dutch when they respond to a fire. Unfortunately, this does not always run smoothly in practice. For instance, in 2001, there was a serious train accident in Pécrot, where a signalman in Wallonia who spoke no Dutch was not understood by a signalman in Leuven who spoke no French.

It is precisely because the language regime was so fiercely contested that different procedures and bodies have been set up to deal with rightly sensitive language issues. Accordingly, the Standing Committee for Language Supervision monitors compliance with the laws that govern language use by the public service, i.e. such issues as language use in government letters and publications or on traffic signs. At the same time, however, as part of delicate linguistic balance, there is no Belgian authority vested, as a human rights institution, with the specific assignment of dealing with language-related complaints to mediate in them or refer them to the courts.

### **WHY WORRY ABOUT THE POSITION OF DUTCH IN FLANDERS?**

The constitutional choice of one official language, except in Brussels, says nothing about the language used outside the official circuit. The linguistic conflict has left significant traces in the Belgian Constitution on this front too. Belgium is a democracy with rights and freedoms enshrined in the Constitution, including the carefully worded Article 30 that guarantees linguistic freedom. The result is that people and organizations are free to communicate with each other in the language that they choose. People can join associations or worship in the language of their choice. Consequently, an Imam can nowadays use Arabic in the mosque, and Holy Mass can be celebrated in Latin, except that this practice was put to an end, not by a secular government, but by the Vatican Council. These are only some examples of the application of constitutionally guaranteed freedoms, such as linguistic freedom.

On account of the background outlined here, which is interspersed with tensions and pitfalls, many Flemings feel a strong need to defend Dutch. Flemings know that the current primordial position of Dutch in Flanders is a significant achievement, which did not come about on its own. It took considerable time to attain the current position compared to French within Belgium itself. But today, Dutch is confronted with a number of new

international well-known phenomena such as migration, Anglicization, globalization, etc.

### **THE FLEMISH OMBUDSMAN SERVICE TRIES TO RECONCILE VIEWS**

Against this background, the Flemish Ombudsman naturally lends a heedful ear to all, irrespective of their origin or language. What follows in this chapter, which is written with an international audience in mind, will focus on the Dutch language and the people of Flanders (the Flemish) who have Dutch as their mother tongue.

Certain core elements concerning the position of Dutch in Flanders are elucidated below. The position of the Ombudsman is examined briefly and the Flemish Ombudsman Service is explained. The historical background serves as the starting point and then the task of the Ombudsman and the essential characteristics of his actions are discussed.

Tradition has it that the first modern-day office of ombudsman was established in 1809. In that year, Sweden appointed an ombudsman to ensure that representatives of civil society could give their opinion on decisions of the national parliament. He inspected prisons and reported officials who had been guilty of misconduct.<sup>6</sup>

During the course of the 20<sup>th</sup> century, the office of the ombudsman developed through many international variants inside and outside the government sector – the sector in which the author of this contribution, the Flemish Ombudsman, is mainly active. The main principal is that an ombudsman service is independent of the government administration, and therefore of the executive branch, and is connected to the parliament, i.e. the legislative branch, as an independent body. The ombudsman's task is to: 'help citizens in their quest for law and justice and to improve the relationship between citizens and governance'.<sup>7</sup>

In Belgium, the figure of the ombudsman was introduced only in the 1990s, and the Flemish Ombudsman Service with its 12 staff members has been connected as an independent body to the Flemish Parliament, the state parliament of Flanders, since 1999.

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6. G. Laureys, 'Zweden, de bakermat van het ombudsstelsel' in R. Anderson and B. Hubeau (eds.), *De ombudsman in België na een decennium. Een zoektocht van de meerwaarde van de ombudsfunctie in de samenleving*, (Bruges: Die Keure, 2004), pp. 34–47.

7. B. Hubeau, 'De bemiddeling in het publiekrecht', *RW* 2000-01, pp. 410–44.

The task of the Flemish Ombudsman Service is defined in Article 3 of the Ombudsman Decree:

The task of the Flemish Ombudsman shall be to investigate complaints about the actions and operation of the administrative authorities of the Flemish Community and the Flemish Region and to mediate accordingly therein.<sup>8</sup>

The sphere of operation is expressly identified as dealing with complaints about the Flemish administration. Therefore, complaints about the general policy or regulations do not fall under the remit of the Flemish Ombudsman Service; a right for the citizen to petition has been enshrined in the Constitution for that purpose.<sup>9</sup>

In addition to its conventional core task, the scope of functions of the Flemish Ombudsman Service has been expanded over the years to include in particular the protection of whistle-blowers, the role of a human rights institution for gender and sex via the Gender Chamber, the publication of the collected annual reports of the hospital ombudsman services and the mental healthcare consortia online.<sup>10</sup> Since 1 March 2018, the Flemish Ombudsman Service is also the local ombudsman of a first Flemish city, Kortrijk, with some 75,000 inhabitants.

