



Intergovernmental Cooperation in Belgium The Case of International Sustainable Development Policy

Karoline Van den Brande

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

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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

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



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Executive summary (in Dutch)

Intergouvernementele samenwerking is cruciaal in een federaal land zoals België, en zeker in het kader van een beleidsdomein zoals duurzame ontwikkeling dat *as such* overheden aanzet tot samenwerking met verschillende soorten actoren (zowel gouvernementeel als niet-gouvernementeel) op verschillende bestuursniveaus (van mondiaal tot lokaal). Het principe van verticale beleidsintegratie dat zo typisch is voor duurzame ontwikkeling is daar maar één aanwijzing van. De paper toont aan dat in België uitgebreide samenwerking en coördinatie plaatsvinden wat betreft internationale besluitvorming over duurzame ontwikkeling in de Commissie Duurzame Ontwikkeling (*Commission on Sustainable Development, CSD*) van de VN, in de Jaarlijkse Vergadering van Duurzameontwikkelingsexperts (*Annual Meeting of Sustainable Development Experts, AMSDE*) van de OESO en in de EU wanneer de Europese Strategie Duurzame Ontwikkeling (*European Union Sustainable Development Strategy, EU SDS*) besproken wordt. Duurzame ontwikkeling is een typisch voorbeeld van een internationaal beleidsdomein: het wordt in eerste instantie gevormd op het internationale niveau en komt op die manier op de beleidsagenda's van de Belgische overheden terecht. Internationale besluitvorming over duurzame ontwikkeling zet aan tot intergouvernementele samenwerking en gecoördineerde actie in België, tussen de federale overheid en de subnationale overheden.

In de paper worden vier domeinen onderscheiden die belangrijk zijn voor een bespreking van intergouvernementele samenwerking, namelijk nationaal overleg, de samenstelling van de nationale delegatie voor internationale vergaderingen, de verspreiding van informatie en de geschillenprocedure. De volgende trends kunnen vastgesteld worden. Ten eerste, inzake overleg is een belangrijke coördinerende rol weggelegd voor de federale overheid. Voor elk van de drie besluitvormingssettings (CSD, AMSDE, EU SDS) die in de paper besproken worden, vindt het overleg plaats in een nationaal coördinatieorgaan dat wordt voorgezeten door vertegenwoordigers van de federale overheid. Dat orgaan is in twee van de drie gevallen samengesteld uit federale en subnationale vertegenwoordigers van het politieke en ambtelijke niveau. In het geval van CSD kunnen ook niet-gouvernementele actoren de nationale coördinatievergaderingen bijwonen. Ten tweede, de uitkomst van de nationale coördinatievergaderingen is gebaseerd op unanimiteit. Wanneer geen consensuspositie bereikt kan worden, moet België zich onthouden op internationale vergaderingen en als dusdanig een positie van *status-quo* verdedigen. Dat is conform de Belgische intergouvernementele samenwerking in andere beleidsdomeinen. De uitkomst van de onderhandelingen tijdens nationale coördinatievergaderingen is niet wettelijk bindend en wordt in de meeste gevallen (voor CSD en AMSDE) direct verdedigd op het internationale niveau, maar kan soms (in het geval van de EU SDS) ook eerst besproken worden op een hoger politiek niveau. Ten derde, coördinatievergaderingen kunnen een *ad hoc* karakter hebben, wat meer dan eens het geval is geweest voor het coördineren van een nationale positie omtrent de EU SDS. Ter plaatse kan overleg ook *ad hoc* gebeuren (bv. voor de AMSDE). Ten vierde, tijdens de Europese voorbereidingen van mondiale onderhandelingen inzake duurzame ontwikkeling wordt België in eerste instantie vertegenwoordigd door federale vertegenwoordigers. Tijdens de mondiale onderhandelingen zelf zal België - bij afwezigheid van een ministeriële vertegenwoordiging - vertegenwoordigd worden door federale vertegenwoordigers of diplomaten van de Belgische Permanente Vertegenwoordiging. Voor de Europese onderhandelingen inzake de EU SDS verloopt de ministeriële vertegenwoordiging van België volgens het samenwerkingsakkoord inzake de vertegenwoordiging van België in de Raad van Ministers van de EU, en wordt België op het niveau van de Raadswerkgroepen vertegenwoordigd door de Permanente Vertegenwoordiging van België bij de EU. Informele overeenkomsten kunnen er toe leiden dat subnationale vertegenwoordigers een grotere rol spelen op zowel Europees als mondiaal niveau. Ten vijfde, voor elk van de drie

besproken besluitvormingssettings is de verspreiding van informatie naar alle betrokkenen een taak van de federale overheid. Bovendien circuleren de Permanente Vertegenwoordigingen en secretariaten (nationaal, Europees of mondiaal) ook relevante informatie. Het grootste deel van de correspondentie gebeurt via e-mail. Ten zesde, internationale discussies inzake duurzame ontwikkeling worden vaak een laag politiek gewicht toegeschreven. Dat vergemakkelijkt het bereiken van een consensuspositie en draagt bij tot een minimaal aantal belangenconflicten. Omdat er geen formeel samenwerkingsakkoord bestaat voor (internationaal) duurzameontwikkelingsbeleid is er geen formele geschillenprocedure vastgelegd. Maar zoals geldt voor alle internationale beleidskwesties is er in het geval van een conflict eerst een rol weggelegd voor de Interministeriële Conferentie Buitenlands Beleid en, in laatste instantie, voor het Overlegcomité.

Enig verschil kan waargenomen worden wat de deelname betreft van de verschillende Belgische overheden aan de nationale coördinatievergaderingen en in de nationale delegatie voor internationale vergaderingen van CSD, AMSDE en inzake de EU SDS. De federale overheid is duidelijk een belangrijke speler omwille van haar verantwoordelijkheden. Zij heeft een bevoorrechte positie inzake de ontvangst van informatie en speelt een cruciale rol voor de coördinatie van een nationale positie en voor de vertegenwoordiging van België op internationaal niveau. Bovendien heeft zij heel wat ervaring en institutioneel geheugen opgebouwd door al jaren betrokken te zijn bij internationale besluitvorming over duurzame ontwikkeling. Op subnationaal niveau is de Vlaamse overheid een zeer gedreven speler. Zij participeert actief aan alle nationale coördinatievergaderingen en beoogt steeds deel uit te maken van de Belgische delegatie voor EU- en mondiale vergaderingen. De Vlaamse gedrevenheid kan deels verklaard worden door een soort van 'identiteitspolitiek'. Vlaanderen wil aanwezig en zichtbaar zijn op nationaal en internationaal niveau en het beroept zich op de Vlaamse identiteit om zijn internationale acties te legitimeren. De andere Belgische Gewesten en Gemeenschappen blijken minder actief te zijn geweest met betrekking tot internationale besluitvorming over duurzame ontwikkeling. Het Waals Gewest en de Franstalige Gemeenschap hebben tot nu toe vaak vertrouwd vaak op de federale overheid om hun positie te vertegenwoordigen op het Europese en mondiale niveau. In het algemeen worden door hun overheden minder middelen (budget en personeel) beschikbaar gemaakt voor de opvolging van internationale besluitvorming over duurzame ontwikkeling. Zij zijn tot nu het meest actief geweest met betrekking tot CSD, waarvoor vertegenwoordigers van beide entiteiten regelmatig coördinatievergaderingen bijwonen en deel uitmaken van de nationale delegatie. Recent lijken zij actiever betrokken te zijn in nationale coördinatieprocessen over internationale besluitvorming omtrent duurzame ontwikkeling. De andere subnationale overheden participeren op een onregelmatige basis en in beperkte mate.

Om te besluiten: er is duidelijk geen gebrek aan intergouvernementele samenwerking voor internationaal duurzameontwikkelingsbeleid in België. Bovendien zijn de meeste betrokken vertegenwoordigers van de federale en de subnationale overheden het er over eens dat de huidige samenwerkingspraktijken goed functioneren. Het lage aantal conflicten wijst ook op een constructieve samenwerkingsatmosfeer. Toch zijn de huidige samenwerkingspraktijken informeel, *ad hoc* en een mengeling van praktijken. In sommige gevallen worden ze pas in het leven geroepen wanneer er samenwerking nodig is. In andere gevallen zijn ze het gevolg van historisch gegroeide situaties en weerspiegelen ze onvoldoende de huidige realiteit. Er ontbreekt dus een formeel kader waaraan de Belgische overheden zich kunnen vasthouden in geval van onzekerheid, wat toch typisch is in de context van duurzameontwikkelingsbeleid. Vlaanderen verdedigt de oprichting van een formeel samenwerkingsakkoord, ondermeer om zijn rol in het besluitvormingsproces te vergroten. Op dit moment vinden er echter geen formele onderhan-

delingen over een samenwerkingsakkoord plaats, en met de huidige politieke situatie is het onduidelijk wanneer een politiek eerder laag gewogen beleidsthema zoals duurzame ontwikkeling zijn plaats zal terugvinden op de Belgische politieke agenda.

1. Setting the stage

The study of intergovernmental relations in Belgium is an intriguing research topic, fascinating Belgian as well as other European or even North American scholars. One of the interesting characteristics that attracts much attention is the - in theory - dual nature of the Belgian federal state with its - in practice - cooperative character (cf. 2.1). Although the Belgian state is mostly identified as a dual federal system, many mechanisms for cooperation and coordination are at work (Swenden, 2006). Another aspect that has been emphasized by many is the influence Belgian policy- and decision-making experience from the international level. European and global decision-making play an instigating role and more than once they trigger cooperation between the federal government and the subnational governments¹ in Belgium. In particular, it urges them to coordinate their actions in order to come to a single position for European and global forums (Jans & Tombeur, 2000; Kerremans, 2000).

