

When decentralisation strikes back: The example of climate governance in Belgium

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ABSTRACT This contribution addresses the federal architecture of Belgium to understand its core functioning elements with regard to the country's climate change governance. For several historic, cultural and political reasons, Belgium bears a heavily decentralised institutional and organisational setup, which, however, provides for several drawbacks when addressing face-offs and cross-cutting policy issues such as climate change. The compartmentalised allocation of powers and the intergovernmental conflicts arising as a result of diverging political stances at different levels of government towards climate action have led to several policy failures. This paper will thus first outline the complex governance structure of the Belgian federal state. While doing so, it will also underscore key formal and informal features underpinning policymaking in Belgium, which are of utmost relevance for climate policy. Next, it will chart such governance structure within the specific context of climate action in Belgium. Last, it will display some examples of climate policy failures to unfold how different tenets of the Belgian system interplay with climate change planning and policy implementation. Notably, Belgium displays an example of how decentralisation could be put at odds with the effective development and implementation of climate policy.

KEYWORDS climate change; climate governance; Belgium; decentralisation.

1. Introduction

Within the context of federal states in Europe, Belgium represents certainly a rather unique context in several respects. Belgium is a very sophisticated country to look at when it comes to its allocation of powers, inter-institutional relationships and cooperation mechanisms. As such, Belgium is arguably

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one of the most decentralised countries in Europe comprising three levels of government with a complex set of powers and competences.

Yet, when it comes to the fight against climate change, Belgium displays a long track record of organisational drawbacks and policy failures. Despite being a relatively small country both in terms of geographical extension and population (11.5 million inhabitants, 2.6% of the total EU population), Belgium accounts for a total of 123MtCO_{2e} of greenhouse gases (GHG) emissions in the EU (3.3% of the total), ranking as the country with the seventh highest GHG emissions per capita in Europe (2.4tCO_{2e}/person above the EU average in 2019).¹ Most importantly, and contrary to general assumptions on the effectiveness of the federalist structure for climate governance, one of the main challenges Belgium faces in developing effective climate governance relates to its extensive fragmentation across different levels of government. Moreover, several country-specific formal and informal elements underpin decision and policymaking in Belgium, and thus far have proven prejudicial to the adoption of ambitious climate policies at the national level, sparking criticism both within and outside the national boundaries.

This contribution stems from the very insightful workshop “Climate Change Governance in EU Decentralised Member States: A Comparative Review”, organised by the Institute for Self-Government Studies of the Government of Catalonia on 20 September 2022 at *Universitat Rovira i Virgili* in Tarragona. At the workshop, three key questions were raised to steer the discussion and identify potential common or diverging tenets of climate governance in decentralised federal states:

- 1) Whether and how the features and practices of decentralised jurisdictions shape climate policymaking?
- 2) What are the opportunities and challenges/barriers that decentralised jurisdictions offer for the development and implementation of climate policies?
- 3) What are the conditions that influence the pathways and outcomes of climate governance in these systems?

1. EPRS, *Climate Action in Belgium*.

With the above three underlying questions in mind, this paper will appraise the main features of the Belgian federal architecture with a view to explaining its functioning and most important constituencies in the development and implementation of climate governance. To this end, the contribution proceeds as follows: Section 2 describes the general multi-level governance setup of Belgium. In addition, this section delves into the main elements behind the functioning of the country's architecture, namely, its characterisation as dual and cooperative federalism, the large reliance on cooperation agreements, and the role of the executive and political parties in decision-making. Section 3 frames the general federal structure of Belgium and its main elements within the context of the country's climate governance, thus analysing the institutional setup adopted at the federal and subnational levels to deal with climate change mitigation and adaptation. In addition, this section provides a series of relevant examples of climate policy failures to further substantiate the general appraisal of Belgian climate governance. Section 4 takes stock of the findings of the previous sections to provide a more general assessment of the role of decentralisation in the context of Belgium's climate governance. The Belgian case provides manifold elements that testify to the potential drawbacks of a truly decentralised approach to achieve ambitious climate policy and effective implementation. Section 5 concludes by summarising the main findings of the paper while answering all the above three key questions, hopefully delivering a comprehensive account of the manifold nuances of climate governance in Belgium.