As the general ombudsman service of the Flemish administration, the Flemish Ombudsman Service deals with all possible complaints about the services provided by the Flemish government departments, which is naturally a very broad remit. Flanders is a modern welfare state, active in a number of sectors of society (education, healthcare, mobility, housing, etc.). The subjects that the Flemish Ombudsman Service deals with thus cover far more than language-related complaints alone, which account for a limited share of the total number of complaints lodged with the Ombudsman.

Language complaints are lodged most often in communication-intensive fields such as education and integration. But in a more general way, they show up in virtually all subjects for which the Ombudsman is competent. Consider for example the tension field concerning official government documents in Dutch. Discontent can naturally emerge in all possible areas

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8. 'De Vlaamse ombudsman heeft als opdracht: 1° klachten te onderzoeken over de handelingen en de werking van de bestuursinstanties van de Vlaamse Gemeenschap en het Vlaamse Gewest en daarbij bemiddelend op te treden.'

9. Cf. The Decree of 6 July 2001 on the detailed arrangements of the right to lodge petitions with the Flemish Parliament, *Belgisch Staatsblad* (Belgian Official Gazette), 3 August 2001, as amended.

10. <[www.vlaamseombudsdienst.be](http://www.vlaamseombudsdienst.be)> (accessed 10 January 2019).

in which the government is active, such as driving licences, tax returns or reports with examination results or decisions on study progress.

### **ESSENTIAL CHARACTERISTICS OF THE WORK OF THE FLEMISH OMBUDSMAN SERVICE**

The Flemish Ombudsman Service's work is guided by a number of basic principles. The first principle is that the Flemish Ombudsman Service is a second-line service which opens an investigation, as and when necessary, after a complaint has been dealt with by the first-line body<sup>11</sup> inside the Flemish government services themselves.<sup>12</sup> This line-approach has existed for some twenty years and the Flemish Ombudsman Service's annual report for 2017 reported 63,571 first-line complaints in 2017, and 5,780 conciliation results in that same year.

Whereas the ombudsman has traditionally been a separate institution that watches from the sidelines, the Flemish Ombudsman Service positions itself expressly in a spectrum of cooperation and network with those information and first-line complaint services, as a link in a quality assurance system – a quality policy geared to a tripartite solution-oriented approach: informing, internal complaint processing by the services themselves, and the external intervention of the Ombudsman.

As such, the Flemish Ombudsman Service itself uses the general toll-free telephone number of the Flemish administration (1700) as a first contact. Calls to the Ombudsman's office are answered first by this general information service. All sorts of requests for information are answered satisfactorily in this way. The Flemish Ombudsman Service gets involved only when it becomes necessary. This information telephone number of the Flemish administration does not limit itself to its own government information but tries to help citizens further with other questions such as consumer problems or frequently asked questions about other government levels. Citizens are referred to the right service through one number, or they are helped with information or contact within the Flemish administration.

The Ombudsman Service could not possibly manage the more than 60,000 first-line complaints on its own. The Ombudsman is situated at the end of the

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11. B. Hubeau, 'Eerste en tweedelijnsklachtrecht voor de burger in Vlaanderen', *CDPK* 2003, 3rd ed., pp. 559–61.

12. Decree of 1 June 2001 on the granting of a right of complaint concerning administrative bodies, *Belgisch Staatsblad* (Belgian Official Gazette), 17 July 2001, hereinafter referred to as the 'Complaints Decree'.

line of a whole network of customer and complaint services that constantly challenge the administration to improve the service. The Ombudsman strives each time to find the best way to deal with dissatisfaction about the administration. This can be done in different ways, engaging with the service directly or supporting the first-line complaint managers. For example, the complaint services submit an annual report to the Flemish Ombudsman on their work. And the Ombudsman is also an active player in the complaint management network which aims at further professionalizing and institutionalizing the complaint services.

