



**The Flemish Subnational Government in the Decision-Making
Process for the UN CSD**

Case Study: CSD-16

Karoline Van den Brande

Institute for International and European Policy (K.U.Leuven)

March 2009 – Working Paper n°12

The Flemish Policy Research Centre on Sustainable Development is one of the 14 Centres for Policy Relevant Research that were established by the Flemish government in January 2007. These centres are financed for the period 2007-2011 and are expected to deliver a combination of short term and longer term policy relevant research in a wide range of policy fields. The Policy Research Centre for Sustainable Development gathers 4 research groups from 3 universities (GEGSD-KUL, HIVA-KUL, MEKO-VUB, CDO-UGent).

Contact:
Secretariaat Steunpunt Duurzame Ontwikkeling
Katholieke Universiteit Leuven
Hoger Instituut voor de Arbeid
Parkstraat 47 – Bus 5300
B – 3000 Leuven
Tel.: (32) 016 32 31 28
Fax: (32) 016 32 33 44
E-mail: SteunpuntDO@kuleuven.be
Website: www.steunpuntdo.be

This paper was written in the framework of project 4 ‘Flemish Sustainable Development Policy and Multilateral Decision-Making’, by Karoline Van den Brande, Institute for International and European Policy, K.U.Leuven

E-mail: Karoline.VandenBrende@soc.kuleuven.be



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Executive summary (in Dutch)

Een aanzienlijk deel van besluitvorming over duurzame ontwikkeling vindt plaats in multilaterale organisaties op het regionale (bv. EU) en het mondiale niveau (bv. VN en OESO). Aangezien subnationale entiteiten vaak niet erkend zijn als besluitvormingsactoren in de belangrijkste organen van deze multilaterale organisaties en daar bijgevolg geen directe vertegenwoordiging hebben, moeten zij andere wegen (of routes) zoeken als zij betrokken willen zijn bij het besluitvormingsproces. Deze working paper vertrekt daarom vanuit de volgende onderzoeksvraag: Welke routes heeft de Vlaamse overheid gebruikt om deel uit te maken van het besluitvormingsproces van de Commission on Sustainable Development (CSD) van de VN, meer specifiek van het besluitvormingsproces inzake CSD-16? De paper bestaat uit zes delen. In het eerste deel wordt de onderzoeksvraag benaderd vanuit een MLG perspectief en wordt een typologie van vier routes besproken. Het tweede deel gaat dieper in op de CSD. Het derde deel is empirisch en beschrijft in detail hoe de Vlaamse overheid twee routes heeft gebruikt om betrokken te zijn bij de besluitvorming voor CSD-16. In het vierde deel wordt een blik geworpen op CSD-17 en het vijfde deel koppelt het theoretische gedeelte aan het empirische gedeelte. In het zesde deel worden tot slot op basis van het uitgebreide empirische gedeelte enkele aandachtspunten geformuleerd die meegenomen zullen worden in verder onderzoek.

De centrale vraag van deze paper kan het best benaderd worden vanuit een Multi-Level Governance (MLG) perspectief. MLG biedt immers een interessant kader om de rol van de Vlaamse overheid te bestuderen in multilaterale besluitvorming voor duurzame ontwikkeling. Zo trekt MLG de aandacht op het feit dat meerdere bestuursniveaus betrokken kunnen zijn in de besluitvorming, aangezien het niveau van de staat niet noodzakelijk meer het enige niveau is. Het schrijft ook een belangrijke rol toe aan het subnationale niveau dat poogt om de besluitvorming op het regionale en het mondiale niveau te beïnvloeden, ondermeer via subnationale mobilisering. Met dit idee als vertrekpunt worden in de paper **vier subnationale routes voor de beïnvloeding van multilaterale besluitvorming** onderscheiden, nl. de *multi-level*, de *Europese*, de *nationale* en de *directe route*. Elk van deze routes omvat een verschillend aantal bestuursniveaus. In de *multi-level route* zijn bijvoorbeeld alle niveaus betrokken: subnationaal (Vlaanderen), nationaal (België), regionaal (EU en UNECE) en mondiaal (VN). De routes zijn gebaseerd op twee dimensies: ‘intra-’ en ‘extrastatelijk’ en ‘intra-’ en ‘extra-Europees’. Dit betekent dat de staat niet alleen haar besluitvormingsbevoegdheid moet delen, maar ook dat de staat omzeild kan worden (extrastatelijke dimensie) door een subnationale overheid wanneer die laatste gebruikmaakt van de *Europese* of de *directe route*. Ondanks het feit dat deze paper het gebruik van de extrastatelijke routes niet in detail onderzoekt, kunnen we toch observeren dat deze routes in de praktijk niet het meest gebruikt werden voor CSD-16. Zo is het inter-subnationale netwerk nrg4SD (*directe route*) niet gebruikt door de Vlaamse overheid om de besluitvorming in de CSD te beïnvloeden en suggereert de data die verzameld is via de participerende observatie dat de *Europese route* nauwelijks is gehanteerd. Uiteraard zal meer onderzoek uitgevoerd moeten worden om beide veronderstellingen te staven. In deze paper ligt de focus op hoe de Vlaamse overheid **de multi-level en de nationale route** heeft gebruikt. De paper toont aan dat deze twee routes het meest worden gebruikt en suggereert dat -ondanks de mogelijkheid om de federale overheid te omzeilen- de Vlaamse overheid toch verkiest om intrastatelijke routes te gebruiken. Deze intrastatelijke routes duiden op een belangrijke rol voor de andere niveaus dan het niveau van de federale overheid, maar onthullen ook een aanzienlijke coördinerende rol voor de federale overheid. Die coördineert immers de

formulering van een nationale, Belgische, positie die zowel de positie van de federale als van de subnationale overheden omvat..

Wanneer vertrokken wordt van een MLG-perspectief, moet ook aandacht geschonken worden aan de **governancekenmerken** van het besluitvormingsproces. Dit betekent dat gekeken moet worden naar besluitvorming in de publieke sfeer, die overheidsactoren maar ook niet-gouvernementele actoren betreft, die resulteert in formele en informele regelsystemen en die bindend, maar niet noodzakelijk afdwingbaar is. Aangezien het besluitvormingsproces voor CSD-16, inclusief het voorbereidingsproces, hoofdzakelijk intergouvernementeel was, kan het gesitueerd worden in de publieke sfeer. Maar ook andere actoren, nl. niet-gouvernementele actoren kunnen betrokken worden, wat net besluitvorming voor duurzame ontwikkeling kenmerkt. Wat betreft het besluitvormingsproces voor CSD-16, toont de paper aan dat de participatie van niet-gouvernementele actoren het meest ontwikkeld is op het nationale en op het mondiale niveau. Op het nationale niveau werden niet-gouvernementele actoren (zoals ngo's en jongerenafgevaardigden) opgenomen in de onderhandelingen van de COORMULTI en in de nationale delegatie voor CSD-16. Op het mondiale niveau werden verschillende actoren betrokken bij CSD-16 als lid van een *major group*. Het besluitvormingsproces voor CSD-16 resulteerde hoofdzakelijk in informele regelsystemen, zoals de EU-onderhandelingen en *speaking points* en de *Chairman's summaries* van de UNECE RIM en van CSD-16. Aangezien CSD-16 een herzieningssessie was werden geen beleidsbeslissingen genomen inzake de CSD-16-thema's die ter discussie stonden. Er werden daarentegen wel één ontwerpbeslissing en drie andere beslissingen genomen die als voorbeeld van formele regelsystemen aangehaald kunnen worden.

Door een MLG-perspectief als uitgangspunt te nemen en zo te focussen op de multi-level- en de governancekenmerken, kon het besluitvormingsproces voor CSD-16 beschreven en geanalyseerd worden. Toch blijft de **toepasbaarheid van MLG** beperkt, aangezien het weinig verklarende kracht heeft. Met een MLG perspectief wordt het mogelijk om onderzoeksvragen te beantwoorden, zoals 'Wat zijn de mogelijke routes die de Vlaamse overheid kan kiezen om betrokken te zijn in het besluitvormingsproces voor CSD-16?' en 'Welke routes kiest de Vlaamse overheid om deel uit te maken van het proces?'. Andere, theoretische, inzichten zijn echter nodig om de volgende onderzoeksvragen te beantwoorden: 'Waarom kiest de Vlaamse overheid voor deze routes?' en 'Waarom kiest de Vlaamse overheid niet voor de andere routes?'. Het beantwoorden van deze onderzoeksvragen zal dan ook het voorwerp uitmaken van verder onderzoek.

1. Introduction

Since the publication of the Brundtland report *Our Common Future* by the World Commission on Environment and Development in 1987, the concept of sustainable development has gained importance. In the beginning of the nineties, the focus rapidly shifted from defining the concept of sustainable development to shaping policies in order to achieve sustainable development worldwide. This policy shaping process received an important impulse from the UN Conference on Environment and Development (Rio, 1992) and the World Summit on Sustainable Development (Johannesburg, 2002) (Bruyninckx, 2006). However, the debate on sustainable development did not only take place in policy circles, but also in academic discourse. In this context the debate on *governance for sustainable development* arose (Kemp et al., 2005, p. 13). According to Meadowcroft this refers to “processes of socio-political governance oriented towards the attainment of sustainable development” and encompasses “public debate, political decision-making, policy formation and implementation, and complex interactions among public authorities, private business and civil society” (Meadowcroft, 2008, p. 107). In academic literature much research has been conducted on governance for sustainable development (e.g. Bressers and Rosenbaum, 2003; Lafferty, 2004; Meadowcroft, 2008). However, only a few researchers have focused on the significance of subnational entities (e.g. Baker and Eckerberg, 2008; Happaerts et al., 2008; Lafferty and Narodoslawsky, 2003) and still less on their role in decision-making for sustainable development. The involvement of subnational entities is considered to be especially important, firstly because of their role in the implementation of sustainable development policy and secondly because of their proximity to citizens and other stakeholders (Berger and Pohoryles, 2004: 8).

When examining the role of subnational entities in decision-making for sustainable development, multilateral organizations such as the UN, the OECD and the EU¹ cannot be ignored. A significant part of policy and decision-making for sustainable development takes place in these organizations. Concretely, these organizations play an important role in, e.g. agenda-setting, the formulation of global sustainable development goals and the development of forums for information-sharing on policy instruments and best practices. Since subnational entities are not recognized as decision-making actors in the main bodies of these multilateral organizations and, consequently, have no direct representation, they need to find other ways if they want to be involved.