Earlier studies have already provided various frameworks for studying intergovernmental relations in federal countries (e.g. Agranoff, 2007; Ongaro et al., 2010; Swenden, 2006) or have discussed Belgian intergovernmental relations in specific policy areas such as agriculture, economy, environment, social affairs (e.g. Beyers & Bursens, 2006; Beyers et al., 2004; Jans & Tombeur, 2000; Kerremans, 2000; Swenden & Jans, 2006). This paper focuses on Belgian intergovernmental relations for international sustainable development policy.² In particular, it analyzes how the federal government and the subnational governments in Belgium cooperate and coordinate a common position for international decision-making on sustainable development in the UN, the OECD and the EU.

The case of international sustainable development policy is an interesting one for two reasons. First, because of sustainable development as such. The concept originates from the end of the eighties when the Brundtland Commission referred to it and defined it as: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1987: 43). Sustainable development policy is often described as a governmental policy that aims to reconcile three dimensions, i.e. an economic, a social and an environmental one. It is a concept that is now broadly used by various actors (governmental and non-governmental) at all levels (from the global to the local). Typical of sustainable development are the many policy principles that it entails. Examples are: policy integration, equity, internalization of social and environmental costs, intergenerational solidarity, participatory policy-making (Bruyninckx, 2006). One of them is of particular importance for this paper, i.e. policy integration. That policy principle necessitates cross-fertilization across policy domains (horizontal policy integration) and emphasizes the coherence of policies across different levels of government (vertical policy integration) (Berger & Steurer, 2008; Happaerts, 2010a). The principle of vertical policy integration underlines that coordination between different levels of government can improve policy-making and in that regard it is closely related to the topic of this paper: intergovernmental cooperation. Conducting a sustainable develop-

¹ 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). The notion 'regional' indicates the level immediately above the nation-state. The latter includes, for example, the EU. The term 'international' is used when referring to both the regional and the global level.

² The focus of the paper is limited to the intergovernmental relations in Belgium between the federal government on the one hand, and the subnational governments on the other hand. No attention is paid to intergovernmental relations among the Belgian subnational governments, for example in the framework of the Network of Regional Governments for Sustainable Development (nrg4SD). For more information on nrg4SD, see Happaerts et al. (2008).

ment policy thus entails the necessity of good functioning intergovernmental relations. Yet, that by no means implies that cooperation and coordination are easy to accomplish. The opposite is true, it is exactly because its attainment is generally a challenge for many governments that the concept of sustainable development promotes it. In addition, intergovernmental cooperation and coordination get an extra dimension because of the complexity and uncertainty that are inevitably linked to conducting a sustainable development policy. Uncertainty results from the fact that sustainable development is a new policy area dealing with complex problems, asking for cross-sectoral and cross-cutting policy work and for long-term policy planning, and requiring new forms of governance, which alarms many policy-makers (Baker & Eckerberg, 2008; O'Toole, 2004; Voß et al., 2010). Its complexity is linked to the fact that sustainable development policy brings along interactions between various actors at many levels discussing multifaceted cross-cutting policy issues, such as climate change, water, sustainable consumption and production (e.g. Baker & Eckerberg, 2008). In sum, intergovernmental cooperation is required in a sustainable development context, yet its achievement can be challenging.

Second, international sustainable development policy is also an interesting case because of its international character. O'Toole argues that sustainable development has an 'outside-in' dimension (O'Toole, 2004: 34), which implies that it is principally put on the domestic policy agenda because of external (i.e. international) pressures and discussions on sustainable development. Sustainable development is indeed a policy area that is mainly modelled at the international level. Large-scale global summits (i.e. the 1992 Rio summit and the 2002 Johannesburg Summit) have created political momentum for sustainable development and have promoted policy principles own to the concept. Those summits have formulated global sustainable development goals and have created a global action plan (Agenda 21) and a comprehensive implementation plan (Johannesburg Plan of Implementation). International organizations, such as the UN, the OECD and the EU, keep the sustainable development debate alive between and after the summits. For example, those organizations review the implementation of sustainable development worldwide, develop policy recommendations and they set the sustainable development agenda for governments at lower levels.

Moreover, the analysis of, in particular Belgian, intergovernmental cooperation can reveal interesting insights because of three reasons related to sustainable development policy in Belgium. First, sustainable development is a rather new policy area in Belgian policy-making. It got formally institutionalized at the federal level with the Law of 5 May 1997 on the Coordination of the Federal Sustainable Development Policy (Belgisch Staatsblad, 1997). The law realized the creation of various federal institutions for sustainable development (such as a plan, a council, an interdepartmental commission) (Van den Brande et al., 2008). Later on, the institutionalization of sustainable development has also taken place at the subnational level. In Flanders, for example, the Minister-president is responsible for sustainable development since 2004. In 2006 the Flemish government adopted its own sustainable development strategy and in 2008 the Flemish government approved a Decree on Sustainable Development (Van den Brande et al., 2008). In Wallonia, the institutionalization of the concept has embarked on a much slower path as only recently signs can be traced of a possible institutionalization (Happaerts, 2010b). Second, as the above shows, sustainable development is a shared responsibility of the federal and the subnational governments in Belgium. That has been endorsed in 2007 by including the following text in the Belgian constitution: 'While exercising their respective competencies, the federal state, the communities and the regions aim for the objectives of a sustainable development in its social, economic and environment-related aspects, considering the solidarity between the generations' (Belgian Senate, 2007, personal

translation). Finally, earlier research on the involvement of Flanders in international decision-making on sustainable development has pointed at the relevance and importance of Belgian intra-state arrangements and intergovernmental cooperation in that policy area (Van den Brande et al., 2011).³ Flanders primarily uses intra-state routes to be involved at the international level (e.g. it attends national coordination meetings and takes part in the national delegation for international meetings).⁴ Intergovernmental cooperation and coordination indeed increase in importance as the Belgian governments are required to arrive at a solid common position for international decision-making forums.

The paper starts from the above elaborated ideas and focuses on Belgian intergovernmental cooperation in the area of international sustainable development policy. A more specific research question that arises is: How does in a federal country like Belgium cooperation take place with regard to a policy area that highly recommends cooperation and urges intergovernmental cooperation? The remainder of the paper consists of three sections. The next section gives a concise overview of the Belgian intergovernmental arrangements on external relations. It first looks at some of the core characteristics of Belgian federalism and subsequently discusses the main institutional arrangements guiding the external relations of the Belgian subnational entities. The paper then deals with the case of international sustainable development policy. After having discussed the existing framework for cooperation, it elaborates the current cooperation practices in three decision-making settings: the UN Commission on Sustainable Development (CSD), the OECD Annual Meeting of Sustainable Development Experts (AMSDE) and the EU discussions on its Sustainable Development Strategy (EU SDS). The final section includes a concluding discussion on Belgian intergovernmental cooperation for international sustainable development policy.

2. Belgian intergovernmental arrangements: an overview

2.1 Characteristics of Belgian federalism

The federal character of the Belgian state has been extensively unfolded before by various scholars (e.g. Beyers & Bursens, 2006; Brans et al., 2009; Swenden, 2006). The paper therefore only mentions its most relevant characteristics and refers to the work of others for a more detailed elaboration.

Belgium has turned from a unitary state into a federal state by the means of four state reforms.⁵ The final one, that of 1992, ultimately gave Belgium a fully federal character (Jans and Tombeur, 2000; Swenden, 2006). It is now a federal state composed of six subnational entities, in particular three communities and three regions. The Communities (the Flemish Community, the French Community and the German-speaking Community) are responsible for language and culture-related policy issues, e.g. education. Regional competencies (i.e. of the Flemish Region, the Walloon Region and the Brussels-Capital Region) are territorially-

³ Starting from a multi-level governance perspective, Van den Brande develops a typology of four routes subnational governments can use to be involved in international decision-making for sustainable development. It concerns two intra-state routes (the multi-level and the national route) and two extra-state routes (the European and the direct route) (e.g. Van den Brande, 2009a; Van den Brande et al., 2011).

⁴ That can also be described as the choice for a cooperative strategy instead of a separating strategy, as labeled by Beyers and Bursens (2006). They argue that subnational entities can adopt a *cooperative strategy* entailing that those entities 'remain hierarchically nested within a domestic institutional framework' (Beyers & Bursens, 2006: 1060) or a *separating strategy* implying that they 'separate themselves from the central government by increasingly bypassing or acting beyond the existing member state structures' (Beyers & Bursens, 2006: 1060).

⁵ For an overview of the most important decisions taken at each of the (in total five) state reforms (in 1970, 1980, 1988, 1992 and 2001), see Swenden et al. (2006).

bound, including policy issues, such as employment, structural planning and transport (Beyers et al., 2004; Swenden et al., 2006).⁶ Important to note is that the division of competencies is principally based on the idea of transferring exclusive powers to those subnational entities, which implies that the latter are solely responsible. The federal government retains the responsibility of the residual powers (Jans & Tombeur, 2000; Swenden, 2006) or ‘those powers that are not explicitly listed in the constitution’ (Swenden, 2006: 51). Linked to that, it was decided to put all Belgian governments on an equal footing, introducing the principle of ‘no hierarchy’. As a result all Belgian governments are fundamentally equal, without any hierarchy of their laws or regulations (Beyers et al., 2004). The logic behind the idea was to minimize the necessity of cooperation between the federal and the subnational governments (Swenden & Jans, 2006).