Complaints are investigated by the Flemish Ombudsman Service specifically for two purposes:

- ‘The ombudsman tries to reconcile the positions of the complainant and the administrative authority.’ (Ombudsman Decree, Article 16, §1)
- ‘The ombudsman makes recommendations to improve the service continuously.’ (Ombudsman Decree, Article 3, §1, 3°)

The Ombudsman thus combines individual legal protection with reparation that goes beyond the individual case.<sup>13</sup>

Pursuant to these provisions the work of the Flemish Ombudsman Service is geared expressly to reconciliation and the out-of-court settlement of disputes. The Flemish Ombudsman therefore shares all the characteristics that are traditionally considered to be the key features of the office of ombudsman:<sup>14</sup>

- autonomy with respect to the administration
- independence and impartiality
- expertise
- low access threshold and smooth accessibility

13. Cf. *Inter alia X., De effecten van het ombudswerk: de doorwerking van de ombudsman in de fiscaliteit*, B. Hubeau and P. Lewalle (eds.) (Bruges: Die Keure, 2004), p. 230; B. Hubeau and E. Janssens, ‘Wie plukt de vruchten van de klachten van burgers? De invloed van ombudsdiensten op wetgeving’, *TvW* 2008, pp. 140–54. International: R. Passemiers, H. Reynaert and K. Steyvers (eds.), *The impact of Ombudsmen* (Bruges: Vanden Broele, 2009), p. 322.

14. Vlaamse Ombudsdienst, *Jaarverslag 2001*, p. 12; B. Hubeau, ‘De ombudsfunctie en het ombudsinstituut: structurele kenmerken en conjuncturele modellen’ in B. Hubeau (ed.), *De ombudsfunctie* (Bruges: Die Keure, 1997), pp. 1–43.

- clear competences, i.e. complaint-handling, mediation competence, recommendation competence, and
- a public annual report.

This ombudsman mediation, which lies at the absolute core of the work carried out by the Flemish Ombudsman Service, has in the meantime been accepted by the legal doctrine as a full-fledged legal figure which differs from what private (accredited) mediators do in a number of points.<sup>15</sup> Contrary to what such mediators do, the Ombudsman can express an opinion, usually on one of the parties (normally the public service) for the sake of achieving a reconciliation.

It's important to emphasize that *the Ombudsman is not a judge*. Although the task of the ombudsman occasionally resembles the role of judge in a modern judicial system, it must nonetheless be clearly distinguished from the latter. An initial distinguishing aspect has to do with the *value of the decision*. A judge has the power to enforce a decision, whereas an ombudsman has only the power of persuasion or authority which he brings to bear in inviting the parties to follow his position.

A second distinction concerns the assessment criteria. The conventional judge has to apply the democratically voted rule of law when ruling. The ombudsman has traditionally been in a less restraining 'straightjacket' and has more flexibility. In the search for stability, the Flemish Ombudsman does what many other ombudsmen do, i.e. works with a toolkit full of ombudsman standards. Such a catalogue of standards invariably includes compliance with the regulations or general principles of law and good governance, but other social standards can also be important, such as various aspects of customer-friendliness, e.g. good reachability, correct treatment and active outreach.<sup>16</sup>

In the early years of the Flemish Ombudsman Service, every case was subjected to a relatively strict admissibility and justification test based on the ombudsman standards. This *modus operandi* relied closely on a judicial model. The violated ombudsman standard was indicated in every report drawn up with regard to a concrete complaint, which led to a sound working and conceptual framework. But the stability provided by the ombudsman

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15. E. Lanckswaert, *Alternatieve conflictoplossing met de overheid* (Bruges: Die Keure, 2017), p. 125.

16. For a comparable analysis, cf. Vlaamse Ombudsdienst, *Normconform ombudswerk: een zoektocht naar ombudsnormen* (Brussels, 2002), p. 98.

standards must not lead to a restriction of the room to manoeuvre which is precisely what distinguishes the ombudsman from a conventional judge. Over the years, therefore, less and less emphasis was placed on the breached ombudsman standards in the case reports and annual reports, and more on the reparation and thus the positive results of mediation by the ombudsman, i.e. reconciliation.

To arrive at a reconciliation result, the Ombudsman has to make a decision. The Ombudsman is not a neutral mediator who only facilitates the discussion. His decision may be addressed to both the citizen and to the administrative authority. The citizen may be told that he is wrong and why the administration proceeded in the right way. Conversely, the public service may be told that it has not acted appropriately and that the Ombudsman expects a concrete step toward reconciliation.