This paper focuses on the ways, hereafter called *routes*, chosen by subnational governments to be involved in multilateral decision-making for sustainable development. In particular, the paper aims to answer the following question: which routes does the subnational government of Flanders use to be part of the decision-making process for the UN Commission on Sustainable Development (CSD)? The Flemish government is an interesting case because of its legislative powers and because of the specific institutional context of the Belgian federal state. In Belgium, competences with regard to sustainable development are divided between the

1 It is necessary to remark that we will use the notion ‘European Union’ (EU) when referring to the European Community (EC) as well as to the EU. The EC is one of the three pillars, namely the community or supranational pillar, on which the EU -established through the Treaty of Amsterdam in 1992- is based. Unlike the EU, the EC is a legal personality with competences. The ratification of the Treaty of Lisbon (expected in 2009) would imply the abolition of the pillar structure and of the distinction between EU and EC and would grant the EU legal personality (EU, 2007; Sterckx et al., 2007, p. 32).

2 A subnational entity is defined as a “coherent territorial entity situated between local and national levels” and its government as the “set of legislative and executive institutions responsible for authoritative decision-making” (Marks et al., 2008: 113).

federal and the subnational governments and the latter have exclusive competences concerning many aspects of sustainable development. At the global level, the focus is on the CSD since this Commission is not only the single worldwide forum for sustainable development, but is also responsible for monitoring the implementation of the outcome documents of the Rio Conference and the Johannesburg Summit, i.e. Agenda 21, the Rio Declaration and the Johannesburg Plan of Implementation (Chasek, 2000, p. 378). Particular attention is paid to its most recent session, CSD-16, which was held in 2008. Studying the role of the Flemish government in the decision-making process for the CSD-16 session implies that not only the subnational and the global level, but also the national and the regional levels have to be taken into account.³ Therefore, a multi-level governance perspective is adopted, which makes it possible to conceptually interpret the research question of this paper and to develop a framework for analyzing it.

The paper is structured as follows: in a first section, the paper examines multi-level governance and how it can be used as a perspective to look at decision-making for sustainable development. In this section, the paper also discusses a typology of routes that the Flemish subnational government has at its disposal to be involved in CSD decision-making. The second section briefly discusses the origin of the CSD, its decision-making setting and the organization of work at the CSD. The third section analyzes two routes used by the Flemish government to be involved in the decision-making process with regard to the CSD-16 session. Before concluding, the differences that are expected to be experienced with regard to the CSD-17 session and its preparations are shortly examined in the fourth section. Finally, the paper looks at the potential of multi-level governance to frame and analyze the research question in the fifth section and in the sixth section, some points of interest for a subnational government with legislative powers, such as Flanders,⁴ are indicated. Besides literature study, the analysis is based on recently conducted interviews⁵ with officials and non-governmental actors⁵ and on a participatory observation which took place from January until September 2008⁵. As a member of the official delegation of the Flemish government, the author observed the entire decision-making process from the inside at every single level, i.e. the subnational (Flanders), the national (Belgium), the regional (EU and UNECE) and the global level (CSD). This gives original insights and insides into the process.

2. Sustainable development and multi-level governance⁶

The last twenty-five years, the debate on ‘governance’ received much attention in the academic literature. Many authors used the term to indicate a changed way of governing (Marks and Hooghe, 2005; Rhodes, 1996; Rosenau, 2005; Stoker, 1998). In this paper, *governance* is interpreted as

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- 3 In order to avoid confusion, the use of the notion ‘subnational’ is opted for to point at the level immediately below the nation-state. The notion ‘regional’ will indicate the level immediately above the nation-state. The latter includes, for example, the EU and the regional commissions of the UN ECOSOC, such as the UN Economic Commission for Europe (UNECE). The term ‘international’ will be used when referring to both the regional and the global level.
 - 4 The interviews are carried out during the participatory observation and are conducted with members of the Belgian delegation for the CSD-16 session, which is listed at the end of this paper.
 - 5 Since the research for this working paper is completed in November 2008, developments after this date are not considered.
 - 6 This section builds upon the research conducted in the framework of the working paper “The role of the subnational level of government in decision-making for sustainable development. A multi-level governance perspective” (Van den Brande et al., 2008) of the Flemish Policy Research Centre for Sustainable Development.

Binding (not necessarily enforceable) decision-making in the public sphere which can involve governmental and non-governmental actors and results in formal and informal rule systems. (Van den Brande et al., 2008, p. 3)

The debate on governance sheds new light on the traditional way of thinking about the role of the government. However, some policy problems demand a still more extended view on governance. For example, as the use of certain goods can lead to externalities occurring at various levels, from the global to the local level, governance at a single territorial level is not sufficient to manage this kind of problems. Internalizing these externalities requires governance at multiple levels including multiple jurisdictions (Marks and Hooghe, 2005: 16). The kind of governance that can be inferred is Multi-Level Governance (MLG). Following the work of authors like Marks, Hooghe, Bache, Flinders and Peterson (Bache and Flinders, 2005; Marks, 1992; Marks, 1993; Marks and Hooghe, 2005; Peterson, 2003), *MLG* is defined in this paper as:

A system of continuous negotiation among nested governance systems at several territorial tiers - global, regional (e.g. European), national, subnational, local - which are enmeshed in territorially overarching policy networks and are the result of a broad process of institutional creation and decisional reallocation that has pulled some previously centralised functions of the state up to supra-national levels and down to sub-national levels. (Van den Brande et al., 2008, p. 5)⁷

As earlier work has shown, decision-making for sustainable development can be conceptualized by applying a MLG perspective (Van den Brande et al., 2008). Below, some of its 'multi-level' and 'governance' characteristics are accentuated. First, sustainable development concerns cross-border and global problems that need to be tackled at the global as well as at regional, national, subnational and local levels and that consequently require a global policy negotiated at global forums (multi-level). Second, in order to be successful, sustainable development as a policy domain requires a coordinated, integrated and participatory approach. For attaining this kind of approach, decision-making for sustainable development requires the involvement of governmental actors and non-governmental actors, such as civil society actors (governance) who are operating at all levels. Third, it can be said that decision-making for sustainable development at the global level follows from and results in binding decisions and declarations (e.g. the Rio Declaration, Agenda 21 and the Johannesburg Plan of Implementation) (governance). These decisions and declarations are understood as binding because they are endorsed by the UN member states. They have, however, no legally binding nature, since they can not be enforced and sanctioned afterwards. Fourth, decision-making for sustainable development can result in formal (e.g. laws at the national and the subnational level) as well as in informal rule systems (e.g. informal agreements, successful negotiations and partnerships) (Rosenau, 2005, p. 31-32).

Furthermore, MLG is an interesting model to frame our research, since it ascribes an important role to subnational entities. Concretely, it states that the subnational level tries to be involved in policy and decision-making, for example because of its role in the implementation of internationally negotiated decisions. According to the MLG model, subnational actors, first of all, operate in interconnected national and supra-national political arenas, while creating transnational associations (Hooghe and Marks, 2001, p. 1-4; Marks et al., 1996, p. 342-347).

⁷ In this context it is necessary to mention also the local level, which is situated below the subnational level. However, because of the focus of this paper, the local level will not be examined.

Second, subnational actors try to influence policy and decision-making at the international level by engaging in direct exchange with supranational EU institutions and global organizations (Fairbrass and Jordan, 2005, p. 150; Hooghe, 1995, p. 2; Peters and Pierre, 2005, p. 75). Hooghe and Marks elucidate this attempt as follows: “[Subnational] governments came to realise that unless they participated (...), they would be swept along by international agreements over which they had no control” (Hooghe and Marks, 2001, p. 90). This participation is referred to by the term *subnational mobilization* which can be interpreted as a form of response of subnational governments to the traditional and dominant way of representation, namely through state executives.

Geeraerts et al. developed a typology of four routes that subnational governments have at their disposal to be involved in multilateral decision-making (Geeraerts et al., 2004, p. 12-15). An important limitation of their typology is the fact that it can only be applied to subnational governments of EU member states. The four routes are based on a bipartition between on the one hand intra- or extra-state and on the other hand intra- or extra-European, with “intra” being an indirect and “extra” a direct way to be involved in decision-making. For the purpose of our research, we labelled these routes the multi-level route, the European route, the national route and the direct route. Figure 1 visualizes the typology of four subnational routes and applies it to the case of the UN, more concretely to the CSD.

8 At the moment, the typology of four routes is more extensively based on the ‘multi-level’ than on the ‘governance’ characteristics of multi-level governance. Further research will be conducted to refine each of the four routes and also add governance characteristics to the typology.

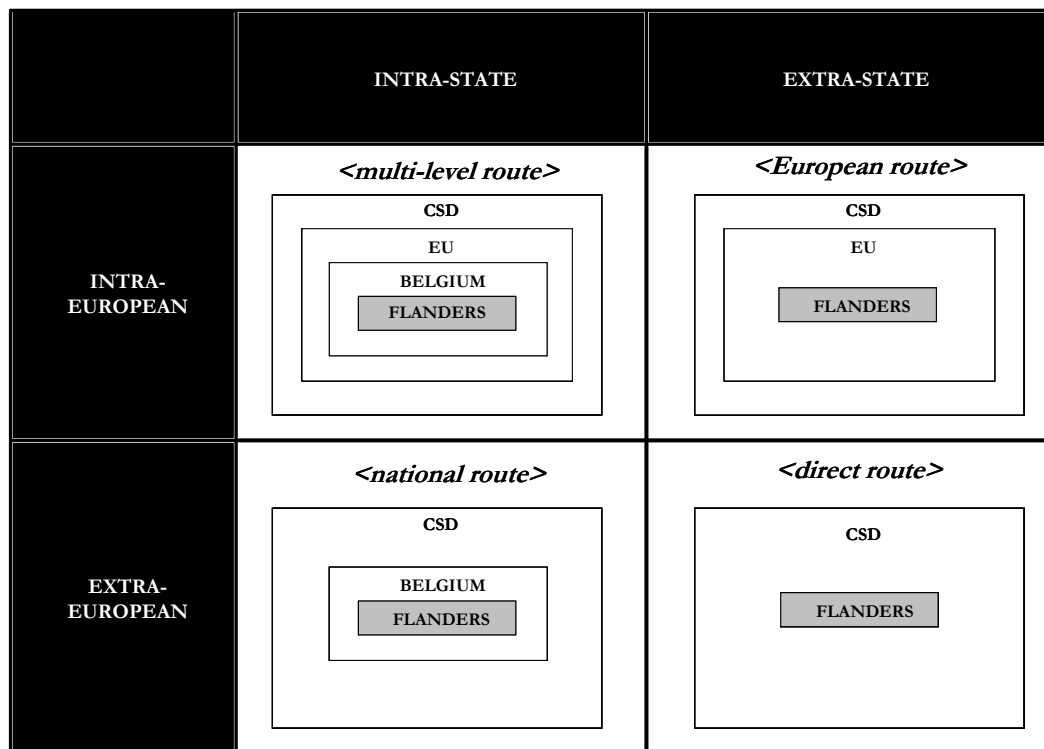


Figure 1 Typology of subnational routes for influencing CSD decision-making

Source: (Adapted from Geeraerts et al., 2004, p. 12-15)

The *multi-level route* combines the intra-state and the intra-European dimension. Flanders participates at CSD decision-making through the state and through the EU. We called it the multi-level route since all possible levels are involved, i.e. the subnational, the national, the regional and the global level. Second, Flanders can try to bypass the state by directly influencing the negotiating position of the EU in multilateral negotiations. This route is labelled the *European route* (extra-state and intra-European). Third, Flanders can opt for a combination of the intra-state and extra-European dimension. This implies that it only tries to influence the position of the Belgian nation state that is developed outside of the EU context and presented independently at the global level. Therefore, this route is called the *national route*. According to Geeraerts et al., such a situation would only be possible when the EU is absent at global negotiations *or* does not have a common point of view at global multilateral forums. We, however, consider this route also applicable when, for example, an EU member state prepares a national statement, which can be aligned with or can deviate from the EU statement, and brings it at a global meeting. Finally, an extra-state and extra-European option is also possible, i.e. the *direct route*. Flanders tries to influence CSD decision-making without mediation from the Belgian state or the EU, for example, through the participation in inter-subnational networks (Geeraerts et al., 2004, p. 12-15). With regard to each of the four routes, different levels are involved in the decision-making process, as is shown in figure 1.