Yet, heterogeneous rather than homogeneous policy packages were created. The division of competencies is not made watertight as, more than once, some aspects of a policy area are exclusively ascribed to the subnational level and other aspects to the federal level. That makes that policy area de facto a shared responsibility of various levels of government, because each of those levels is made responsible for other aspects of the entire policy area (Beyers & Bursens, 2006; Jans & Tombeur, 2000). The policy area of sustainable development is an excellent example of such a heterogeneous policy package and shared responsibility. Generally spoken, the competency on sustainable development policy is divided for and within each of its dimensions (economy, environment and social policy). In particular, several levels of government are responsible, for example, for tax policy (economic dimension), and also employment and education policy are responsibilities of more than one governmental level (social dimension). Environment is largely a responsibility of the subnational governments, with the exception of certain issues such as the issuing of product norms.

In theory, Belgium has the formal characteristics of a dual federal state system (Swenden, 2006).⁷ In such a dual system, responsibilities are explicitly divided (Braun, 2000) and inter-governmental relations can be adversarial (Skogstad, 2000). Swenden (2006: 49) describes dual federalism as ‘a method of dividing powers which neatly separates legislative and executive functions between the central and the regional levels of government, and ideally turns each level into “watertight compartments”’. Beyers and Bursens describe the basis of the Belgian system with the terms: ‘non-cooperative’, ‘competitive’ and ‘centrifugal’ (Beyers & Bursens, 2006: 1060). De facto, however, the Belgian federation has many cooperative characteristics, e.g. cooperation agreements and institutions managing intergovernmental cooperation, such as a Deliberation Committee and Interministerial Conferences (Beyers et al., 2004; Jans & Tombeur, 2000; Swenden, 2006; Swenden & Jans, 2006). That cooperative character is according to many scholars the result of exogenous forces, in particular the impact of European level decision-making on domestic decision-making and of the necessity of coordinating Belgian positions for EU and global forums (Beyers & Bursens, 2006; Beyers et al., 2004; e.g. Jans & Tombeur, 2000; Kerremans, 2000). For example, as elaborated earlier sustainable development is a shared responsibility of both the federal and the subnational governments in Belgium. Negotiating sustainable development issues at the international level is thus also both a federal and a subnational responsibility. Such a division of competencies obviously necessitates inter-governmental cooperation and coordinated action. The next section goes deeper into those

⁶ The competencies of the Flemish Community and the Flemish Region are managed by the government of Flanders.

⁷ The opposite type of federalism is cooperative federalism, which implies that ‘governments are acting jointly but can also result from one government vacating ground for policy formulation or policy implementation to the other level’ (Skogstad, 2000: 58).

institutional arrangements that define how subnational entities can be involved at the European and at the global level. Special attention is paid to those aspects that are relevant in the context of this paper.

2.2 Institutional arrangements guiding subnational entities' external relations

One of the core principles is the *in foro interno, in foro externo* principle. That principle originates from the 1988 state reform, when it was decided to allow the Belgian communities to carry out a foreign policy for those policy issues for which they are internally responsible according to the Belgian constitution (Beyers et al., 2004). In order to apply the *in foro interno, in foro externo* principle and to anticipate the next state reform, in 1991 Belgium (and Germany) asked the EU for a change of former art. 146 of the Maastricht Treaty (art. 203 according to the new 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 those representatives defend national interests (Beyers et al., 2004; Hooghe & Marks, 2001).⁸ The article urges member states to come up with one unified national position, and in that regard it instigates domestic intergovernmental cooperation. The 1992 Belgian state reform widened the scope of the *in foro interno, in foro externo* principle by applying it to regional competencies too (Beyers et al., 2004). In theory, the principle defines that the Belgian regions and communities can conclude international treaties for issues that belong to their exclusive competencies⁹ and that they can include representatives in the national delegation for EU and global meetings (Beyers et al., 2004).¹⁰ Yet, many practical issues remained undefined, especially with regard to how exactly the Belgian governments would coordinate a Belgian position and how Belgium would be represented at the EU and global level (Beyers et al., 2004).

In order to organize intergovernmental cooperation, some institutional arrangements were already at work. The 1988 state reform had called into existence three particular intergovernmental mechanisms (Swenden & Jans, 2006): a Deliberation Committee, Interministerial Conferences and cooperation agreements. A first mechanism is the *Deliberation Committee* which is a decision-making body at the highest political level established for settling conflicts of interest that cannot be resolved by lower-level bodies. Its members are the federal Prime Minister (who also chairs the meeting), the Minister-presidents of the subnational governments and a number of other federal and subnational ministers (Jans & Tombeur, 2000).¹¹ The Deliberation Committee is only approached as a last option and does not easily succeed in its goal to reach a compromise (Swenden & Jans, 2006). Second, *Interministerial Conferences* are set up for dealing with high-level specialized discussions on specific policy issues (e.g. institutional reforms, foreign policy and environment). It consists of those ministers of the federal and the subnational governments that are responsible for the issue under discussion. The decisions that have to be taken at Interministerial Conferences are usually prepared beforehand by specialized working groups consisting of the involved experts at political (advisers of cabinets)

⁸ Although the article does not explicitly mention the Council Working Parties, in practice subnational representatives can also speak and negotiate - given the same conditions - for the member state in those Working Parties.

⁹ For shared responsibilities, cooperation with the federal government is required (Beyers et al., 2004).

¹⁰ They can also appoint subnational attachés to diplomatic posts of Belgium in a foreign country or related to an international organization (Beyers et al., 2004).

¹¹ A rule of double parity is applicable: between the federal and the subnational governments and among the subnational governments (Jans & Tombeur, 2000).

and administrative level (civil servants) (Jans & Tombeur, 2000). In 2010, 18 such conferences were at work (Ysebaert, 2010). Decisions of both the Deliberation Committee and the Inter-ministerial Conferences have no legally binding nature, but are politically relevant. They are based on a consensus rule, which implies that when no agreement is reached, there is no common position and the status quo has to be retained (Jans & Tombeur, 2000; Swenden, 2006). Finally, a third mechanism is the conclusion of *cooperation agreements* that can be negotiated between all Belgian governments. Jans and Tombeur (2000: 148) state that cooperation agreements facilitate governments 'to organise common services, to jointly exercise their authority over a given policy domain and to develop common policy initiatives'. In particular, the rules that guide intergovernmental cooperation are written down in those agreements (Beyers et al., 2004). The conclusion of cooperation agreements took a very quick start, as already after a few years more than 100 agreements were signed (Jans & Tombeur, 2000). It is important to note that the federal government, the regions and the communities are obliged to conclude a cooperation agreement for 'the representation of Belgium in international or supranational organisations and the procedures to establish the position and the attitude for lack of consensus' (Jans & Tombeur, 2000: 150). Unsurprisingly, cooperation agreements are often the result of indirect international pressures for coordinated action (Beyers et al., 2004; Jans & Tombeur, 2000).

For this paper, especially those cooperation agreements dealing with the representation of Belgium at the international level are important. A first example of such an agreement is the 1994 framework agreement on international organizations,¹² which arranges the representation of Belgium in international organizations that discuss issues that are shared responsibilities of the federal state, the communities and the regions. A second example is the 1994 cooperation agreement on the EU,¹³ dealing with the representation of Belgium in the Council of Ministers of the EU. That agreement has been negotiated after the change of article 146 of the Maastricht Treaty and formally fixes the presence of the Belgian ministers in the different Council formations. All matters that are discussed by the Council of Ministers are assigned to one of six categories and for each category the ministerial representation of Belgium is defined. In 2003, that cooperation agreement has been changed (Belgisch Staatsblad, 2003), in particular with regard to the issue environment that has moved from category II to category III. For matters in category I (on general affairs), a federal minister represents Belgium. In category II (on the internal market), a federal minister can be accompanied by a subnational assessor. In category III (on industry), a subnational minister is accompanied by a federal assessor and for category IV matters (on culture), a subnational minister represents Belgium. Category V and VI concern one matter, i.e. respectively Fisheries and Agriculture. For the former, the Flemish Minister of Fisheries represents Belgium, in the case of the latter, the federal minister speaks for the Flemish and the Walloon government (Belgisch Staatsblad, 2003; VVPV 2009). The participation of Belgian subnational ministers is arranged by a rotation system that admits the participation of another region or community each new semester (Beyers et al., 2004; Kerremans, 2000).

¹² In full: the framework agreement of 30 June 1994 for cooperation between the federal state, the communities and the regions on the representation of the Kingdom of Belgium in international organizations discussing issues that are shared competencies (Belgisch Staatsblad, 1994a).

¹³ In full: the cooperation agreement of 8 March 1994 between the federal state, the communities and the regions on the representation of the Kingdom of Belgium in the Council of Ministers of the European Union (Belgisch Staatsblad, 1994b).

The above mentioned characteristics of Belgian federalism and the discussion of the main institutional arrangements that define the external relations of the Belgian subnational entities have set the stage for the next section's empirical discussion.

3. The case of international sustainable development policy

This third section goes deeper into the empirical details of how intergovernmental cooperation takes place in Belgium with regard to international decision-making on sustainable development. It first discusses the existing framework within which intergovernmental cooperation takes place and delimits four areas of cooperation on which will be focused in the empirical analysis. Next, it elaborates on the current cooperation practices in three decision-making settings that play an important role in the international sustainable development debate (cf. supra), i.e. two at the global level (the CSD in the UN and the AMSDE in the OECD) and one at the regional level (the EU discussions on the EU SDS). In particular, the empirical discussion in this section is based on the cooperation practices for the two-yearly CSD cycle of 2008-2009, for the 2009 and 2010 AMSDE meetings and for the 2009 EU discussions on the next review of the EU SDS. The empirical data for this section result from semi-structured interviews (see Annex) with about 30 governmental and non-governmental actors at the subnational and the federal level in Belgium, non-participatory observations of the national coordination meetings for all three decision-making settings and an analysis of (confidential) government documents.