2. The federal structure of Belgium

Belgium is arguably one of the most federal architectures in Europe. Funded as a kingdom in 1830, it officially became a truly federal state in 1993, as a result of a series of major reforms of the 1831 Constitution. The federal state reform was primarily driven by the linguistic distinction between the Flemish-speaking and French-speaking communities: whereas the former demanded more cultural autonomy, the latter demanded more economic decentralisation.²

As such, it comprises the following set of governmental bodies:

2. Devos, Bouteca, Ossenblok and Moens, *Belgisch federalisme*.

- The *Federal State*, based in Brussels. The federal level comprises both an executive power (the Federal Government) and a legislative power (the Federal Parliament).
- The *Regions*, namely, Flanders, Wallonia and Brussels Region. Each region comprises both an executive power (the Regional Government) and a legislative power (the Regional Parliament).
- The *Communities*, namely, the Flemish, French and German-speaking regions, as well as the bilingual Brussels Region.
- The *Provinces* (ten in total, five in the Flemish Region and five in the Walloon Region, respectively).
- The *Municipalities* (581 in total, 262 located in the Walloon Region, 300 located in the Flemish Region and 19 located in the Brussels Region).

The whole set of legislative and executive powers are allocated across all the above levels of government, bearing in mind the need to strike a proper balance between adequate coordination and autonomy, especially for the regional governments with regard to economic and cultural activities and for the communities with regard to language-related topics. The allocation of competences is regulated under the Special Law on Institutional Reforms, enacted on 8 August 1980 as part of the manifold waves of amendments undertaken to the 1831 Constitution in the process towards the establishment of a federal state.³

Furthermore, and relevant for this analysis, the Belgian institutional and political system showcases three eminent features, which meaningfully characterise it among all other decentralised states in Europe as also recognised in the existing literature. Such elements are:

- The connotation of Belgium as a dual federalist state (dual federalism).
- The reliance on intergovernmental cooperation (cooperation mechanisms).

3. Special law of 8 August 1980 of institutional reforms, no. 1980-08-08/02.

- The influential role of the executive power (partocracy).

I shall address all three elements in turn in the following subsections.

2.1. Dual federalism

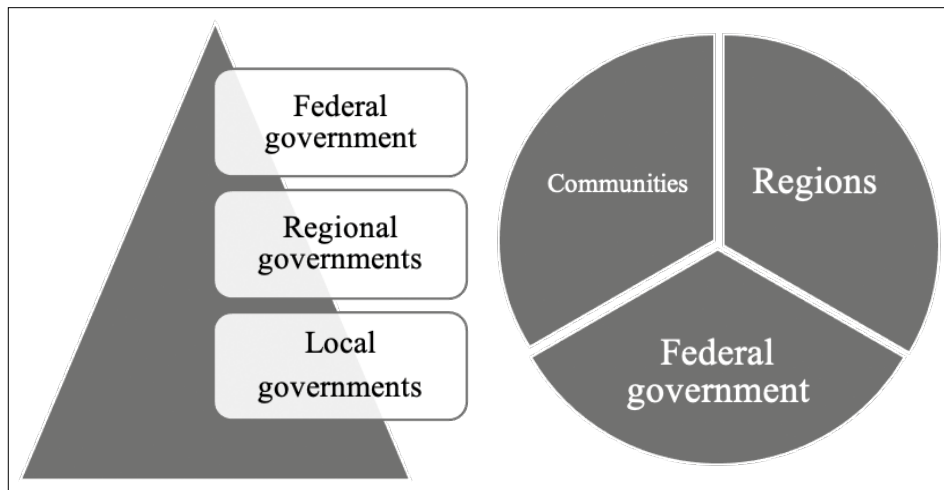
Across the spectrum of different decentralised states' governance structures, Belgium entails a system of true dual federalism. In political science, dual federalism (or layer-cake federalism) more generally refers to a structure whereby federal and sub-federal governments both have power over individuals, but that power is strictly limited to separate and distinct spheres of authority, so that each government is neither subordinate to nor liable to be deprived of its authority by the other.⁴