In this paper, the focus is on only two of the four routes, namely the *multi-level route* and the *national route*. The extent to which the Flemish government used the *European route* with regard to the CSD-16 session will not be discussed, but will be the object of future research. However, the participatory observation made it possible to assume that this route was not used very extensively. The *direct route* will not be the object of discussion in this paper, since this

route is already extensively studied by other authors. Happaerts et al., for example, studied the participation of three subnational entities (among which Flanders) in the Network of Regional Governments for Sustainable Development (nrg4SD), an inter-subnational network that focuses its activities on the global level, including on the CSD (Happaerts et al., 2008, p. 13).⁹ Their study points out that Flanders does not use this network (and the direct route) to influence CSD decision-making (see also Happaerts, 2008, p. 16).

3. The UN Commission on Sustainable Development (CSD)

3.1 Origin

By the end of December 1992 the call of Agenda 21¹⁰ to set up a UN Commission on Sustainable Development was answered. The CSD was established by UN General Assembly Resolution 47/191 as a functional commission of the UN Economic and Social Council (ECOSOC)¹¹ (Chasek, 2000, p.378; UN, 1945; UNCED, 1992: chapter 38; UNDESA: DSD, 2008b; UN, 1993). From the outset, the CSD has had three main goals: (1) reviewing progress in the implementation of Agenda 21; (2) elaborating policy guidance and options for future activities; and (3) promoting dialogue and building partnerships for sustainable development (Chasek, 2000; UNDESA: DSD, 2008e). At the World Summit on Sustainable Development in 2002, the Johannesburg Plan of Implementation (JPOI) reaffirmed the role of the CSD as high-level forum for sustainable development within the UN system. In addition, the CSD also had to provide policy guidance to follow-up the JPOI at the local, subnational, national, regional and global levels (UNDESA: DSD, 2008b).

3.2 The CSD decision-making setting

The Commission has 53 members which are elected every three years and can be re-elected after this term. Six states have continuously been a member of the CSD between 1993 (CSD-1) and 2008 (CSD-16), i.e. Belgium, China, France, Germany, the UK and the US. Each year, one third of the members of the CSD is elected by ECOSOC. The seats of the CSD are allocated on a regional basis according to which both the African Group and the Western European and Others Group have 13 members, the Asian Group has 11, the Latin American and the Caribbean Group has 10 and the Eastern European Group has 6 members. Table 1 shows the regional allocation of the CSD-16 members.

9 In this context, it is important to mention that the network was -for the first time since its creation- not present at the CSD-16 session (nrg4SD, 2008).

10 Agenda 21 resulted from the UNCED, which was held a few months earlier in Rio.

11 In accordance with article 68 of the UN Charter.

Table 1 Regional allocation of CSD-16 members

AFRICAN GROUP	ASIAN GROUP	LATIN AMERICAN & THE CARIBBEAN GROUP	EASTERN EUROPEAN GROUP	WESTERN EUROPEAN AND OTHERS GROUP
Cameroon	Bahrain	Antigua and Barbuda	Belarus	Australia
Cape Verde	China	Belize	Croatia	Belgium
Dem. Rep. of the Congo	Dem. P. Rep. of Korea	Bolivia	Czech Republic	Canada
Djibouti	India	Chile	Poland	France
Gambia	Indonesia	Costa Rica	Russian Federation	Germany
Guinea	Iran (Isl. Rep. of)	Cuba	Serbia	Israel
Senegal	Japan	Guatemala		Italy
South Africa	Kuwait	Haiti		Monaco
Sudan	Rep. of Korea	Mexico		Netherlands
Tunisia	Saudi Arabia	Peru		Spain
United Rep. of Tanzania	Thailand			Sweden
Zambia				UK
Zimbabwe				US

Source: (UNDESA: DSD, 2008i)

Each of the 53 members of the CSD has one vote (UN, 1945; UN, 1992).¹² Alternative to membership, non-member participation is allowed to observers, e.g. other states, UN organizations, accredited inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) (UNDESA: DSD, 2008e). Broad public participation is of particular importance for the decision-making process of the CSD. The Rio Declaration, Agenda 21 and the JPOI clearly emphasize the involvement of all social groups (Van den Brande et al., 2008, p. 20). They are referred to in Agenda 21 by the term *Major Groups*. There are nine Major Groups, i.e. Women; Children and Youth; Indigenous People; NGOs; Local Authorities; Workers and Trade Unions; Business and Industry; Scientific and Technological Communities; and Farmers (UNCED, 1992, chapter 23 - 32). The main purpose of these Major Groups is to inform the decision-making process of the CSD. In addition, they “participate in interactive dialogues, develop coordinated statements through thematic caucus groups, and lobby for particular initiatives” (UNDESA: DSD, 2008d). Many UN member states have formed negotiating coalitions in order to have a stronger influence on the negotiations in the decision-making bodies of the UN system, including the CSD. The biggest negotiating coalition is the Group of 77 and China (G-77/China) which consists of 130 developing countries (from Africa, Asia, Latin America and the Caribbean) and China (The Group of 77, 2008). Other groups are, for example, the EU, JUSCANZ (Japan, US, Canada, Australia and New Zealand) and the SIDS (Small Island Developing States) (Kaasa, 2007, p. 116-119; Wagner, 1999, p. 113-115).

The organization of the CSD is led by a Bureau and supported by a Secretariat. The Bureau consists of a Chair and four Vice-Chairs, among which one holds the function of rapporteur. With regard to the Bureau, one person is elected from each regional group (UN GA, 1993, p. 5). CSD-16 was presided by a Zimbabwean Chair and by Vice-Chairs from Indonesia,

12 In accordance with the UN Charter (article 67, Chapter X) and the Rules of Procedure of ECOSOC (rule 58).

Guatemala, Serbia and Israel.¹³ The two main functions of the CSD Secretariat are: (1) facilitating and managing the CSD process (including the CSD sessions, the meetings of the CSD Bureau and other inter-sessional activities), and (2) preparing the reports of the Secretary-General and the background documents for the CSD sessions (UNDESA: DSD, 2008k).

UN General Assembly Resolution 47/191 recommends the CSD to adopt a multi-year thematic programme of its work. At its first substantive session, the CSD agreed upon such a programme for the period 1993-1997. In 1997, at the 19th UN General Assembly Special Session (or Rio+5), the CSD members adopted a new five-year work plan. All chapters of Agenda 21 were integrated in both programmes by thematic clusters (Chasek, 2000, p. 380-383). At the CSD-11 session (2003) the Commission opted for a different kind of programme of work: from then on the agenda of the CSD has been planned on the basis of cycles of two years between 2004 and 2017. On the one hand, every cycle focuses on a specific thematic cluster of issues and their inter-linkages and, on the other hand, a cluster of twelve cross-cutting issues is considered each year (UNDESA: DSD, 2008b; UNDESA: DSD, 2008f). Table 2 indicates which issues are on the agenda of the CSD between 2004 and 2017. The CSD-16 review session is, together with the CSD-17 policy session, part of a cycle that focuses on the following issues: Agriculture, Rural Development, Land, Drought, Desertification, Africa and Cross-cutting Issues.

Table 2 Multi-Year Programme of Work for CSD: 2004/2005 to 2016/2017

YEAR	CYCLE (REVIEW/POLICY SESSION)	THEMATIC CLUSTER	CROSS-CUTTING ISSUES
2004/2005	CSD-12/CSD-13	Water; Sanitation; Human Settlements	Poverty eradication; Changing unsustainable patterns of consumption and production; Protecting and managing the natural resource base of economic and social development; Sustainable development in a globalizing world; Health and sustainable development; Sustainable development of SIDS; Sustainable development for Africa; Other regional initiatives; Means of implementation; Institutional framework for sustainable development; Gender equality; Education
2006/2007	CSD-14/CSD-15	Energy for Sustainable Development; Industrial Development; Air Pollution/Atmosphere; Climate Change	
2008/2009	CSD-16/CSD-17	Agriculture; Rural Development; Land; Drought; Desertification; Africa	
2010/2011	CSD-18/CSD-19	Transport; Chemicals; Waste Management; Mining; A Ten Year Framework of Programmes on Sustainable Consumption and Production Patterns	

13 The appointment of the Bureau can bring along some commotion among the CSD members. At the end of the CSD-15 session, when the Chair of CSD-16 had to be elected, some members disapproved the candidacy of Zimbabwe. They doubted that Zimbabwe -a country marked by poor government policies- would be able to promote good governance, one of the core principles promoted at the CSD.