3.1 No formalized framework for cooperation

Belgian intergovernmental cooperation on international sustainable development policy is not based on a formal framework.¹⁴ For the moment, intergovernmental cooperation does take place, yet it is rather informal as a formal cooperation agreement has not (yet) been concluded. A first attempt to start the negotiations on a cooperation agreement on (national and international) sustainable development policy has been made in 2005 by the *ad hoc* Interministerial Conference on Sustainable Development (IMCSD). The *ad hoc* IMCSD mentions the possibility to draw up a cooperation agreement on sustainable development policy in the framework text for a National Strategy for Sustainable Development (IMCDO 2005). Yet, until now no further concrete steps have been undertaken, except for some informal talks (interviewees) and a declaration of intent to restart the talks by the Flemish government in its sustainable development strategy (Vlaamse Regering, 2007) and in the Flemish Minister-president's policy note for the current period of government (Peeters, 2009). In theory, such a cooperation agreement could, however, be useful for arranging cooperation on international sustainable development policy.

The current intergovernmental cooperation practices for international sustainable development policy do not seem to appear out of nothingness. Indeed, some of those practices seem to be based on rules and norms that are written down in existing cooperation agreements. One such agreement is the framework agreement *on international organizations* (Belgisch Staatsblad, 1994a), which indirectly applies to international decision-making on sustainable development. Among others, the cooperation agreement is applicable with regard to UN (including its Economic and Social Council, ECOSOC) and OECD negotiations. The agreement states that specific cooperation agreements can be concluded when the singularity of an international organization would require a more detailed elaboration. That has not been

¹⁴ See also Van den Brande et al. (2011).

yet been the case for the sustainable development discussions in the UN and the OECD. A cooperation agreement that could include some relevant regulations, primarily for the EU discussions on sustainable development, but also for the EU preparations of the UN discussions, is that on the *EU Council of Ministers* (Belgisch Staatsblad, 1994b; 2003). Finally, some of the cooperation practices on international sustainable development policy seem to be closely related to how cooperation is regulated for international environmental policy,¹⁵ i.e. in the cooperation agreement *international environmental policy* (Belgisch Staatsblad, 1995) and in the so-called '*Handbook on the negotiations of EU and multilateral environment dossiers and the role of pilots and experts*' (CCIM, 2004). The former deals with general agreements on how cooperation has to take place, the latter deals with specific regulations on actual coordination practices (i.e. the exact method of working that has to be followed by civil servants involved in the process).

The arrangements that are discussed in those cooperation agreements on international issues usually focus on the same four areas, i.e. consultation, delegation, dissemination of information and the conciliation procedure. The first area is *consultation*, which treats the preparatory coordination process or the process of the formulation and establishment of a Belgian position for international negotiations. Aspects that are dealt with are: the coordinating decision-making body, its chair, its members, the frequency of its meetings, its mandate, its functioning, the nature of its decisions and on the spot coordination. Second, the composition of the *delegation*, together with who represents, negotiates and votes for Belgium at the international level is a common point that is arranged in such cooperation agreements. The *dissemination of the information* is a third point. Who is responsible for disseminating the available information to all governments involved and how is the available information circulated? Finally, it is also important to lay down the *conciliation procedure*, or what happens in case no consensus can be reached? Which body discusses conflicts of interest in the last resort?

Those four areas of cooperation will be used to structure the discussion on the current cooperation practices in the case of international sustainable development policy. The next section discusses each of the three decision-making settings separately. For each setting, it first presents some general facts and figures with regard to the international decision-making process. Subsequently, the national division of competencies between the federal and the subnational governments with regard to the topics that are discussed in the body is shortly treated. Finally, it is discussed how consultation, delegation, dissemination of information and the conciliation procedure are organized for the setting. Where possible, indications will be given of how the cooperation practices are linked to existing cooperation agreements and other arrangements.

3.2 Intergovernmental cooperation in practice

3.2.1 UN Commission on Sustainable Development

Established in 1993, the CSD is a functional commission of ECOSOC and can be seen as a direct result of the Rio Summit. The commission is principally responsible for the follow-up of the implementation of the commitments engaged to at the Rio and Johannesburg Summits and for providing policy guidance to UN member states. It meets annually in New York for a two-week period, including a three-day high-level ministerial segment. The CSD process is unique as it makes close involvement of civil society actors possible. Representatives of nine

¹⁵ This is linked to the fact that prior to the establishment of the necessary institutions for dealing with (international) sustainable development policy, many Belgian governments used the already existing framework of institutions set up for discussing (international) environmental policy.

so-called *Major Groups* can actively participate at its discussions.¹⁶ Each year, the CSD discusses a cluster of thematic and cross-cutting issues that are related to sustainable development. Since 2004, the issues that are discussed follow a multi-year programme of work. At the time of writing, the most recent complete thematic cluster of issues (2008-2009) dealt with the issues: agriculture, rural development, land, drought, desertification, Africa. A cluster of 12 cross-cutting issues is considered each year, examples of those issues are education for sustainable development and poverty eradication.

The participation of Belgium at the CSD discussions can be direct, by bringing a national position at one of its sessions, but principally occurs indirect, i.e. through the EU. The EU has been attending the CSD sessions as a negotiating group since 1993 and has its own preparatory process. For CSD issues, the main and highest coordinating decision-making body at the EU level is the Council Working Party on International Environmental Issues dealing with global issues (WPIEI global), which gathers monthly. From the moment the WPIEI global has negotiated and concluded an EU position, that position is brought to the CSD. It is not discussed at higher levels, i.e. in the Committees of Permanent Representatives (COREPER) or in the Environment Council.¹⁷

Division of competencies

Especially in the case of the CSD it is important to come back to the issue of the division of competencies. Governments will only be able and motivated to be involved in the CSD discussions when the issues that are under discussion belong to their responsibility. Moreover, the CSD discusses many issues, some of which can be exclusive competencies of the Belgian federal or subnational governments and some of which can be shared responsibilities of both levels of government. In many cases, the federal government in Belgium thus depends on the subnational governments to define a Belgian position. More than once, that results in a complex division of responsibilities in Belgium (interviewees). For example, the first three issues (agriculture, rural development and land) of the CSD cycle under discussion were clearly distinguished as subnational competencies. The other issues, however, were shared responsibilities of both the federal and the subnational governments.¹⁸ In that context it is important to note that subnational competencies are often also EU competencies (e.g. agriculture), which could illustrate what Jeffery (2007: 2) calls the 'Europeanisation of issues falling under the [subnational governments'] domestic legislative powers'.

Consultation

Belgian coordination on CSD issues, i.e. the formulation and establishment of a Belgian position for the EU or for the CSD itself, takes place in a coordination body called COORMULTI (i.e. coordination of multilateral issues) (see Figure 1). The COORMULTI knows various formats, the CSD is discussed by the COORMULTI Sustainable Development (COORMULTI SD). The COORMULTI SD meets monthly, a few days before the EU coordination meeting. Its secretariat and chairmanship are filled by the Federal Ministry for Foreign Affairs, assisted by mandated experts from the Federal Planning Bureau.¹⁹ The

¹⁶ Agenda 21 defines the following nine Major Groups: women; children and youth; indigenous people; non-governmental organizations; local authorities; workers and trade unions; business and industry; scientific and technological communities; and farmers.

¹⁷ This section is based on Van den Brande (2009b).

¹⁸ This section is based on Van den Brande (2009a).

¹⁹ The Federal Planning Bureau is a federal public agency making economic analysis and forecasts. Its role has developed historically. The moment the federal government institutionalized sustainable development with the

members of the COORMULTI SD are political advisers representing federal and subnational ministers, federal and subnational civil servants and representatives of non-governmental stakeholders such as advisory bodies, non-governmental organizations (NGOs) and universities, whose attendance is depending on the CSD issues under discussion.²⁰ Decisions taken by the COORMULTI SD are based on a consensus among the participants; they do not have a legally binding nature. As for each Belgian coordination body, the COORMULTI SD has to withhold from bringing a position in the absence of unanimity. Yet, CSD issues are by many Belgian decision-makers considered to be low-level politics (interviewees), resulting in a rather easily reached consensus position (in comparison with other high-level policy issues). Consultation can also take place on the spot under the chairmanship of a federal representative (e.g. a diplomat of the Belgian Permanent Representation to UN) involving members of the Belgian delegation. Those coordination meetings can be formal and pre-determined or informal and *ad hoc*. It principally concerns general issues or orders of the day as the ministerial attendance of CSD meetings is little to none (interviewees).

The COORMULTI is set up in the beginning of the 2000s on the initiative of high-level officials of the Federal Ministry for Foreign Affairs and originates from a mentioning in the federal coalition agreement of the government of Verhofstadt I (1999-2003) on systematically coordinating all Belgian positions for multilateral, i.e. global, meetings (interviewees).²¹ Its statute and functioning are thus not laid down in a politically negotiated cooperation agreement between the various Belgian governments. As a kind of 'Directorate-General Multilateral Affairs' it mirrors the functioning of the Directorate-General European Affairs and Coordination (DGE) of the Federal Ministry for Foreign Affairs (interviewees), which is a political body responsible for all high-level coordination of European affairs (cf. *infra*). Some interviewees see the COORMULTI SD as partly linked to the cooperation agreements on the EU Council of Ministers and on international environmental policy. Indeed, the COORMULTI SD seems to follow some of the rules that are applied by the intergovernmental Coordination Committee on International Environmental Policy (CCIEP) (interviewees), which is a direct result of the cooperation agreement on international environmental policy. The rules of the Coordination Committee are written down in the earlier mentioned handbook.²² Just like the Coordination Committee, the COORMULTI SD applies a system of pilots²³ that are appointed by the COORMULTI SD. Yet, two important differences between the COORMULTI SD and the CCIEP need to be remarked. First, while the CCIEP is

Law of 1997, experts of the bureau had already been following the international decision-making process on sustainable development closely for years. In that way they had built up expertise and institutional memory that could not be replaced overnight. As a result a political agreement has assigned those experts a mandate to follow-up on international discussions on sustainable development in the CSD and the AMSDE (interviewees).