It is important to note here that the Ombudsman wishes to take a moderate line by keeping things reasonably in perspective. The Ombudsman presents himself through positive communication that focuses on things that really matter, but at the same time wishes to toe a moderate line by placing a situation in its context and by appealing for mutual understanding. The Ombudsman is not an activist or bogeyman of the government, but a mediator who wants to tackle the contentious issue in a positive manner. A related characteristic of such ombudsman work is not to expect perfection at all times – not from the citizen, nor from the government. For instance, a public service which is temporarily confronted with IT problems due to a major digitization operation will be able to count on the Ombudsman's understanding if the governmental authority also shows the requisite flexibility until the problems are under control.

Today, the Flemish Ombudsman Service assumes for itself, more than ever before, the role of a forward-looking conciliation chamber, with, for example, the following annual theme for 2017: We reconcile together.

### **LINGUISTIC COMPLAINTS LODGED WITH THE FLEMISH OMBUDSMAN SERVICE**

The general competence of the Flemish Ombudsman has been outlined above and it was shown that he is tasked with solving cases of dissatisfaction with the administration outside the courts. Nevertheless, the Ombudsman receives a limited number of linguistic complaints. These linguistic complaints are extremely sensitive in a country like Belgium, and the language question is strictly regulated with well-defined procedures, without any specific task for the Ombudsman (who in any event is not a judge in such cases).

The Ombudsman is consequently assigned a limited role when citizens refer language issues to him. Very often, the Ombudsman will ascertain that no standard or rule has been breached and that the administration has acted perfectly within its policy discretions to arrive at the decisions that the citizens denounce.

The Ombudsman will at no time participate actively in polarized public or political debates when it comes to linguistic complaints, or any other cases for that matter. The Ombudsman is not a political body, nor an activist. For example, an intense public discussion arises regularly nowadays in Flanders about the quality of education, the use of other languages at school or the Anglicizing of higher education. The Ombudsman does not take part in such discussions. The discussion invariably assumes a well-educated, multilingual Fleming, who owes his multilingualism precisely to that education and the afore-discussed linguistic freedom. When such average Flemings go to see an English-language film in Flemish cinemas, they get the original film with subtitles, not a dubbed version. This is never considered as a case of *submission* to English. But in Flemish education, things are somewhat different and more sensitive, and polemic debate is never far removed.

When citizens try to submit such issues openly or in a more veiled manner to the Ombudsman, the Flemish Ombudsman will refer them to the forum where this issue really belongs: the social and political debate. He does not opt for an activist position in matters where it is often already difficult to bring sufficient nuance to the debate in any event, and where the Ombudsman does not have the necessary expertise or authority for a constructive contribution to the debate.

The Ombudsman will refrain from participating in political debates, but will concentrate on specific complaints concerning the service of the Flemish public administration (for instance the complaints of travellers who wish to see the language laws complied with on buses and trams). The Ombudsman naturally opines that as an element of the actual service, and thus of the linguistic legislation, travel information must be provided correctly in Dutch. But when the complaint is that the advertising slogans on the sides of the bus are in another language, the Ombudsman limits himself to pointing out that it is the policy-makers who must decide whether the language laws are to be extended to advertising signs, because they are the ones who have to decide on the utility and desirability of advertisements exclusively in Dutch on buses and trams in a public space where other advertising messages appear in all languages. This is the type of polemic debate in which the Ombudsman does not participate.

Thus the Ombudsman is not an activist. He focusses on the service and on correct government actions, and is cautious when the discussion on language or the use of language veers to a discussion on religion or identity, standards or values.

A variant of this theme consists of language-related complaints from citizens who try to challenge the integration policy of the Flemish government through the Ombudsman. Flanders has made a policy choice to ask newcomers to learn the Dutch language. In confidential discussions with citizens who complain about this policy and the consequences thereof for them, the Flemish Ombudsman will usually point to the approach with his characteristic independent perspective and voice. The outcome is usually that non-Dutch citizens of Flanders often are (still) not proficient in Dutch, but they have to use that language to communicate with the government services, according to the law. Sometimes, these people have a better command of other languages, and expect to be able to use French or English in their dealings with the administration. This expectation is fuelled by the fact that a language such as English is spoken far more widely than Dutch and many people in Flanders have a good command of English.

Although the Ombudsman delineates his actions clearly, particularly in the case of sensitive language issues, and at times is only the interpreter of the government's language policy, there are naturally also various things that the Ombudsman does for citizens who lodge complaints with him about language issues and the language policy. The Ombudsman thinks it is appropriate to help inhabitants of Flanders who speak other languages, without affecting the basis of Dutch and the language legislation. In brief, the Flemish Ombudsman sees that Dutch is respected as the official administrative language of Flanders, but with the requisite sense of realism and for optimal service in a multilingual society.