YEAR	CYCLE (REVIEW/POLICY SESSION)	THEMATIC CLUSTER	CROSS-CUTTING ISSUES
2012/2013	CSD-20/CSD-21	Forests; Biodiversity; Biotechnology; Tourism; Mountains	
2014/2015	CSD-22/CSD-23	Oceans and Seas; Marine Resources; Small Island Developing States; Disaster Management and Vulnerability	
2016/2017	CSD-24/CSD-25	Overall appraisal of implementation of Agenda 21, the Programme of Further Implementation of Agenda 21 and the JPOI	

Source: (UNDESA: DSD, 2008f)

Each cycle of two years consists of one review session and one policy session. During a *review session* the progress that has been made for the issues in the thematic cluster of that cycle is evaluated. In addition, the obstacles and constraints are identified and the future challenges are discussed. In order to be better prepared for this CSD review session, a Regional Implementation Meeting on sustainable development (RIM) is held beforehand. The regions are clustered according to the regional classification of the UN Economic Commissions¹⁴. Belgium is a member of the UN Economic Commission for Europe (UNECE). The outcome of each RIM (i.e. a Chair's summary) is presented at the CSD review session in May (UNDESA: DSD, 2008j). The actual negotiations on policy take place, however, during the *policy session* where the CSD aims to develop some concrete policy recommendations with regard to the thematic issues under discussion. At the global level, the preparations for a policy session start in February with an Intergovernmental Preparatory Meeting (IPM) at the UN in New York. The outcome of the IPM (i.e. the Chair's draft negotiating document) serves as a basis for the final negotiations at the CSD policy session in May (Daniëls, 2008, p. 21 & 70; UNDESA: DSD, 2008c).

3.3 Organization of work at CSD

Since 1993, the CSD meets annually at the UN Headquarters in New York for a period of 2 to 3 weeks in May. A CSD session (review and policy) always starts with a plenary *Opening Session* and closes with a *High-Level Segment* of three days followed by a plenary *Closing Session*. In the *High-Level Segment* ministers discuss the way forward and interactive discussions (panels or roundtables) take place with, for example, UN organizations and the Major Groups. The days in between the *Opening Session* and the *High-Level Segment* differ depending on the nature of the session, i.e. review or policy (UNDESA: DSD, 2008g, p. 2). At a review session parallel panel discussions consisting of thematic discussions, of regional discussions, or of dialogues with Major Groups and Representatives of Partnership Initiatives are organized. In addition, some time can be dedicated to specific issues.¹⁵ The CSD review session results in a Chair's summary

14 There are five regional commissions (subsidiary bodies) of the Economic and Social Council (ECOSOC) of the UN (ECOSOC 2007): UN Economic Commission for Africa (UNECA), UN Economic and Social Commission for Asia and the Pacific (UNESCAP), UN Economic Commission for Europe (UNECE), UN Economic Commission for Latin America and the Caribbean (UNECLAC), UN Economic and Social Commission for Western Asia (UNESWA).

15 At CSD-16, for example, some time was dedicated to the SIDS and to the review of the CSD-13 Water and Sanitation decisions.

that consists of two parts. The first part discusses the events that took place before the *High-Level Segment*, the second part considers the discussions of the *High-Level Segment* (UNDESA: DSD, 2008g, p. 2). A policy session is usually composed of three parts next to the *Opening Session*, the *High-Level Segment* and the *Closing Session*.¹⁶ First, immediately after the *Opening Session* specific discussions take place, such as regional discussions or interactive discussions with the Major Groups. Second, about two days are provided for the CSD members and observers to give comments and discuss the Chairman's draft negotiating document (the outcome of the IPM). Third, before the *High-Level Segment* takes place, about four days are dedicated to negotiations regarding the policy decisions, based on a revised draft negotiating document of the Chair (UNDESA: DSD, 2007, p. 2).

In the meantime, during the official CSD session, one hour a day is provided for each Major Group to meet. The most institutionalized Major Group at the CSD is the Major Group of the NGOs. This group usually takes care of the coordination of the cooperation between all Major Groups and its meetings are often attended by many other CSD participants (among which members of other Major Groups) (Daniëls, 2008, p. 77). Besides the official sessions of the CSD, participants can also attend numerous side events (organized by states, international organizations, Major Groups or a combination of these), the Partnerships Fair¹⁷ and the Learning Centre¹⁸ (UNDESA: DSD, 2008b).

4. The Flemish government in the decision-making process for the CSD-16 session

The Flemish government is, first of all, an interesting case since it has to take into account the specific institutional context of the Belgian federal state when exercising its competences. With regard to sustainable development policy in Belgium,¹⁹ competences are divided between the federal government and the subnational entities.²⁰ However, it is a challenging task to make an overview of this allocation since they are divided not only over the three dimensions of sustainable development, i.e. the economic, the social and the environmental dimension, but also within each dimension.²⁰ As a consequence, each government -federal as well as subnational- has to develop a sustainable development policy in accordance with its competences (Van den Bossche et al., 2005: 1-2). This shared responsibility has been endorsed in 2007 by the insertion of sustainable development in the Belgian constitution (Belgian Senate, 2007). Regarding the specific institutional context of the Belgian federal state, it is necessary to consider two principles that were adopted with the reform of the Belgian state in 1993. The first one is the "in foro interno, in foro externo" principle. This principle permits

16 This information is based on the organization of work of CSD-15.

17 At the Partnerships Fair, partnerships for sustainable development can "network, identify partners, create synergies between partnerships and learn from each other's experiences" (UNDESA: DSD, 2008h).

18 The Learning Centre aims "to provide teaching and training at a practical level on topics of relevance to the (...) themes being considered by the CSD" (UNDESA: DSD, 2008a).

19 The Belgian subnational entities are the Flemish Region, the Walloon Region, the Brussels-Capital Region, the Flemish Community, the French Community and the German-speaking Community. The competences of the Flemish Region and the Flemish Community are managed by the government of Flanders.

20 Several governmental levels are, for example, competent for tax policy (economic dimension), and for employment policy, education and sensitization (social dimension). Concerning the environmental dimension, the subnational entities are largely qualified, with the exception of, for example, the issuing of product norms, the coordination of international environmental policy and its conversion into Belgian law for which the federal government remains competent.

the Belgian subnational entities to carry out an external policy for those policy subjects for which they are internally competent (Geeraerts et al., 2004: 19).²¹ Following this principle the Belgian subnational governments have the right to conclude treaties and to send representatives to, e.g. bilateral posts and international organizations (Criekemans, 2006: 5). For decision-making in multilateral organizations about those issues for which they are competent, this principle implies (1) that the governments of all subnational entities can participate in the negotiation process for the preparation of the national, Belgian, position; (2) that each subnational government can include representatives in the national, Belgian, delegation; and (3) that an extensive coordination takes place between the federal and subnational governments during the whole decision-making process. In addition to the first principle, Belgian federalism is characterized by the fact that all Belgian governments (federal and subnational) are fundamentally equal, which implies that there is no hierarchy of their norms (Criekemans, 2006: 6; Geeraerts et al., 2004: 19).²²

This paper aims to analyze how the Flemish government used the multi-level and the national route to be involved in the decision-making process for the CSD-16 session. For the multi-level route, the fact that the Flemish government was (as a subnational entity of an EU member state) represented by the EU at the RIM and at the CSD-16 session is important. Since 1993, the EU has been attending the CSD sessions as a group (or as a kind of negotiating coalition) (Kaasa, 2007, p. 116). Depending on the discussed topics, the EU has been represented by its Presidency or by the European Commission (Wagner, 1999, p. 114). This follows from the fact that the Presidency may act as a spokesperson and express the common position of the EU member states regarding external relations (Hayes-Renshaw and Wallace, 2006, p. 143). The EU has its own decision-making process in which all member states are involved and which aims to develop a common EU statement. However, Belgium can also develop its own statement for the RIM and for the CSD-16 session, which makes it possible for Flanders to use the national route. In this case, a Belgian statement is prepared at the national level with the involvement of federal and subnational decision-makers.

The analysis in this third section consists of three parts. In the first part the preparations for the CSD-16 session at the subnational, the national and the regional levels are discussed. The second part examines the involvement of Flanders in the decision-making process at the CSD-16 session. The last part considers the reporting process after the CSD-16 session. In each of these parts it will be indicated how the national or the multi-level route is used. Figure 2 illustrates the decision-making process for the CSD-16 session graphically. The horizontal axis reflects the timeline, in particular the different months in which the decision-making process took place. On the vertical axis, all levels considered are represented and for each level the exact decision-making body is given. The dots on the graph indicate the coordination meetings at the subnational, the national and the regional level and the circles point at the RIM or the CSD meetings. The line represents the succession of meetings regarding CSD-16, its

21 Anticipating on the state reform of 1993 and in order to apply this principle, Belgium (together with Germany) asked the EU for a change of the former art. 146 of the Maastricht Treaty (art. 203 according to new the numbering of the Amsterdam Treaty). The rewritten article makes it possible for national governments to be represented (speak and negotiate) in the Council of Ministers by members of subnational governments as long as these representatives defend state interests (Geeraerts et al., 2004: 19; Hooghe and Marks, 2001: 83).

22 Since, in a Belgian context, the notion 'national' cannot be used to refer to the central, i.e. the federal, government, it will only be used when encompassing both the federal and the subnational spheres of government (e.g. the national delegation can consist of federal and subnational representatives).

preparatory process beforehand and reporting process afterwards. The figure will be used as a guide for the analysis in this third section. Concerning the preparations beforehand, decision-making at the CSD-16 session and the reporting process afterwards, this section will focus on the multi-level and the governance characteristics. In particular, the paper addresses, e.g. the different levels that can be involved (subnational, national, regional and global) and how these levels are interrelated; which stakeholders (governmental and non-governmental) can be involved at all levels; to what extent these stakeholders are involved; how coordination between these stakeholders takes place; and which binding (not necessarily enforceable) decisions and formal and informal rule systems result from the decision-making process.