²⁰ Although political advisers are invited to the meetings of the COORMULTI SD, usually mostly policy officials, and only a very limited number of political advisers, attend the meeting. In general, COORMULTI SD meetings have a regular and varied attendance.

²¹ Before the establishment of the COORMULTI SD, some (informal) coordination practices on CSD did already take place, led by the Federal Ministry for Foreign Affairs and including all relevant actors (subnational, non-governmental, ...). Those practices largely inspired the establishment and functioning of the COORMULTI SD (interviewees).

²² That handbook follows from the 2001 Belgian Presidency of the EU, in which a system of pilots and experts was used and after which it was advocated to continue and formalize the use of that system. The handbook is a political agreement adopted by the Interministerial Conference on Environment and is not legally binding (interviewees).

²³ A *pilot* can be defined as 'a federal or subnational official who is made responsible for the internal Belgian supervision of an individual dossier' (Van den Brande et al., 2011: 76).

responsible for the coordination of Belgian positions concerning international environmental policy, the COORMULTI SD deals with issues related to international sustainable development policy, which are not dealt with by the CCIEP. In that way the work of the COORMULTI SD complements the work of the CCIEP. Second, the COORMULTI SD is a political body dealing with broad political outlines. The CCIEP, on the other hand, deals with a wide variety of issues ranging from very technical to political. That is also reflected in the functioning of both bodies. While the CCIEP gathers weekly in a frequent way: with a plenary meeting, working groups and subgroups, the COORMULTI SD only gathers in plenary a few times a month.

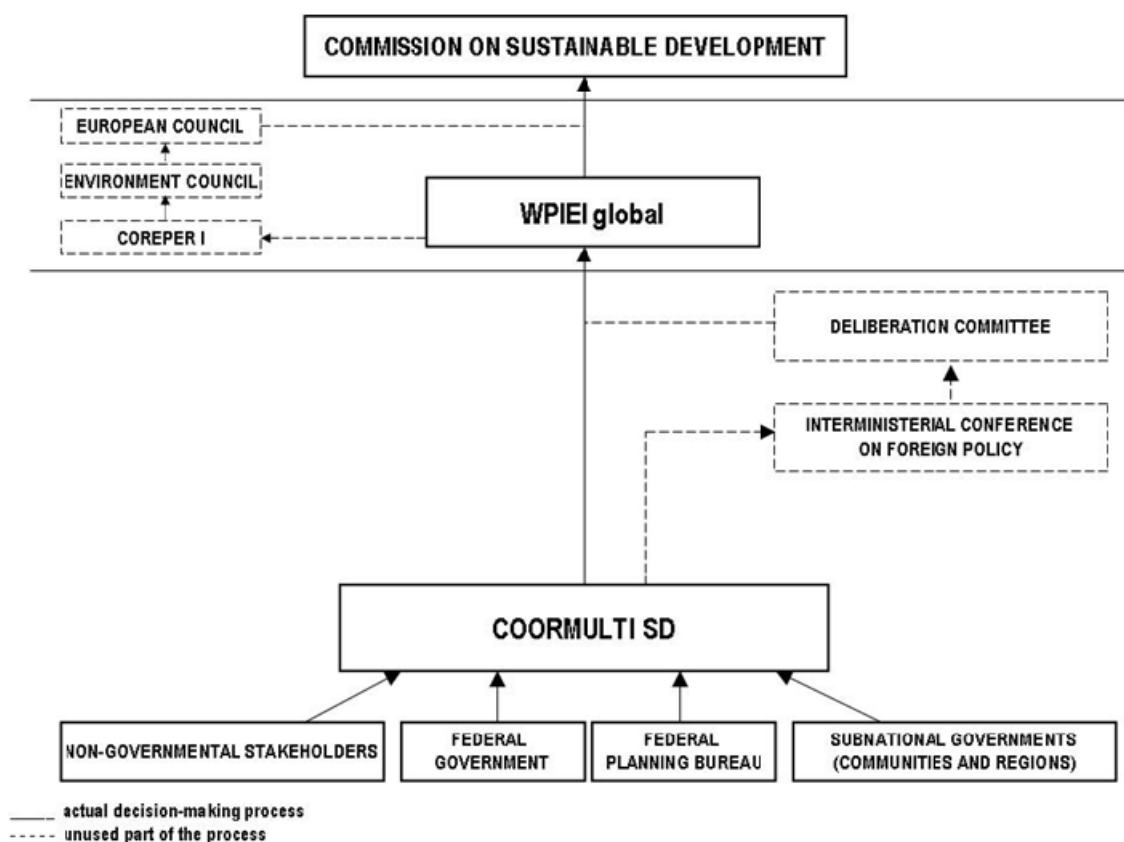
Delegation

The COORMULTI SD decides the composition of the Belgian delegation to the CSD and also who exactly will represent, negotiate and vote for Belgium. That delegation²⁴ in most cases consists of federal diplomats and of federal and subnational civil servants, but also includes representatives of non-governmental stakeholders, which is rather exceptional. Most commonly, during the general, first and rather technical part of the CSD meeting Belgium is represented by a diplomat of the Belgian Permanent Representation to the UN or by another federal representative. It can occur, however, that a subnational representative occupies the Belgian seat and speaks for Belgium, yet that has to be agreed and is sometimes the result of a Belgian 'no-empty-seat' policy (interviewees). During the high-level part of the CSD, Belgium is usually represented by the Belgian Permanent Representative or another highly placed diplomat.²⁵

The EU coordination meetings in the WPIEI global are attended by one or two representatives of the federal government, who take the floor, and one or two representatives of subnational governments (mostly only from Flanders), who can take the floor in the absence of a federal representative (interviewees). The latter is a rather informal rule and not based on formal procedures. Formal rules and procedures would apply, however, in case the position decided by the WPIEI global would leave for a higher level, e.g. the Environment Council. As that is not the case (cf. supra) the cooperation agreement on the EU Council of Ministers does not apply.

²⁴ With about 20 members, the Belgian delegation at CSD is often quite extensive and one of the largest governmental delegations at CSD (interviewees).

²⁵ If a minister is present at the CSD meeting, that minister represents Belgium. Yet, federal and subnational ministerial participation at the high-level part of the CSD has been rather exceptional. More than once, ministers were hindered to attend the CSD because of a problematic political situation in Belgium.

Figure 1. Belgian intergovernmental cooperation on CSD

Dissemination of information

Information on CSD discussions²⁶ and its preparations is circulated by the Federal Ministry for Foreign Affairs and the Federal Planning Bureau. In some cases, information is also disseminated by the Belgian Permanent Representation to the UN. The secretariat of the COORMULTI SD sends out the invitation for the meetings and draws up a report, that it circulates afterwards. Representatives of subnational governments also receive information directly from the EU Council Secretariat, being a member of the national delegation to the EU meetings. The subnational governments are thus kept informed by the federal government and they have large access to the whole decision-making process. Yet, in the end it depends on the subnational governments themselves whether or not they participate and whether or not they do that in an active way.

Conciliation procedure

Small conflicts of interest with regard to CSD issues have popped up before, yet the national coordination meetings usually work out in an agreeable atmosphere and always seem to succeed in concluding by unanimity (interviewees). Yet, some interviewees point at the national coordination meetings on CSD as a place where at times symbolic issues are battled out between the Belgian governments. Those symbolic issues concern, for example, which representatives can occupy the limited number of available seats during an EU coordination

²⁶ Recently, information can also be gathered through a so-called 'e-room' of the UN, i.e. a limited access website at which national delegations can log in to directly receive information about on-going negotiations.

meeting on the spot in New York. At those meetings, usually only one seat is preserved for a representative of each EU member state and at the maximum two seats can be occupied by other members of the Belgian delegation. Another rather symbolic conflict of interest that seems to have popped up already a few times concerns the composition of the Belgian delegation to a CSD meeting, in particular who can be called the 'head' of the Belgian delegation. That is especially the case when no minister of a Belgian government attends the CSD meeting. Finally, it is important to mention a point of friction that is not symbolic, but that sometimes crosses the COORMULTI SD meetings and that is also typical of sustainable development discussions in other countries and at European and global levels of governance. It concerns the friction between sustainable development experts and experts of development cooperation, who are both afraid of external interference in their area of expertise (interviewees).

Because of the lack of a cooperation agreement on international sustainable development policy and because of the rather vague formal character of the COORMULTI SD, it is not formally defined which body would be responsible for solving conflicts of interest. Yet, as the COORMULTI SD deals with international policy issues the most logical answer would be the Interministerial Conference on Foreign Policy.²⁷ Many interviewees state that did not yet happen for CSD and that, in any case, appealing to an Interministerial Conference only happens seldom when all other possibilities are exhausted. In the last resort, the Deliberation Committee is responsible.

3.2.2 OECD Annual Meeting of Sustainable Development Experts

Sustainable development came on the agenda of the OECD in 1997. From then on this group of industrialized countries has discussed sustainable development within various formats with different mandates. Since 2004, the OECD discusses issues related to sustainable development within the AMSDE, which meets yearly for two days in Paris and includes diplomats from national permanent representations to the OECD and experts from national governments. The AMSDE discussions can also be attended by civil society actors from business and labour sectors and from NGOs. During the year the sustainable development discussions related to the AMSDE are kept going through the work of the AMSDE Chair and the organization of about three Sustainable Development Councillors meetings (composed of diplomats from the national Permanent Representations to the OECD). The AMSDE mainly aims to monitor how sustainable development is integrated in the work of the OECD and to share best practices on sustainable development issues (e.g. on sustainable development strategies) among the member states. It also indicates which sustainable development areas (e.g. sustainable development statistics) should take priority in the OECD's work.