Accordingly, and differently from a traditional federal setup, competences in Belgium are allocated in a very strict way among the different levels of government and pertain exclusively to the same identified level of government. The rationale behind this development primarily relates to the need to prevent and avoid joint decisions amidst the ramping ethnolinguistic divide between the French-speaking and Flemish-speaking communities.⁵ Moreover, and unlike the traditional multi-level setup in federal states, a peculiar feature of Belgian dual federalism is its lack of hierarchical relationship between the federated entities as displayed in Figure 1. Therefore, no pre-emption of regional governments is allowed in principle to the federal government, nor are regional governments bound by federal legislation in matters that fall under their competence according to the Constitution and the implementing laws and regulations.

4. Beyers and Bursens, *The European rescue of the federal state*.

5. Swenden, Brans and De Winter, *The politics of Belgium*.

Figure 1. Traditional federal structure and Belgian federal structure



Source: Author.

Furthermore, the exclusive character of the internal allocation of competences is mirrored in foreign policy. This draws from the fundamental *in foro interno, in foro externo* principle, originally established in the 1980 reform. Accordingly, Belgian regional governments may develop their own external policy in all matters for which they are internally competent, whereas the Federal Government shall represent the country in international fora only for matters of its exclusive competence.⁶ Hence, such a degree of exclusivity of competences may well lead to totally opposing policies undertaken at different subnational levels, whereby “policymaking on one side of the language border often happens without knowing what the other side is doing, even in cases where it is obvious that policy coordination would enhance effectiveness”.⁷

The allocation of competences across the different layers of government is heavily compartmentalised and mostly centred around the regional level.⁸ The Federal Special Law of 8 August 1980 of Institutional Reforms implementing Article 39 of the Constitution (already introduced in 1970) establishes the

6. Van den Brande, *Intergovernmental cooperation for international decision-making in federal states*.

7. Happaerts, Schunz and Bruyninckx, *Federalism and Intergovernmental Relations*.

8. Hondeghe and Schram, *Hoofdstuk 6*; Popelier, *Power-Sharing in Belgium*.

competences of the federal government, the regions and the communities.⁹ The communities essentially retain competences over language, cultural, personal and educational matters. Regional governments have competences in most territorial issues, such as the protection of the environment, agriculture, spatial planning, agriculture, energy policy, transport and infrastructure. In the field of energy, the regions have competence over renewable energy policy and rational energy use. However, the Federal Government retains competences in strategic elements such as nuclear energy generation and offshore wind energy generation. As for transport policy, issues such as road transport, seaports, regional airports and public transport are subnational competences, but rail transport and the national airport are federal responsibilities.

Last, the federal state retains competences where not explicitly attributed to regions or communities (residual powers), which include relevant elements of climate policy.¹⁰ In addition, and importantly, the same Federal State is accountable for the whole federated entities' compliance with EU and international obligations, including those laid down in the EU Regulation on the Governance of the Energy Union and Climate Action and the UNFCCC Paris Agreement.¹¹ In this respect, a notable element of Belgian constitutional setup relates to the pre-emptive powers of the Belgian federal state in case of regions' non-compliance with international obligations, including notably obligations under the UNFCCC or EU law.¹²

The allocation of competences relevant for the purposes of climate action as allocated between the federal and regional governments are displayed in Table 1 and Table 2 below.

9. Special law of 8 August 1980 of institutional reforms, no. 1980-08-08/02, Section II.

10. Happaerts, *Climate governance in federal Belgium*.

11. European Parliament and Council Regulation no. 2018/1999/EU on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p. 1-77

12. Godts, Di Giacomo and Maussion. *Belgium's Energy & Climate Plan*.

Table 1. General allocation of competences between the Belgian federal government and the regional governments

| | Federal government | Regional governments |
|-----------------------|---|---|
| Exclusive competences | | Urban policy and spatial planning, Water policy, Nature conservation. |
| Shared competences | Environment, Public health, International relations, Energy, Agriculture and fisheries, Transport. | |

Source: Author.