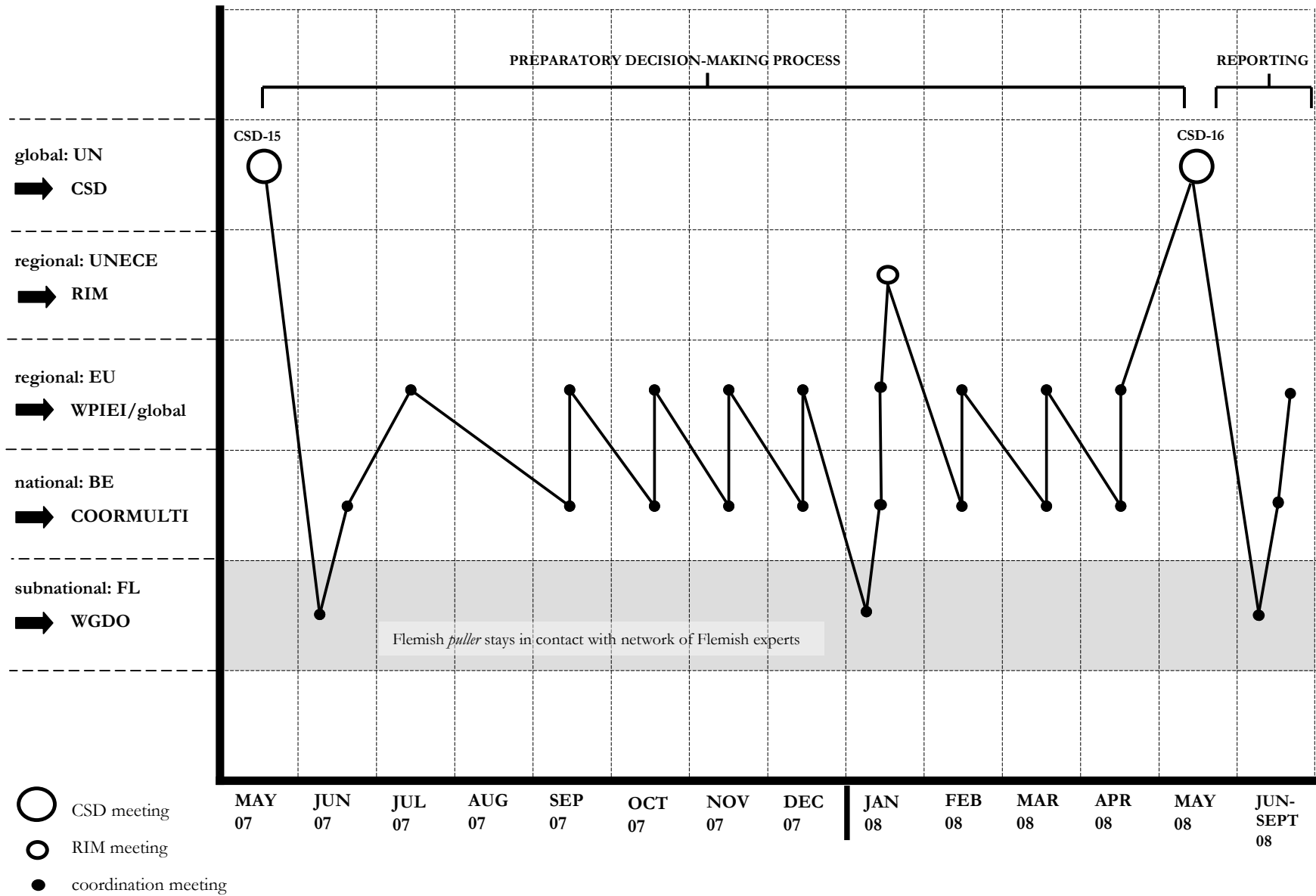


Figure 2 Succession of meetings regarding CSD-16, its preparatory and reporting process

4.1 The preparatory decision-making process

At the end of the last day of the CSD-15 session at the UN Headquarters in NY, the Commission adjourned and reconvened, just for a moment, as CSD-16. The start of a new CSD session was declared and the Bureau of the new CSD, i.e. CSD-16, was elected. Subsequently, all CSD participants (member states and observers) returned home and started a preparatory process that continued until the gathering of the Commission one year later in May. In this part, the paper focuses on the preparatory decision-making process for the formation of a common EU statement and of a national, Belgian, statement for the RIM and for the CSD-16 session. The former is a process in which the Flemish government takes part, as a member of the Belgian delegation, in the preparatory negotiations at the national (Belgium) and the regional (EU and UNECE) levels. The latter is a process in which the Flemish government tries to influence the national negotiations on the Belgian statement for the RIM and for the CSD-16 session.

In the EU context, the preparatory decision-making process and the discussion of the topic 'CSD' at the Flemish, the Belgian or the EU level follows from its positioning on the agenda. This is a top-down process in which the agenda of the lower levels is (largely) determined by the agenda of the higher levels. First, the EU Presidency places the topic 'CSD' on the agenda of the EU preparatory decision-making body for the CSD. Since the CSD-16 session was a review session, the EU had to concentrate its work successively on two meetings. From May 2007 until January 2008, the EU discussions were focussed mainly on the RIM organized by UNECE (January 28-29 2008, Geneva), and after the RIM until the sixteenth session of the CSD (May 5-16 2008, New York), the CSD-16 session itself was placed on the agenda. At the level of the EU, preparatory negotiations take place in the Council Working Party on International Environmental Issues (WPIEI), in particular in the WPIEI dealing with global issues (WPIEI/global).²³ At the first preparatory meetings the WPIEI/global decided to cluster the CSD-16 issues in thematic sub-clusters in order to distribute the work. In total five sub-clusters were established, i.e. 1/ a sub-cluster on Agriculture, Land and Rural Development; 2/ a sub-cluster on Drought and Desertification; 3/ a sub-cluster on Africa; 4/ a sub-cluster on Interlinkages and Cross-cutting Issues; and 5/ a sub-cluster on Water for the review of the CSD-13 Water and Sanitation Decisions that were decided to be reviewed at the CSD-16 session. When the EU has set its agenda, the EU agenda points are adopted by the member states in order to prepare the negotiations of the WPIEI/global at the national level. In Belgium, the national preparatory negotiations take place in a coordinating body, called COORMULTI. In this body, federal and subnational governmental and non-governmental stakeholders participate. As such, also the Flemish government can be represented and the agenda of the COORMULTI influences what is discussed at the subnational level of Flanders. Figure 3 illustrates the above elaborated process and the different decision-making bodies. In the next paragraphs it will be elaborated how the preparations take place at each level, starting with the level of Flanders.

23 Other WPIEIs are, for example, the WPIEI/climate change, the WPIEI/biodiversity and the WPIEI/chemicals (German EU Presidency, 2007).

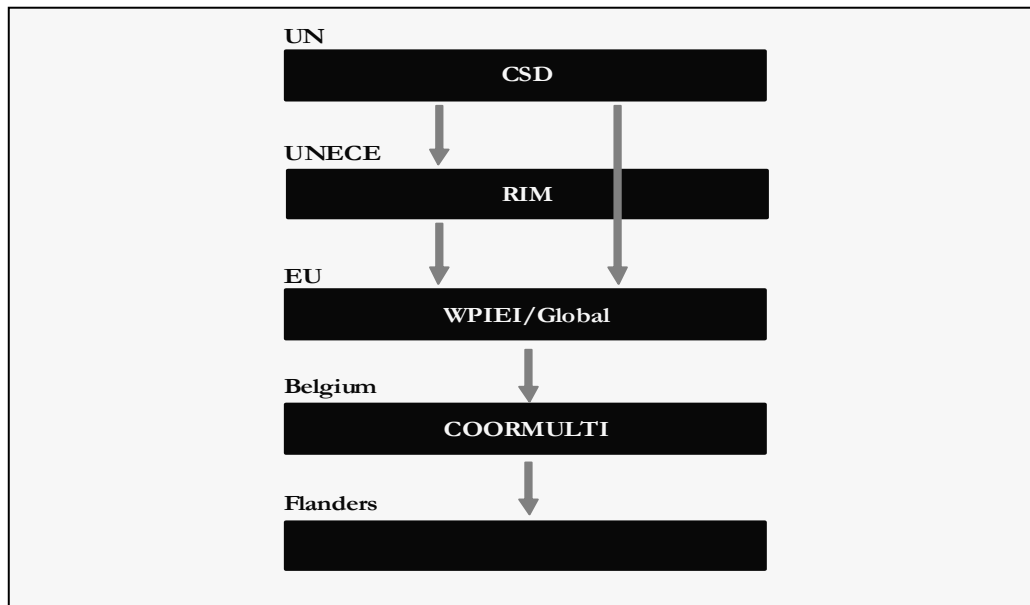


Figure 3 The different decision-making bodies and the top-down determination of their agenda's

4.1.1 Coordination at the subnational level: Flanders

Until a reform of the Flemish administration in 2004, sustainable development policy fell under the responsibility of the Flemish Minister for the Environment, Nature and Energy. As from 2004, however, the Minister-president has been competent for the coordination of the Flemish sustainable development policy. Within his administration, a Coordination Cell for Sustainable Development (CCDO) has subsequently been set up. This cell aims to prepare and evaluate Flemish sustainable development policy and presides the Flemish Interdepartmental Working Group on Sustainable Development (WGDO).²⁴ Despite this shift of competence, the Flemish Minister for the Environment and her administration (in particular, the Division of International Environmental Policy within the Department of the Environment, Nature and Energy) remain responsible for the implementation of the international aspects of sustainable development policy in Flanders (Happaerts et al., 2008, p. 13-14; Vlaamse Overheid, 2008b). This is based on an informal agreement and encloses the condition that feedback has to be given to the Minister-president and his administration and to the members of the WGDO.

In the Flemish administration, the Division of International Environmental Policy is, thus, responsible for coordinating the formulation of a Flemish point of view on the CSD topics that are on the agenda of the COORMULTI and the WPIEI/global. This Division has a group of officials (*experts*) who manage the CSD dossier in Flanders. One of these experts is usually appointed the position of *puller*. Such a *puller* is an appointed official who is responsible for the internal, Flemish, supervision of an individual international decision-making dossier which can be European as well as multilateral (adapted from Geeraerts et al., 2004, p. 118). The *puller* also has the mandate to defend the Flemish point of view in national and international arenas. This point of view, however, first has to be negotiated at the level of the Flemish government. Normally, the necessary negotiations should take place in the WGDO in which all Flemish

²⁴ All Flemish departments are represented in the WGDO. This working group mainly aims to elaborate general and coordinated policy goals with regard to sustainable development and provides a forum to harmonize sustainable development policies at the administrative level (Vlaamse Overheid, 2008a).

departments are represented by their sustainable development experts. However, the dates of the meetings of the WGDO are not attuned to the dates of the national and European preparatory meetings (which is illustrated by the inclining line in figure 2). Therefore the *puller* usually requests input by e-mail and has developed a network of Flemish experts on each CSD thematic issue. Sometimes, when the Flemish position has not been defined beforehand, decisions have to be taken on the spot. In this case, the mandated *puller* consults his/her network at the last moment or takes a decision based on his/her own expertise.

4.1.2 Coordination at the national level: Belgium

Once the Flemish point of view is defined, the Flemish *puller* is mandated to defend it at the national level in the COORMULTI.²⁵ Its membership consists of representatives of the federal and the subnational ministers, of federal and subnational experts and of representatives of advisory bodies, NGOs and universities. In the COORMULTI, a coordinating role is put aside for the federal government, in particular for the Cell M4.1 on Sustainable Development and the Environment of the Federal Government Service for Foreign Affairs and for the Task Force on Sustainable Development of the Federal Planning Office. Each of these two federal bodies provides one of the two experts who represent Belgium at the WPIEI/global. The COORMULTI is also the body where the national delegation for the multilateral meetings (e.g. EU, UNECE and CSD) is composed.