At the EU level, coordination on AMSDE issues takes place rarely. As EU member states, including Belgium, are individually represented at the AMSDE, no EU position is prepared. In fact, only 19 of 27 EU member states are an OECD member, which makes it impossible for the EU to speak with one voice. When EU coordination meetings do take place, that is on the initiative of the EU Presidency and solely used by EU member states to brief the others of their position (interviewees).

Division of competencies

Contrary to the CSD, the AMSDE does not discuss a complex variety of specific policy issues that are shared responsibilities or belong exclusively to the responsibility of one Belgian

²⁷ For the moment, an IMCSD is non-existing.

governmental level. The AMSDE rather deals with general sustainable development discussions, related to the integration of sustainable development in the work of the OECD or to conducting a sustainable development policy.²⁸ Since in Belgium both the federal and the subnational governments have the responsibility to conduct a sustainable development policy and since many of the issues that belong to the OECD's work are subnational competencies (e.g. innovation, science, education and environment), the AMSDE's agenda is in the interest of both the federal and the subnational governments. Also in this case, cooperation and coordination are required, yet difficult because of the necessary involvement of various levels of government and of various policy departments within each government (interviewees).

Consultation

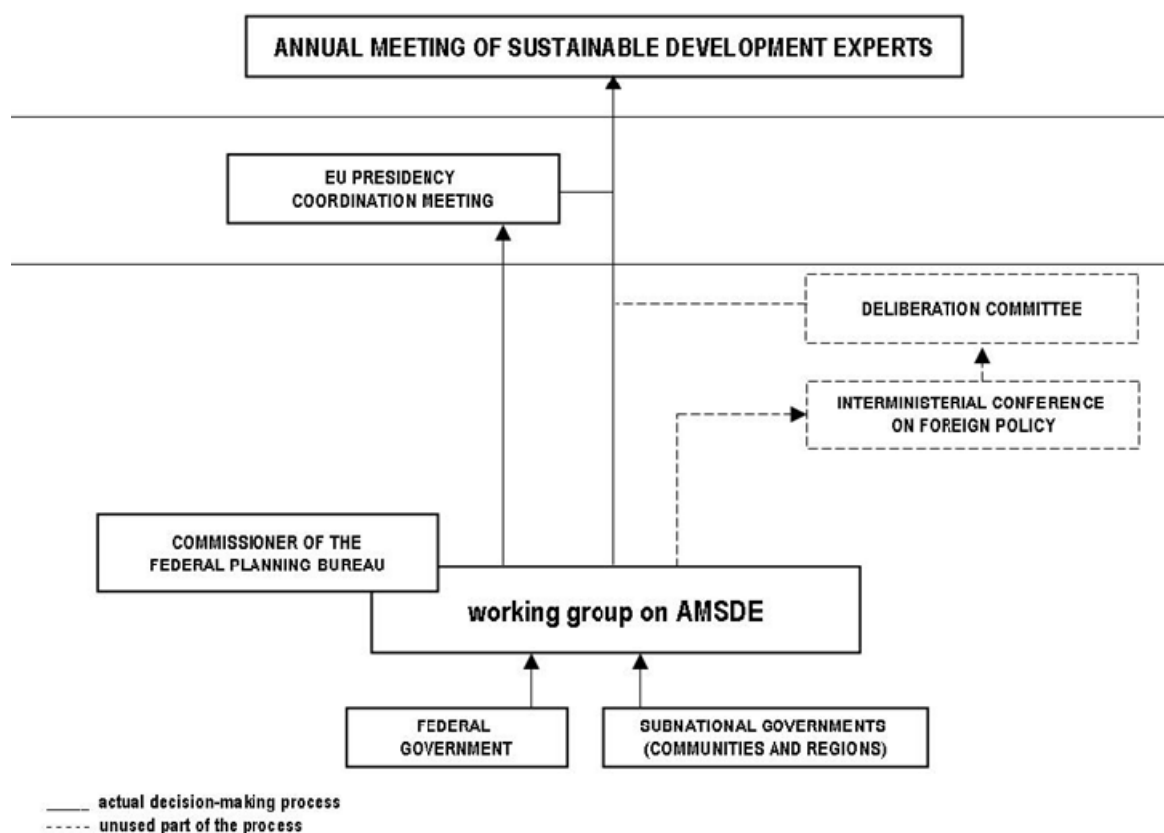
Although the issue 'AMSDE' can sometimes be found on the agenda of the COORMULTI SD,²⁹ the latter is not the main forum for national coordination on AMSDE. The format of the national coordination meeting is a small 'working group on AMSDE', which consists³⁰ of political advisers and civil servants of the federal and the subnational governments³¹ (see Figure 2). That coordination is led by the head of the Federal Planning Bureau (and his deputy), who has been mandated by a political agreement to represent Belgium in the AMSDE and, accordingly, to coordinate the Belgian position too (interviewees). Close cooperation takes place with the federal administrative department on sustainable development (i.e. the Federal Public Planning Service on Sustainable Development). Coordination takes place once or twice in the months before the AMSDE. The main goal of the coordination meeting is the exchange of views and expertise, which serves as the basis for the formulation of the Belgian position. The outcome of the national coordination meeting has a rather informal nature of low political weight, as no political or legally binding decisions are taken. That is partly due to the nature of the AMSDE that is a forum for discussing scientific reports rather than conducting actual negotiations between the OECD member states (interviewees). During the year information on the agenda and the outcome of the councillors meetings is circulated and positions for those meetings are gathered through regular e-mail correspondence. On the spot, the members of the national delegation have informal and *ad hoc* talks, but no formal coordination meeting takes place (interviewees).

²⁸ For example, in 2010 the AMSDE dealt with topics such as: the mainstreaming of sustainable development in the OECD work programmes, the contribution of the AMSDE to the development of the OECD Green Growth Strategy, sustainable development statistics, a value chain project on life cycle assessments, the post-2010 sustainable development programme at the OECD, the OECD contribution to the CSD, national and sectoral sustainable development strategies, and sustainability impact assessments in the OECD.

²⁹ It needs to be mentioned that another format of the COORMULTI is the COORMULTI OECD, at which the AMSDE is never discussed.

³⁰ Non-governmental stakeholders are not invited to attend the meeting.

³¹ Flanders attends the meetings regularly, the Brussels-Capital Region less and the other subnational governments only rarely (interviewees).

Figure 2. Belgian intergovernmental cooperation on AMSDE

Delegation

The national delegation for the AMSDE is composed by the working group and has roughly the same composition of federal and subnational civil servants. The delegation is headed by a diplomat of the Permanent Representation of Belgium to the OECD. During the meetings, Belgium is usually represented by the head of the working group, i.e. the head of the Federal Planning Bureau or his deputy.

Dissemination of information

Being responsible for the Belgian consultation process on the AMSDE, the head (or his deputy) of the Federal Planning Bureau circulates most of the information directly. The information is disseminated to all governmental members involved in the process. Yet, federal and subnational government members also receive information (e-mails) directly from the AMSDE Coordinator at the OECD. During the year, the diplomats from the Belgian Permanent Representation to the OECD report about the councillors meetings and other ongoing AMSDE business.

Conciliation procedure

Until now, it seems that no real conflicts of interest have occurred. As for the CSD, the lack of a cooperation agreement creates a situation in which it is not formally defined how possible conflicts of interest have to be settled. Yet, as for all issues that are related to Belgium's foreign policy, such issues would have to be discussed first by the Interministerial Conference

on Foreign Policy (in the absence of an IMCSD) and subsequently by the Deliberation Committee.

3.2.3 EU discussions on the EU Sustainable Development Strategy

The EU is a promoter of global sustainable development, and it plays an active role in the discussions of the CSD and the AMSDE. Moreover, it has its own sustainable development policy. In the 1997 Treaty of Amsterdam, the EU adopted sustainable development as one of its core goals. That was followed by the formulation in 2001 of an EU Sustainable Development Strategy (EU SDS). The Strategy has been renewed in 2006. It defines seven key challenges³² for sustainable development in the EU and results in some practical requirements for the European Commission and for the EU member states. For example, the EU SDS states that the European Commission has to draw up a progress report on the implementation of the EU SDS every two years. Such a report has already been released in 2007 and 2009. Moreover, the member states are asked to appoint an EU SDS focal point that provides the necessary information on national (and subnational) progress on sustainable development. In 2007, Belgium has written down an own national progress report.

At the EU level, decision-making on the EU SDS does not take place on a regular basis. In 2009, for example, after the European Commission had released its second progress report, the European Council had to discuss a next review of the EU SDS.³³ The lead was taken by the Swedish Presidency who formulated a draft Presidency report on the 2009 review of the EU SDS. That draft report was first discussed by a Friends of the Presidency Working Group on Sustainable Development, subsequently by COREPER II, to be then adopted by the General Affairs Council and to finally serve as Presidency Conclusions for the European Council of December 2009. General discussions on the EU SDS are usually also discussed in the Council Working Party on Environment (WPE) leading to negotiations in the Environment Council.

Division of competencies

As mentioned earlier, many EU competencies are subnational competencies too, which urges intergovernmental cooperation. The priority areas for action defined in the first EU SDS (2001) illustrate that as all of them were adopted as central themes of the Flemish Sustainable Development Strategy. The EU decision-making process on the EU SDS thus deals with issues that are shared responsibilities of both the federal and the subnational government (e.g. sustainable consumption and production). Moreover, the EU SDS sets out reporting requirements for the member states on the progress of the implementation of sustainable development at the national level, asking at the same time for data on subnational entities' progress where necessary. Obviously, it is in the interest of both the federal and the subnational governments to participate at the process.