In this way, when it comes to language, the Ombudsman strikes a balance between the general provision of information and the treatment reserved for individual cases. This is the case in the Flemish territory when it comes to study grants for students from low-income households, among whom there are many who speak other languages. This service provides information in nine different languages, in an effort to keep people as informed as possible about the service. The multilingualism stops with such announcement and general information. Whoever wishes to file a concrete application may do so only in Dutch, due to the language legislation. The Ombudsman does not expect case-handlers to file and process such application forms in nine languages. The service is, however, set up in such a way as to be able to provide help or clarification by e-mail or over the telephone. In addition, consulta-

tion hours are scheduled to help people with their application. It is important for citizens to be able to find their way to the system of study grants and to understand that applying for such a grant from the Flemish government requires a document in Dutch. The Ombudsman explains this balance between service and language rules to citizens who query it. And then he explains further that it is also a balance between helping people along the way and at the same time urging them to learn Dutch.

The pragmatic approach of the Department of Study Grants is used by other services too. Citizens can ask for general information by telephone or by e-mail in another language, but the official communication must be in Dutch. The same approach applies to the Council for Study Progress Disputes. This is the Flemish court where students can contest examination results. A petition must be lodged in Dutch, but the student who wishes to elaborate verbally on his complaint during the hearing can do so in English.

The Flemish administration itself comes up against the limits of the language laws at times. The law requires everyone applying for a job in the Flemish administration who has a diploma in another language to take a Dutch language test, even if that is a person whose native language is Dutch, but the required diploma was obtained from an educational institution in a place located just over the language border (*Liège*). The purpose of this rule is to ensure that candidates who hold diplomas in other languages are actually proficient in the language of the community. Even for highly specialized jobs behind the scenes, such as the IT sector, for instance, the Ombudsman does not question that general rule, but does request a better coordination between the application procedure and the language examination, whereby someone can still sign up for the language examination during an application procedure, and be able to sit for it on time.

These examples illustrate the wish of the Flemish Ombudsman Service to support a policy that is geared to maintaining Dutch as the official language of Flanders and at the same time ensuring a proper and understandable service for all inhabitants of Flanders, including those who speak other languages. That balance requires respect for the rules and sufficient pragmatism in the daily routine of the public service in order to be understood.

### **LANGUAGE IS ALSO A QUESTION OF TONE**

The comprehensibility of language is crucial in ensuring a proper connection between citizens and government. For many citizens, and not only those who speak other languages, the language that the public service speaks is too difficult: too legal, too much jargon, too official, too complex, etc. The

government's ability to communicate in a clear and simple manner is a win-win situation for all. The Flemish Ombudsman Service is therefore actively cooperating in the Flemish government's *Heerlijk Helder* (Nice and Clear) project geared to promoting clear communication.

The Flemish Ombudsman Service tries to expand the language skills to the tone used by the public service to speak to citizens. That tone must be polite and friendly, empathetic and customer-oriented, and must be accompanied by full information for the public service to be able to connect with the citizen.

Dissatisfaction and complaints (the raw material for the Ombudsman's mediation work) are therefore a very good signal for keeping a finger on the pulse: what misunderstanding arises when citizens and the administration do not understand each other? Good complaint management is a strong source for gauging where the service has to be improved.

#### **OUR LANGUAGE OF RECONCILIATION**

The outlined context confers a somewhat distinctive place for the Flemish Ombudsman in the International Association of Language Commissioners (IALC). The work of the Flemish Ombudsman Service is not there in order to protect or promote recognized minority languages, but to protect a language that is relatively little widespread in the world, such as Dutch, as a binding unitary language in the multilingual society that Flanders is today.

The core issue for the Ombudsman therefore is greater care for a comprehensible government language that everyone can understand. In this respect, the protection and use of Dutch is self-evident, even though the Ombudsman also supports creative methods and practices geared to understanding each other better. The Ombudsman considers the ever-expanding development of pictorial language, under the influence of the modern social media, as a potential winning asset and not as an inevitable threat.

The guiding theme of the Flemish Ombudsman's work is fairness and pragmatism. The government is not perfect, and neither is the citizen. Striving for conciliation is possible by making the language framework of Flanders clear to everyone and trying to help citizens optimally along the way within that framework. The commitment is a helpful government with an open attitude, which wants to help citizens along the way in another language, but at the same time may expect an effort from those same citizens to learn the official language. Conciliation means both communication about such basic obligations, and mediation to enable people to take that extra step that can help them move forward without affecting the core of the language policy.