At the national level, the COORMULTI is an important body for the participation of non-governmental stakeholders in the decision-making process. In this regard, an important member of the COORMULTI is the Federal Council for Sustainable Development (FRDO) whose members represent environmental organizations; organizations for development cooperation; organizations for consumers, employees and employers; energy producers; and the scientific community. One of the members of the FRDO is the Flemish Platform on Sustainable Development (VODO).²⁶ This Platform consists of about 20 Flemish NGOs working on North/South, the environment, peace, women, refugees, people in poverty, migrants and young people. Through the FRDO, the Flemish Platform on Sustainable Development receives information on multilateral negotiations, can elucidate its point of view and can negotiate with the federal and subnational governmental delegates on the national point of view in the European and global negotiations. During the preparatory year before the actual CSD session and during the CSD session itself, the representatives of the Flemish Platform on Sustainable Development also participate in the Major Group NGOs. Moreover, it is important to mention an initiative of the federal government that only exists since 2007, i.e. the acceptance of a youth delegate from each community in Belgium, namely from the Flemish, the French and the German-speaking community. As members of the FRDO, these youth delegates can participate in the COORMULTI and they were accepted in the national

25 This coordinating body indirectly follows from the Cooperation Agreement of April 5 1995 with regard to International Environmental Policy that established a Coordination Committee for International Environmental Policy (CCIM). In the CCIM (and its network of sectoral and cross-sectoral working groups), negotiations with regard to European and global Environmental Policy take place between the federal government and the subnational governments. However, since some thematic issues go beyond the issue of the environment, the CCIM established some coordinating bodies outside its network. The COORMULTI is an example of such a body and is organized by the Federal Government Service for Foreign Affairs (De Baere, 2005, p. 1).

26 Despite its Flemish focus, this platform is -as a non-profit organization and together with its Walloon counterpart Association 21 pour un Développement Durable- mainly subsidized by the federal government (for its core activities).

delegation for the session of CSD-15 and CSD-16 in New York. In addition, these youth delegates participated in the (preparatory) meetings of the Major Group Children and Youth.

In order to prepare the CSD agenda points of the WPIEI/global, the COORMULTI aims at assembling only a few days before the meeting of the WPIEI/global. In figure 2, this is indicated by the straight line up, which points at the fact that both meetings follow closely on each other. One of the first tasks of the COORMULTI is to appoint among its members a national *pilot* for each sub-cluster of thematic issues that the WPIEI/global has set up. Such a *pilot* is “an appointed official who is responsible for the internal, Belgian, supervision of an individual international decision-making dossier which can be European as well as multilateral” (Geeraerts et al., 2004, p. 118, personal translation). However, officials can -in principle- only be *pilots* for those thematic issues that belong to their responsibility. Therefore, it is important to determine the governmental level (subnational or federal) that is competent for each CSD thematic issue. Table 3 illustrates the competences and the pilots for the thematic issues and sub-clusters of CSD-16.

Table 3 Responsibilities for the CSD-16 thematic issues at the national level

THEMATIC ISSUE	SUB-CLUSTER	COMPETENCE	PILOT
Agriculture	1	subnational	subnational (Flanders)
Rural Development	1	subnational	subnational (Flanders)
Land	1	subnational	subnational (Flanders)
Drought	2	federal/subnational	federal
Desertification	2	federal/subnational	federal
Africa	3	federal/subnational	federal
Cross-cutting issues & Interlinkages	4	federal/subnational	federal
Water	5	subnational	subnational (Flanders)

At the national level, the federal government, the subnational governments or both can have the competence. In accordance with the competences, *pilot* positions can be assigned. In the whole decision-making process regarding the CSD-16 session, the Flemish *puller* was also the Belgian *pilot* for the first sub-cluster on Agriculture, Rural Development and Land. In addition, an official of the Flemish Environment Agency (Vlaamse Milieumaatschappij, VMM), a Flemish government agency, was the Belgian *pilot* for the fifth sub-cluster on Water. Sub-clusters two, three and four were assigned to federal officials. The Flemish government is thus the only subnational government that accepted a *pilot* position.

Before each WPIEI/global takes place, a whole range of documents is distributed among the EU member states. Subsequently, the secretariat of the COORMULTI sends these documents to the members. The Belgian pilots are in charge of the coordination of a national point of view on the documents involving their responsibilities. For that reason, each pilot creates his/her own network of experts on the issue including governmental (federal and subnational) as well as non-governmental parties.²⁷ At the COORMULTI the documents of the WPIEI/global are discussed. It is the pilot who can take the floor first to briefly discuss

²⁷ The experts are usually approached and invited to give input by e-mail, but they can also exchange ideas and views during the COORMULTI. When the pilot does not receive any input from other subnational or federal experts in his/her network, it can be the case that he/she only reflects the position of his/her government in the COORMULTI and that the federal government needs to coordinate a national position in the COORMULTI.

and comment on the documents. Thereafter, the other COORMULTI members can give their comments. All comments are considered during the meeting and collected by the Belgian representatives at the WPIEI/global.

4.1.3 Coordination at the regional level: European Union

At the level of the EU, the CSD is discussed in the Council Working Party, i.e. the WPIEI/global, that gathers monthly in Brussels. The agenda of the WPIEI/global is determined by the EU Presidency. Table 4 illustrates which member states presided and will preside the EU Council between 2004 and 2017 (Hayes-Renshaw and Wallace, 2006, p. 136-139) and which CSD session takes place under their presidency.²⁸ With regard to the preparatory decision-making process for the CSD-16 session, the Presidency was exercised by Portugal from July until December 2007. The first semester of 2008, the task of the EU presidency was taken over by Slovenia. Consequently, Slovenia represented the EU at the third RIM organized by the UNECE in January 2008 and at the sixteenth session of the CSD in May 2008.

28 If the Treaty of Lisbon is ratified (expected in 2009), this will change the rotation system of the Presidency of the EU Council.

Table 4 EU Presidency and CSD sessions between 2004-2017

YEAR	SEMESTER	COUNTRY	CSD SESSION
2003	Jul - Dec	Italy	CSD-12
2004	Jan - Jun	Ireland	
	Jul - Dec	The Netherlands	CSD-13
2005	Jan - Jun	Luxembourg	
	Jul - Dec	United Kingdom	CSD-14
2006	Jan - Jun	Austria	
	Jul - Dec	Finland	CSD-15
2007	Jan - Jun	Germany	
	Jul - Dec	Portugal	CSD-16
2008	Jan - Jun	Slovenia	
	Jul - Dec	France	CSD-17
2009	Jan - Jun	Czech Republic	
	Jul - Dec	Sweden	CSD-18
2010	Jan - Jun	Spain	
	Jul - Dec	Belgium	CSD-19
2011	Jan - Jun	Hungary	
	Jul - Dec	Poland	CSD-20
2012	Jan - Jun	Denmark	
	Jul - Dec	Cyprus	CSD-21
2013	Jan - Jun	Ireland	
	Jul - Dec	Lithuania	CSD-22
2014	Jan - Jun	Greece	
	Jul - Dec	Italy	CSD-23
2015	Jan - Jun	Latvia	
	Jul - Dec	Luxembourg	CSD-24
2016	Jan - Jun	The Netherlands	
	Jul - Dec	Slovakia	CSD-25
2017	Jan - Jun	Malta	

Source: (Adapted from Hayes-Renshaw and Wallace, 2006, p. 137-138)

The yearly session of the CSD is a common agenda point of the WPIEI/global. One of the first tasks of the EU presidency is -as elaborated above- the clustering of the thematic issues in sub-clusters. With regard to CSD-16, five sub-clusters were set up. In a next step, the WPIEI/global appoints a *lead (country)* for each sub-cluster. The *lead* is an appointed member of the WPIEI/global who is responsible for the internal, European, supervision of an individual multilateral decision-making dossier (adapted from Geeraerts et al., 2004, p. 118). In particular, the *lead* is responsible for the coordination of the EU point of view on the specific thematic issues of the sub-cluster. However, again, it is important to first determine which level is responsible for each CSD thematic issue. Table 5 illustrates the responsibilities for the thematic issues and sub-clusters of CSD-16 at the EU level.

Table 5 Responsibilities for the CSD-16 thematic issues at the EU level

THEMATIC ISSUE	SUB-CLUSTER	RESPONSIBILITY	LEAD
Agriculture	1	EU	European Commission
Rural Development	1	EU	European Commission
Land	1	member states	The Netherlands
Drought	2	member states	Czech Republic & Italy
Desertification	2	member states	Czech Republic & Italy
Africa	3	member states	The Netherlands

Cross-cutting issues & Interlinkages	4	member states	Belgium
Water	5	member states	France

At this level, either the national governments (member states) or the EU (European Commission) can be competent. Thematic issues belonging to the responsibility of the EU (e.g. agriculture) are automatically assigned to the European Commission. The table also indicates who was *lead* with regard to CSD-16.²⁹

Each *lead* is thus responsible for formulating the EU point of view on its sub-cluster of thematic issues. The EU point of views are written down in EU speaking points for the RIM or the CSD session itself. The drawing-up of the EU speaking points is the result of a process that is steered by the *lead* of each sub-cluster. As a first step, each *lead* can set up an informal working group for the sub-cluster. Each WPIEI/global member is free to participate in one or more working groups, but has to sign up for participation. As a member of a working group, active or passive participation is possible. All members receive the preparatory documents by e-mail and are able to stay well informed about the progress made by the working group. Members can be more actively involved by participating at the meetings of the working group. These meetings usually take place before or after the WPIEI/global or during its intermission. The members of the working group aim to prepare a note on the issues of the sub-cluster. Some *leads* decide to not establish a working group. In that case, the *lead* prepares a note by itself with its country's experts. This note is passed on by the *lead* to the EU Presidency which converts it into draft speaking points and sends it to member states for comments a few days before the WPIEI/global takes place.

At the WPIEI/global, the draft speaking points are extensively discussed and all member states can give their comments orally or in written format (by e-mail). After the WPIEI/global, the EU Presidency and the *lead* work together to rewrite the draft speaking points. The process of commenting and rewriting can be repeated a few times until the definitive speaking points are adopted. In this context, it is important to mention the *silent procedure* to which the EU Presidency can appeal. In this case, draft documents are sent by e-mail to the member states who are given the opportunity to comment on the documents before a given deadline. If a member state does not send comments before the deadline, the EU presidency assumes this member state is in agreement with the document. Some speaking points are thus adopted at the WPIEI/global, but most of them are, however, adopted at the EU coordination that is organized on the spot (e.g. at the RIM or at the CSD session).