Consultation

³² The seven key challenges for the EU are climate change and clean energy; sustainable transport; sustainable consumption and production; conservation and management of natural resources; public health; social inclusion, demography and migration; and global poverty.

³³ In 2009 and 2010, a discussion took place at the EU level about a potential revision of the EU SDS in 2011. At the time of writing, it is likely that the EU SDS will not be revised nor renewed (interviewees).

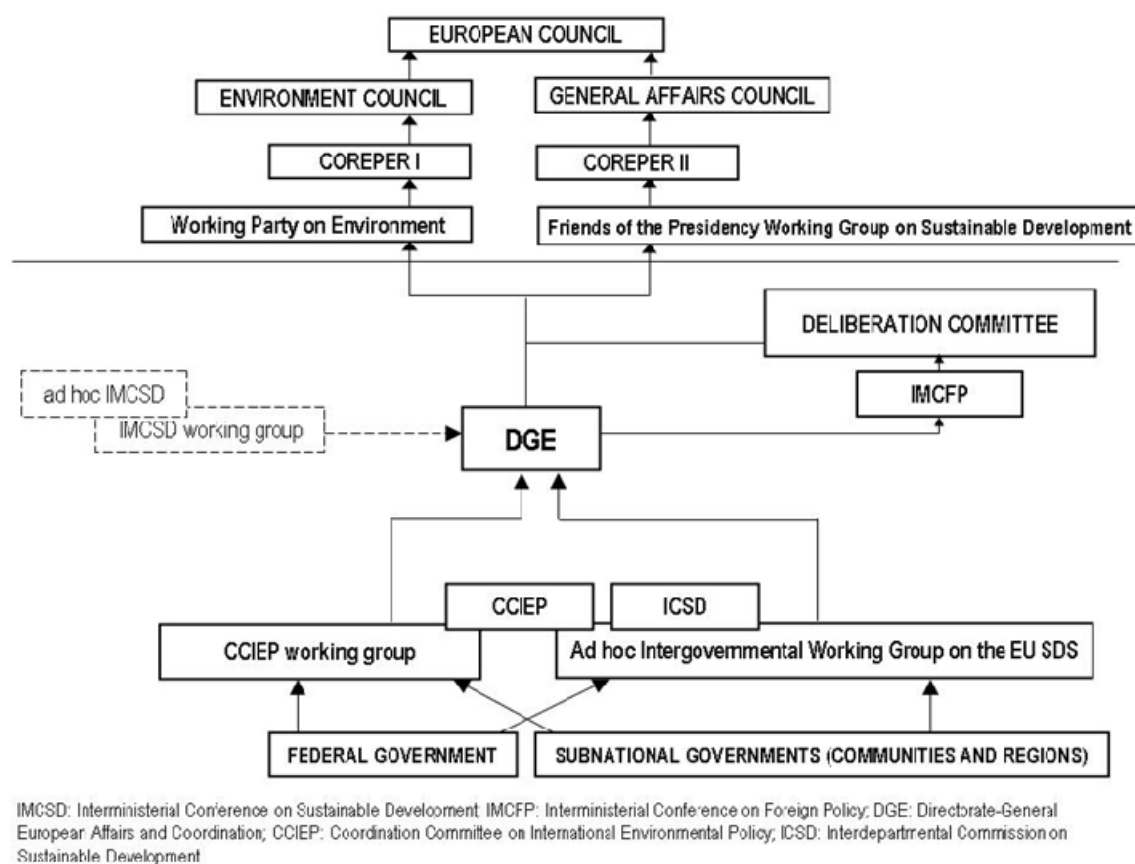
Currently (without an IMCSD), DGE (the Directorate-General European Affairs and Coordination of the Federal Ministry for Foreign Affairs) plays a crucial (rather) political³⁴ role in the national coordination of a Belgian position on EU SDS issues.³⁵ The role of DGE is decided by the cooperation agreement on the EU Council of Ministers that is responsible for the EU policy of Belgium, including for the formulation and establishment of a Belgian position for EU Council Meetings. Its members are political advisers representing federal and subnational ministers and federal and subnational civil servants. Close cooperation takes place with the Permanent Representation of Belgium to the EU. Decisions that are taken in DGE are based on consensus, and have a political, but no legally binding nature.

Yet, the technical aspects of the discussions are prepared by other *ad hoc* bodies such as the administrative working group on the EU SDS (interviewees). That working group is a recent joint initiative of the Coordination Committee on International Environmental Policy and the Interdepartmental Commission on Sustainable Development (ICSD) including federal and subnational civil servants (see Figure 3). The ICSD is a federal institution resulting from the federal Law of 1997 on sustainable development, and is responsible for parts of the federal sustainable development policy. It is composed of federal and subnational civil servants. The secretariat of the ICSD is practised by the federal administrative department responsible for sustainable development, which also leads the administrative discussions in the working group on the EU SDS. The Coordination Committee on International Environmental Policy can also enter the stage when specific environmental aspects of the EU SDS need to be discussed (interviewees). In any case, the prepared position is finally discussed and adopted by DGE.³⁶

³⁴ Contrary to the meetings of the COORMULTI, DGE meetings are usually attended by a large(r) number of political advisers.

³⁵ Previously, when the *ad hoc* IMCSD was at work for negotiating a national strategy for sustainable development, the national coordination of a Belgian position on the EU SDS (or a related process) took place in a working group of that Interministerial Conference (interviewees). In a next phase, the agreed Belgian position would be adopted by DGE.

³⁶ The national coordination process on the EU SDS takes place between federal and subnational government representatives. Non-governmental actors are not directly involved in the process.

Figure 3. Belgian intergovernmental cooperation on the EU discussions on the EU SDS

Delegation

The Belgian representation at meetings of the Council of Ministers of the EU follows the arrangements laid down in the cooperation agreement on the Council of Ministers and is confirmed by the Interministerial Conference on Foreign Policy. When sustainable development issues are discussed in the General Affairs Council, a federal minister represents Belgium. When those issues are on the agenda of the Environment Council, since 2003 a subnational Environment Minister represents Belgium, accompanied by a federal assessor.³⁷ At the level of the Council working party meetings (e.g. the Working Party Environment or the Friends of the Presidency Working Group on Sustainable Development), Belgium is represented by a diplomat of the Permanent Representation of Belgium to the EU, i.e. the Environment Attaché. That diplomat takes the floor for Belgium, but is assisted by federal government members (i.e. from the federal department responsible for sustainable development) and sometimes by subnational government members (mostly from Flanders).

Dissemination of information

All information on the progress of the EU discussions on the EU SDS first comes in through the Belgian Permanent Representation to the EU. It then gets circulated to the subnational attachés that are appointed at the subnational representations to the Belgian Permanent Representation to the EU and forward the information by e-mail to their respective govern-

³⁷ For example, subnational Environment Ministers were at the front row when the revision of the EU SDS was discussed in 2006.

ments. In addition, the federal department responsible for sustainable development and the secretariat of DGE play a role in circulating information on (*ad hoc*) coordination meetings on the EU SDS, e.g. forwarding relevant information, sending invitations or reports.

Conciliation procedure

As for the two other decision-making processes, the decision-making process on issues related to the EU SDS has passed by without large struggles between the Belgian governments. None of the interviewees could remember a possible conflict that has arisen with respect to the topic.

Contrary to the rather undefined character of the conciliation procedure for national consultation on CSD and AMSDE, the conciliation procedure for national consultation on the EU SDS is similar to that for all EU issues. In particular, in case of conflicts of interest a first step of conciliation takes place in the Interministerial Conference on Foreign Policy and in a next step an appeal is made to the Deliberation Committee.

4. Concluding discussion

Intergovernmental cooperation is crucial in a federal country like Belgium, especially for a policy area such as sustainable development which ‘as such’ urges governments to cooperate with various actors at multiple levels. The sustainable development principle of vertical policy integration is only one indication of that. The paper shows that extensive cooperation and coordination take place with regard to international decision-making on sustainable development in the UN, the OECD and the EU. The actual domestic cooperation practices are a direct result of international pressures. Indeed, international sustainable development policy has by itself instigated intergovernmental cooperation and coordinated action in Belgium, between the federal government and the six subnational entities (i.e. the three regions and three communities). Once more, the cooperative character of Belgian federalism is proven by empirical data of yet another case.

With regard to each of the four areas of cooperation, the following core trends can be distinguished. First, with regard to consultation a very important and central coordinating role is put aside for the federal government. In each of the three decision-making settings, consultation takes place in a national coordination body chaired by representatives of the federal government. That coordination body is in two of the three settings composed of solely federal and subnational representatives at political and administrative level. In the case of CSD, non-governmental stakeholders can also attend the national coordination meetings. Second, the outcome of national coordination meetings is based on unanimity. In the absence of a consensus position, Belgium has to withhold from bringing a national position at international meetings, defending a status quo position. That is conform with Belgian intergovernmental negotiations in other policy areas. The outcome has a non-legally binding nature and is in most cases directly defended at the international level (for CSD and AMSDE), but is sometimes first discussed at a higher political level (for the EU SDS). Third, coordination meetings can have an *ad hoc* character, which has more than once been the case for coordinating a national position on the EU SDS. On the spot, consultation can also occur *ad hoc* (e.g. for the AMSDE). Fourth, during the European preparatory process of CSD and AMSDE Belgium is primarily represented by federal representatives. During the global negotiations on CSD and AMSDE federal representatives or diplomats from the Belgian Permanent Representation represent and vote for Belgium when there is no ministerial attendance. For the EU negotiations on the EU SDS, the ministerial representation of Belgium follows the arrangements laid down in the cooperation agreement on the Council of

Ministers. Since 2003 subnational ministers can represent Belgium on the EU SDS when it is discussed in the Environment Council. At Council working party level, a central role is played by the Permanent Representation of Belgium to the EU. At the global as well as at the EU level, informal agreements can substantially increase the role of subnational delegation members. Fifth, for each of the three decision-making settings dissemination of information to all involved persons is a task of the federal government. In addition, the Belgian Permanent Representations and secretariats (e.g. of the AMSDE) also circulate relevant information. Most of the correspondence occurs through e-mail. Sixth, international sustainable development discussions are usually ascribed a low political weight. That facilitates the achievement of a consensus and contributes to a minimal number of conflicts of interest. Because a formal cooperation agreement lacks, a formal conciliation procedure is undefined. Yet, as for all international policy issues, conciliation is mainly a role, first, of the Interministerial Conference on Foreign Policy and, in the last resort, of the Deliberation Committee.

An incongruity can be noticed with regard to the extent of participation of the Belgian governments at the national coordination meetings and in the national delegation for CSD, AMSDE and EU meetings (interviewees). Obviously, the responsibilities of the federal government make the latter an important player. The federal government plays a crucial role with regard to the coordination of a national position and the representation of Belgium at the international level. Moreover, by being actively involved for years the federal government has acquired much experience and institutional memory. At the subnational level, Flanders is a very vigorous player. It actively participates at all national coordination meetings and it makes a large effort to be part of the Belgian delegation for EU and global meetings. The Flemish activeness can partly be explained by 'identity politics'. Flanders wants to be present and visible at the national and the international level and it appeals to the Flemish identity for legitimizing its actions at those levels. The other Belgian regions and communities have proven to be less active with regard to international sustainable development policy. For example, until a few years ago the Walloon region and the French Community have not considered (international) sustainable development policy to be of high importance and they have invested only few resources (staff and budget) in it. More than once, they have put their trust in the federal government for representing them at the EU and the global level. Their highest activeness can be found with regard to CSD, where representatives of both subnational entities regularly attend coordination meetings and make part of the Belgian delegation for CSD. Recently, the Walloon region is catching up with regard to its involvement in national coordination processes for international sustainable development policy (interviewees). The other subnational entities (the Brussels-Capital Region and the small German-speaking Community) participate on an irregular basis and to a very limited extent.

To conclude, there is no lack of intergovernmental cooperation on international sustainable development policy in Belgium. Moreover, most of the involved government representatives at the federal and subnational level hold the opinion that the current cooperation practices are adequate and functioning well. The lack of conflicts of interest also seem to prove a constructive cooperation atmosphere. Yet, the current cooperation practices are informal, *ad hoc* and a mixture of practices. In some cases they are only called into being when cooperation is needed. In other cases, they result from a historically developed situation and they are not in accordance with the current situation. There is a lack a formal framework to hold on to in case of uncertainty. Flanders advocates the establishment of a formal cooperation agreement, among other things for increasing its role in the decision-making process (Peeters, 2009). For the moment, however, the formal discussions are put on hold, and given the current political

situation in Belgium it is unclear when a rather lowly weighted policy subject such as sustainable development will get its place back on the political agenda.

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Annex: Interviews³⁸

BAS, Luc	26 July 2007	Policy officer (2007-2008) at Flemish Government;
	12 January 2010	Environment Department; International Environmental Policy Division
	4 June 2010	Adviser (2006-2007) at Federal Government of Belgium;
	13 April 2011	Cabinet of Federal State Secretary of Sustainable Development and Social Economy
		Policy officer (2001-2006) at Flemish Government; Environment Department; Europe and Environment Division
BAETENS, Ine*	19 April 2011	Policy officer at Flemish Government; Services for General Governmental Policy; Sustainable Development Team
BOGAERT, Tim*		Policy officer at Federal Government of Belgium; Federal Public Planning Service on Sustainable Development
CLAERBOUT, Frederik	17 May 2010	Policy officer at Flemish Government; Services for General Governmental Policy; Sustainable Development Team
CLOOTS, Lieze	31 March 2011	Policy officer (1999-2004) at Flemish Government; Environment Department; Europe and Environment Division
DE BAERE, Rik	20 April 2009	Head of Unit at Flemish Government; Environment, Nature and Energy Department; International Environmental Policy Division: European Environmental Policy Unit
	15 April 2011	Policy officer (2003-2007) at Flemish Government; Environment Department; Europe and Environment Division
		Adviser (1999-2003) at Flemish Government; Cabinet of Minister of Environment and Agriculture
DECROOS, Marjan	31 March 2008	Environment attaché at Flemish Representation; Permanent Representation of Belgium to the EU
DE MULDER, Jan	25 May 2009	Public Governance attaché at Flemish Representation; Permanent Representation of Belgium to the EU
		Policy officer at Flemish Government; Public Governance Administration
		Legal adviser (1994-2007) at Flemish Government; Environment Department; General Environmental and Nature Policy Division

³⁸ Much of the information resulted from informal talks when taking part in the Belgian delegation during the non-participatory observations of CSD-16, CSD-17, AMSDE 2009, AMSDE 2010 and the 2009 EU discussions on the EU SDS. Members of the Belgian delegation to one or more of those meetings are listed with *.

DE SAEGHER, Tom	20 April 2009 4 May 2011	Adviser at Flemish Government; Cabinet of Minister-president
DE SMEDT, Jan	29 August 2007	Director at the secretariat of the Federal Council for Sustainable Development, Belgium
DE SMEDT, Peter	5 October 2009	Scientific Officer at European Commission; DG Research Adviser (2003-2007) at Flemish Government; Research Centre of the Flemish Government
DUA, Vera	27 November 2009	Minister (1999-2003) at Flemish Government; Minister of Environment and Agriculture (Agalev)
GIJSEL, Marjolijn	19 April 2011	Policy officer at Flemish Government; Services for General Governmental Policy; Sustainable Development Team Policy officer (2006-2007) at Flemish Government; Services for General Governmental Policy; Sustainable Development Team Policy officer (2003-2006) at Flemish Government; Environment Department; Europe and Environment Division
GOUZEE, Nadine*		Coordinator at Federal Planning Bureau, Belgium; Task Force Sustainable Development
LENAERTS, Ulrik	29 March 2011	Policy officer (1996-2001) at Flemish Government; Environment Department; Europe and Environment Division
MERCKX, Remy*	26 April 2011	Head of Division at Flemish Government; Environment, Nature and Energy Department; International Environmental Policy Division
PALLEMAERTS, Marc	28 April 2011	Adviser (1999-2003) at Federal Government of Belgium; Cabinet of Federal State Secretary of Energy and Sustainable Development Adviser (1995-1999) at Federal Government of Belgium; Cabinet of Federal State Secretary of Security, Societal Integration and Environment Adviser (1992-1995) at Flemish Government; Cabinet of Minister of Environment
PERSOONS, May	12 November 2009	Sustainable Development attaché (2006-2008) at Flemish Representation; Permanent Representation of Belgium to the EU
POPPELIER, Guido	12 October 2009	Environment attaché (2001-2003) at Flemish Representation; Permanent Representation of Belgium to the EU Adviser (2004-2007) at Federal Government of Belgium; Cabinet of Federal State Secretary of Sustainable Development and Social Economy

RENDERS, Roos*		Head of Unit (2006-2009) at Flemish Government; Environment, Nature and Energy Department; International Environmental Policy Division: Multilateral Environmental Policy Unit Policy adviser (1995-2006) at Flemish Government; Environment Department; Europe and Environment Division
RIJNHOUT, Leida*	24 April 2008	Co-ordinator (2000-2009) at Vlaams Overleg Duurzame Ontwikkeling (VODO) vzw
VANDEN BILCKE, Chris*	8 February 2008 19 March 2008 31 May 2011	Head of Division at Federal Government of Belgium; Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation; Division M4.1 Sustainable Development and Environment
VAN DEN WALLE, Cédric	25 Augustus 2009	Adviser at Federal Government of Belgium; Cabinet of Minister of Climate and Energy; Policy officer (2006-2007) at Federal Government of Belgium; Federal Public Planning Service Sustainable Development Policy officer (2002-2006) at Federal Government of Belgium; secretariat of Interdepartmental Commission on Sustainable Development
VANEYCKEN, Sven	22 September 2009	Adviser at Federal Government of Belgium; Cabinet of Vice-Prime Minister and Minister of Public Service, Public Enterprises and Institutional Reforms Policy officer (2003-2008) at Federal Government of Belgium; Federal Public Planning Service Sustainable Development
VAN WEERT, Els	9 September 2009	State Secretary of Sustainable Development and Social Economy (2004-2007) at Federal Government of Belgium
VERBEKE, Griet*	5 April 2011	Head of Unit at Flemish Government; Environment, Nature and Energy Department; International Environmental Policy Division: Multilateral Environmental Policy Unit Policy adviser (2007-2010) at Flemish Government; Environment, Nature and Energy Department; Multilateral Environmental Policy Unit
VERECKEN, Frank*	8 June 2010	Policy officer at Flemish Government; Economy, Science and Innovation Administration
VERHEEKE, Jan	28 August 2009	Secretary ad interim at Minaraad Adviser (2004-2009) at Flemish Government; Cabinet of Minister of Environment and Nature

WALPOT, Oda	31 August 2007 7 April 2009	Task Holder at Flemish Government (2005-2009); Services for General Governmental Policy; Coordination Cell Sustainable Development
ZUINEN, Natasha*	19 May 2010	Adviser at the Belgian Federal Planning Bureau; Task Force Sustainable Development