4.1.4 Regional Implementation meeting of UNECE

In a year in which a review session is prepared, each regional commission of the UN ECOSOC organizes together with the CSD Secretariat a Regional Implementation Meeting (RIM). This meeting is open for delegates of the members of the regional commission, of

²⁹ The process leading up to the appointment of the lead seems to be very informal and to be the result of lobbying by the member states and the EU Presidency. On the one hand, some member states can be eager for being the lead with regard to a specific sub-cluster. In this case, this member state starts an informal lobbying process towards the EU Presidency and the other member states. On the other hand, it can be the case that there is no member state candidate for being lead for a specific sub-cluster. As a result, the EU Presidency has to lobby in order to find a lead. Sometimes, when no member state is willing to be the lead for a specific sub-cluster, the EU Presidency itself takes on the task. The appointed lead for each sub-cluster is given notice of by the EU Presidency in the WPIEI/global itself.

international organizations and of the Major Groups (UNECE, 2008b). In 2008, the RIM of UNECE took place in Geneva from January 28 until January 29 (UNECE, 2008c). As a member of UNECE, Belgium and most of the other EU member states were present. The official Belgian delegation consisted of four delegates: two federal delegates (representing Belgium), one subnational (Flemish) delegate and one non-governmental delegate (Flemish Platform on Sustainable Development). The EU was represented by delegates of the Slovenian Presidency and of the European Commission and assisted by the Council Secretariat.

Since not all EU speaking points were adopted beforehand at the meetings of the WPIEI/Global in Brussels, the EU planned two coordination meetings on the spot (one each day of the RIM just before the actual RIM took place). At these EU coordination meetings the EU speaking points can be finalized and some practical arrangements with regard to the discussions of the RIM that day can be made. The EU coordination meetings can be used also by the EU Presidency to report on the discussions of the previous day and on the outreach activities of the EU Presidency. In preparation for the EU coordination meetings, the Belgian delegation held two meetings. These two meetings were rather informal and only the governmental delegates (federal and subnational) of the Belgian delegation were present. The delegates present at these meetings added the final touches on the Belgian point of view and, if necessary, they consulted the experts at home or the heads of their department. In addition, these governmental delegates were in contact with some diplomats of the Belgian Permanent Representation in Geneva who were present at the discussions of the RIM itself, though on an irregular basis. Since there was only one Flemish delegate on the spot, no actual Flemish coordination meeting could take place. Instead, the Flemish delegate stayed in close contact with her network of experts at home and consulted them by e-mail or telephone if required. The non-governmental delegate of the Belgian delegation mainly participated at the RIM as a member of the NGO Major Group.

The RIM consisted of five interactive discussions on 1/ Agriculture and Rural Development; 2/ Land Management; 3/ Desertification and Drought; 4/ Africa; and 5/ Cross-cutting Issues. These five discussions included, on the one hand, keynote addresses and, on the other hand, a discussion from the floor. All UNECE member states and other stakeholders (such as the international organizations and the Major Groups) could participate (UNECE, 2008b). A federal member of the Belgian delegation gave a keynote address in the session on cross-cutting issues. In addition, a Belgian statement on best practices was brought in the session on Agriculture and Rural Development. On the matter of this statement, the Belgian delegation had distributed a document about *Some Belgian best practices on the thematic area of Agriculture and Rural Development* (Government of Belgium, 2008). Since Agriculture and Rural Development belong to the responsibilities of the subnational governments and since both focus on different aspects in their policies, this document consisted of respectively a Flemish (*Success stories in sustainable agriculture in Flanders, Belgium*) and a Walloon text (*Meilleures pratiques en matière de développement durable dans l'agriculture Wallonne*). The drafting of the document was decided at the COORMULTI of December 2007 with the intention of supporting a possible Belgian intervention at the RIM. At the same time, it was also agreed that both Flanders and the Walloon Region would provide input for the document.³⁰ The provision of the Flemish text was coordinated by the Flemish *puller* who contacted her Flemish network of agriculture and rural development experts. After these experts had provided a Flemish text, the *puller* sent the text for suggestions to the other Flemish experts. At the next COORMULTI the Flemish and the Walloon texts were discussed and a coordinating role was put aside for the (federal)

30 No text would be provided by the Brussels-Capital Region.

chair of the COORMULTI to put both texts together into one Belgian document that would be finalized before the RIM would take place. The Flemish input in the Belgian statement and in the Belgian *best practices* document is a clear example of the Flemish government using the *national route* to be involved in the decision-making process. The RIM resulted in a Chair's summary that would be presented in the regional discussions at the CSD-16 session (UNECE, 2008a).

4.2 The Flemish government at the CSD-16 session

The months before the CSD-16 session, i.e. between June 2007 and April 2008, were totally focused on its preparation. Decision-making at the CSD session requires an extensive preparatory process, in which many levels are involved when using the *multi-level route*. Once the Belgian delegation is composed at the COORMULTI, this delegation leaves for two weeks of intensive discussions at the CSD session in New York. The Belgian delegation³¹ for the CSD-16 session consisted of about 20 people, though the whole group was not present during the entire two weeks of the CSD session. The head of the Belgian delegation (or Belgian representative) was a member (at ambassador level) of the Belgian Permanent Representation to the UN. The Flemish government had sent three delegates, one of them simultaneously being the Flemish *puller* of the CSD dossier and the Belgian *pilot* for Agriculture, Rural Development and Land. Two of these delegates attended the first week of the CSD session and one delegate attended the second week, in this way reaching a continuous presence during the two weeks. The rest of the delegation included federal delegates, delegates of the Permanent Representation of Belgium to the UN in New York, delegates of the Walloon Region and of the French Community and delegates linked to the FRDO (from its secretariat, VODO, and the youth delegates). During the preparations, the Federal Minister of Sustainable Development and the Flemish Minister-president declared their intention to attend the High-Level Segment of the CSD-16 session. Eventually, both were, however, hindered to come to New York because of the political situation in Belgium.

Just as for the RIM of UNECE, not all EU speaking points were adopted beforehand at the meetings of the WPIEI/Global in Brussels. Therefore each day of the CSD session had to be preceded by intensive coordination meetings at the EU and the national level. The EU Presidency planned an EU coordination meeting each morning before the start of the CSD discussions of that day. In order to prepare this EU meeting, the Belgian delegation organized a daily national coordination meeting which took place before the EU meeting. This national coordination meeting was open for all members of the Belgian delegation and mainly aimed at deliberating the CSD discussions of the previous day (debriefing), deciding who would attend which CSD discussions and events of that day, arranging some practical matters and dealing with miscellanea. Although this coordination meeting is, next to the things mentioned above, designed to discuss the Belgian point of view on the EU speaking points (*multi-level route*), the national coordination meeting was usually not used to this end. Instead, the Belgian point of view was often decided in a smaller group (without non-governmental stakeholders) at, for example, an informal meeting or at the EU coordination meeting itself between the delegates who were present. Finally, the national coordination meeting also aimed to develop the statements brought by the Belgian representative at the discussions of the CSD (*national route*). Nevertheless, it seemed that in this case as well, the non-governmental stakeholders usually had to fight their way into the national decision-making process. Because the Belgian

31 A list of the members of the Belgian delegation for the CSD-16 session is included at the end of this paper.

delegation consisted of a large number of delegates, some governmental delegates preferred to discuss some core decisions in a smaller group in order to facilitate the decision-making process. In preparation of the national and the EU coordination meetings, the Flemish delegates (among which the Flemish *puller*) mainly focused on the Flemish point of view defined at home or on their own expertise. When difficult issues arose, the experts at home or the head of department were consulted.

The final statements are brought at the discussions of the CSD by the spokespersons of the different delegations. As said before, the EU spokesperson can differ depending on the issue of the CSD discussions. In general, the EU Presidency was responsible for all issues except for Agriculture, Rural Development and Land that fall under the responsibility of the European Commission. Although the EU statement covers its member states, all member states can still express themselves by an own national statement (*national route*). This statement can be aligned with the EU statement or can deviate from it. In contrast to some other EU member states, Belgium took the floor only once, i.e. in the interactive discussion of the High-Level Segment on *The Way Forward*.³² While the statement for the RIM was mostly prepared at the COORMULTI, the CSD-16 statement was set up during the daily national coordination meetings, mainly involving federal and subnational governmental representatives. As the Belgian pilot for the thematic issues Agriculture, Rural Development and Land, the Flemish delegates mainly followed the discussions on these topics. If possible, the other members of the Flemish delegation followed the other discussions in order to gain an overview of what happened in these discussions.

In a review year, the CSD session results in a Chairman's summary in which the obstacles, constraints, lessons learned and best practices for the thematic issues are identified. Furthermore, this document includes a brief summary of the discussions that have taken place. The Chairman's summary of the CSD-16 session consists of two parts. The first part concerns all discussions that took place before the High-Level Segment, the second part discusses the High-Level Segment itself (UN CSD, 2008a; UN CSD, 2008b). At the end of the first part of the CSD session, i.e. the days before the High-Level Segment takes place, the Chairman's summary about this part is distributed. Subsequently, all delegations have about an hour to read the text and formulate comments on it. In order to discuss the text, the EU Presidency plans a coordination meeting with its member states. At this meeting, a large role is put aside for those member states who can quickly formulate their comments and for the EU Presidency who has to summarize all comments of the member states. At the plenary session afterwards, all CSD delegations can make their comments on the text. The CSD Bureau is responsible to rewrite the text based on the comments made by the delegations. At the end of the High-Level Segment, the same process takes place: the second part of the Chairman's summary is distributed, delegations have some time to formulate comments on the text and to present them to the CSD Bureau afterwards. This Chairman's summary is, however, not a document that has to be negotiated and voted on by the members of the CSD. It is thus possible that not all CSD participants agree on the Chairman's summary. In addition to the discussion of the Chairman's summary, (draft) decisions can be adopted at the plenary closing session. The

32 At that time, the seat of Belgium in the conference room was occupied by the official Belgian representative. However, this representative was not present all the time whereby the alternative Belgian representatives or other governmental members of the Belgian delegation occupied the Belgian seat. This usually depended on the topic of each session, whereby -in general- each member followed the topics for which he/she was competent. In addition, it was informally agreed that the Belgian seat always had to be occupied by a governmental member of the delegation.

CSD-16 session resulted in one draft decision³³ recommended by the Commission for adoption by ECOSOC and in three decisions³⁴ adopted by the Commission and brought to the attention of ECOSOC (ECOSOC, 2008, p.1-2).

To conclude, next to its main aim (discussing the CSD issues), the CSD session is also important for networking since it is an excellent place to meet other delegations. The EU, for example, attaches great importance to outreach activities. These activities include meetings with other countries, such as the US, or negotiating groups, such as G-77/China, and are usually organized in troika format, i.e. a format in which the EU delegation consists of a delegation of the former, the current and the future EU Presidency. With regard to the CSD-16 session the troika included respectively a delegation of Portugal, Slovenia and France. The Flemish government also pays much attention to networking activities. During the discussions of the CSD and the side events in between, the Flemish government can make contact with other delegations present at the CSD session, i.e. subnational as well as national, European or global.

4.3 After the CSD-16 session: the reporting process

After two weeks of discussions at the CSD-16 session, each delegation member -governmental and non-governmental- at each level has to report about these discussions.

The Flemish *puller* of the CSD dossier reported to the other members of her department and to the members of the Flemish Interdepartmental Working Group on Sustainable Development (WGDO). Since the Flemish *puller* was also the Belgian *pilot* for Agriculture, Rural Development and Land, the *puller* also had to report about the discussions on these issues to the members of the COORMULTI.

At the national level, all members of the national delegation for the CSD-16 session worked together to draw up a report of the two weeks of the CSD-16 session in New York. The formulation of the report was coordinated by the delegate of the Federal Planning Bureau. At the last coordination meeting of the national delegation in New York the coordinator established an outline of the report and assigned the task of writing a part of the text to the members of the delegations. The Belgian *pilots* were responsible for writing a summary of the discussions on their thematic issues. The general parts of the text, i.e. about the outcome of the CSD session, about the High-Level Segment and about the way forward, were taken care of by the federal delegates responsible for the coordination. Furthermore, an evaluation by the non-governmental actors of the delegation was included in the report. The final report was presented at the first meeting of the COORMULTI after the CSD-16 session and was opened for discussion in the COORMULTI.

At the EU level, the discussion of the outcome of the CSD-16 session took place in June, at the first WPIEI/Global. This WPIEI/Global was rather informal and was organized in Ljubljana (Slovenia) instead of in Brussels. On the agenda of this informal WPIEI/global were the discussion of the Slovene Presidency report of the CSD-16 session and of an extensive report of the outreach activities of the Slovene Presidency during the CSD-16 session.

33 'Report of the Commission on Sustainable Development on its sixteenth session and provisional agenda for the seventeenth session of the Commission'.

34 'Decision 16/1: Participation of intergovernmental organizations in the work of the sixteenth session of the Commission on Sustainable Development'; 'Decision 16/2: Review of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States'; and 'Decision 16/3: Proposed strategic framework for the period 2010-2011: subprogramme 4, Sustainable development' (ECOSOC, 2008).

These reports and discussions closed the decision-making process with regard to the CSD-16 session, and will be used as a starting point for the preparations for the next CSD (policy) session, i.e. CSD-17 in 2009.

5. The road to CSD-17

The seventeenth session of the CSD will differ in three ways from its sixteenth session. First and foremost, the CSD-17 session is a policy session. While the CSD-16 session was a session in which the progress that had been made was reviewed, the obstacles and constraints were identified and the future challenges were discussed, the main aim of the CSD-17 policy session will be to develop concrete policy recommendations with regard to the thematic issues of the cycle. In order to work out those policy recommendations, intensive negotiations and real decision-making will be required. Rather than interactive discussions, the focus of the CSD-17 session will be on the negotiation of the draft document formulated by the Bureau. In this regard, it is important to mention the Intergovernmental Preparatory Meeting or IPM that will be held in 2009 from February 23 until February 27 at the UN in New York. This meeting will result in a Chair's draft negotiating document that will serve as the basis for the negotiations at the CSD-17 session, which will take place in May 2009. The negotiations that take place during a policy session and its IPM are expected to pass less smoothly than the discussions during a review session. Since more is at stake during a policy session, all delegations pay careful attention to the politically sensitive issues about which an agreement has to be reached at the end of the session and it becomes more difficult to achieve consensus.³⁵ Second, because of the rotation system of the EU Presidency, the EU will be presided by two other EU member states during the decision-making process with regard to the CSD-17 session. From July 2008 until December 2008 France will hold the chair of the EU, afterwards the EU will be chaired by the Czech Republic. The latter will also be responsible to guide the EU through the decision-making at the CSD-17 session. This change in Presidency can possibly influence the way in which the EU will act during the preparations before and the discussions at the CSD-17 session. Third, the chair of CSD-17 will be held by a member of UNECE, in particular by an EU member state, i.e. the Dutch Minister of Agriculture, Nature and Food Quality. With the Netherlands providing the Chairperson, this could facilitate the contacts of the EU Presidency and the EU member states with the CSD-17 Chair.

At the moment, no differences that could influence the decision-making process are observed with regard to how the other actors (governmental and non-governmental from the national and the Flemish level) would act with regard to the CSD-17 session.

6. Concluding remarks

Since the Flemish government is not recognized as a decision-making actor in the CSD and, consequently, has no direct representation in this Commission, it has to find other ways to be involved. This paper analyzed the routes used by the Flemish government to be part of decision-making process for to the CSD-16 session.

In order to frame the research, a MLG perspective has been adopted. This perspective offered an interesting framework to study the role of the Flemish subnational government in multilateral decision-making for sustainable development. It drew attention to the fact that multiple levels can be involved in decision-making since the level of the state is not necessarily the unique level anymore. Starting from the idea of subnational mobilization, four subnational

35 At CSD-15, no consensus could be reached on the text proposed by the CSD-15 Chair.

routes for influencing multilateral decision-making could be distinguished, i.e. the *multi-level*, the *European*, the *national* and the *direct route*. Each of these routes encloses a different numbers of levels. In the *multi-level route* all levels (subnational, national, regional and global) are involved. Three levels are involved in the *European* and the *national route* and two levels in the *direct route*. These routes are developed along the dimensions intra- and extra-state and intra- and extra-European. This implies not only that the state has to share its decision-making competences, but also that the state can be by-passed (extra-state dimension) by the subnational government when the latter uses the *European* or the *direct route*. Yet, although this paper did not examine the extra-state routes in detail for the CSD-16 session, it is possible to assume that these routes are, in practice, not the most frequently used ones. On the one hand, the inter-subnational network nrg4SD, which could stand for the *direct route*, has -up to now- not been used by the Flemish government to influence CSD decision-making. On the other hand, the participatory observation made it possible to assume that the European route has not been applied very extensively (for the CSD-16 session). Obviously, more research will have to be conducted regarding both routes. In this paper, particular attention has been paid to how the Flemish government used the *multi-level* and the *national route* to be part of CSD decision-making. The analysis of the decision-making process illustrated that both routes overlap with regard to the decision-making bodies and actors at the subnational and the national level. Moreover, the research also showed that these two routes are the most frequently used. This suggests that, despite the possibility of by-passing the level of the federal government, the Flemish government prefers to use intra-state routes. These intra-state routes imply a significant role for the other levels next to the level of the federal government, but also reveal an important coordinating role for the federal government. The latter takes care of coordinating the formulation of a national point of view encompassing both the position of the federal and the subnational governments.

Applying a MLG perspective, also signifies that attention has to be paid to the governance characteristics of the decision-making process regarding the CSD-16 session, i.e. decision-making in the public sphere, involving governmental and non-governmental actors, resulting in formal and informal rule systems, being binding, but not necessarily enforceable. The decision-making process, including the preparatory process, is mainly inter-governmental and, therefore, it can be considered as situated in the public sphere. However, also other than governmental, i.e. non-governmental, actors can be involved, which is characteristic for decision-making for sustainable development (cf the Major Groups defined in Agenda 21). With regard to the decision-making process for the CSD-16 session, the involvement of non-governmental actors was the most developed at the national and the global level. At the former level non-governmental actors (such as NGOs and youth delegates) were included in the negotiations at the COORMULTI and in the national delegation for the CSD-16 session. At the global level different actors were involved in the CSD-16 session as a member of a Major Group. The decision-making process regarding the CSD-16 session mainly resulted in informal rule systems, such as the EU negotiations and speaking points and the Chairman's summaries at the UNECE RIM and at the CSD-16 session. Examples of formal rule systems are the draft decision recommended by the Commission to be adopted by the Council and the three decisions adopted by the Commission.

The MLG perspective made it possible to describe and analyze the decision-making process for the CSD-16 session by focussing on its multi-level and governance characteristics. Yet, the applicability of this perspective is limited, since it has no or only few explanatory power. By applying a MLG perspective it is possible to answer research questions, such as 'What are the possible routes the Flemish government *can choose* to be involved in the decision-making

process regarding the CSD-16 session?’ and ‘Which routes *does* the Flemish government *choose* to be involved?’. In order to answer the questions ‘*Why* does the Flemish government choose *these routes*’ and ‘*Why* does the Flemish government does *not* choose *the other routes*’ other, theoretical, insights are necessary. The latter will, however, be the object of further research.

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Belgian delegation for the CSD-16 session

NAME	FUNCTION
BADJI, MOUSSA	Directorate-General for Development Cooperation, Expert, Federal Public Service Foreign Affairs, Brussels
BOCQUET, ANNE	Youth Council of the French speaking community, Brussels
DE CRUYNAERE, PIETER	Belgian Federal Council for Sustainable Development, Secretariat, Scientific Staff, Brussels
DE KERKHOVE, BRUNO	Ministry of the Walloon Region, Namur
DETAILLE, CHRISTINE	Counselor, Permanent Representation of Belgium to the UN, New York
DEVELTERE, LISA	Flemish Youth Council, Brussels
DEWIEST, ANNIE	Government of the French speaking community, General Secretariat, Director of the Sustainable Development Department, Brussels
GOUZEE, NADINE	Federal Planning Bureau, Coordinator of the Sustainable Development Task Force, Brussels
HOUBA, DELPHINE	Federal Planning Bureau, Sustainable Development Task Force, Expert, Brussels
MERCKX, REMY	Flemish Government, Environment, Nature and Energy Department, Head of the International Environmental Policy Division, Brussels
MINEUR, DOMINIQUE	First Secretary, Permanent Representation of Belgium to the UN, New York
NIESSEN, DANIEL	Youth Council of the German speaking community, Brussels
RENDERS, ROOS	Flemish Government, Environment, Nature and Energy Department, International Environmental Policy Division, Chief Multilateral Organizations, Brussels
RIJNHOUT, LEIDA	Flemish Platform on Sustainable Development, Director, Brussels
VAN HAUWERMEIREN, SAAR	Flemish Platform on Sustainable Development, Policy worker, Brussels
VANDEN BILCKE, CHRISTIAN	Environment and Sustainable Development Desk, Advisor, Federal Public Service Foreign Affairs, Brussels
VANDERMOSTEN, GERT	Flemish Platform on Sustainable Development, Policy worker, Brussels
VERBEKE, GRIET	Flemish Government, Environment, Nature and Energy Department, International Environmental Policy Division, Advisor Multilateral Organizations, Brussels
VERBEKE, JOHAN	Ambassador and Permanent Representative of Belgium to the UN, New York
WAUTHIER, JEAN-MARIE	Ministry of the Walloon Region, Namur