Table 2. Allocation of competences between the Belgian Federal Government and regional governments in the fields of environment and energy

| | Federal government | Regional governments |
|---|---|--|
| Competences in the field of environment | Nuclear waste, Waste transit through Belgium, Product regulations. Strategies and monitoring frameworks, Resource efficiency, Biodiversity measures, Sustainable development Inspectorate, Public consultations on the environment. | Legislation and implementation of policy on the environment and nature conservation, soil, water, air, and noise pollution, Waste policy, The production and supply of water, including technical regulations controlling the quality of drinking water, Effluent purification, Environmental planning, and Waste transit except for nuclear waste. |
| Competences in the field of energy | Nuclear energy, Federal equipment plans for electricity, Major energy storage infrastructure, Energy transport and production, Security of supply, National investment plans for gas and electricity, Production and transmission/transport of energy (including electricity grid >70 kV), Transport tariffs and prices Offshore wind energy. | Local transport and distribution of electricity, The public distribution of gas Distribution tariffs (gas and electricity), Regulation of gas and electricity retail markets, Distribution and transmission of electricity (electricity grid <70 kV), Distribution of natural gas, Distribution tariffs, District heating equipment and networks, Renewable energy generation (except for offshore wind energy). |

Source: Author.

Yet, despite the fact that the clear-cut and rigid allocation of competences provided by its constitutional framework places Belgium fully within the definition of dual federalism, Belgium bears several important features of cooperative federalism, too. Such elements arise specifically in the case of cross-cutting, inherently multi-level issues such as the protection of the environment and the fight against climate change. Being a signatory state to the UNFCCC and its Paris Agreement and a Member State of the European Union, Belgium is bound by supranational commitments in terms, among others, of GHG emission reductions, renewable energy generation, and energy efficiency. Achieving such commitments calls for comprehensive and coordinated action between all levels of government even within such a fragmented federal context. An obvious consequence that can be drawn from the above fairly unique – indeed, “more unique” than others – governance setup is that decision-making on matters that transcend the federal/regional divide of competences cannot but rely on consensus among all levels of government.¹³ Hence the second peculiarity of the governance system in Belgium, which relates to its constellation of cooperation mechanisms.

2.2. Co-operation mechanisms

The development of intergovernmental cooperation mechanisms is a deep-rooted feature of Belgium’s governance structure.¹⁴ As mentioned above, effective institutional mechanisms are essential to overcome policy failures against the need to adopt joint and coordinated decisions among all the most powerful levels of government - namely the Federal Government and the regions.

Three different institutional mechanisms for cooperation are currently deployed in Belgium:

- The Deliberation Committee.
- Cooperation agreements.
- Inter-ministerial conferences.

13. Peters, *Consociationalism, corruption and chocolate*.

14. Van den Brande, *Intergovernmental cooperation for international decision-making in federal states*; Jans and Tombeur, *Living apart together*.

The *Deliberation Committee* is the most formal level of intergovernmental relations. The Committee comprises the federal prime minister and the minister-presidents of all the regions, as well as a certain number of other federal and regional ministers. Given its nature at the highest political level, it is deemed as a compromise measure of last resort to be relied upon only when any other voluntary cooperation mechanism has failed to address a certain issue.¹⁵

Cooperation agreements are established pursuant to Article 92 *bis* of the 1980 Special Act on Institutional Reforms. Cooperation agreements deal with the joint exercise of powers.¹⁶ Notably, most of the Belgian climate policy rests on cooperation agreements.¹⁷ Cooperation agreements are signed between the federal government, the regions and communities, depending on the topic to be addressed. There are currently hundreds of cooperation agreements signed between the federal entities of Belgium.

Alongside cooperation agreements, another mechanism to ensure intergovernmental cooperation are inter-ministerial conferences. Inter-ministerial conferences aim to bring together competent ministers in all subnational governments to adopt decisions on specific issues in a more informal and less structured way. In addition, inter-ministerial conferences provide for sub-working groups dealing with specific topics within the broader issue at hand. Whereas the inter-ministerial conferences shall not lead to official decisions and, therefore, do not entail a proper law-making function, they nonetheless steer the decision of the different authorities at the regional level. There are currently 18 inter-ministerial conferences in force in Belgium.

Where certain cooperation agreements (e.g., the *Deliberation Committee*) might entail a rather binding character, however, intergovernmental cooperation in Belgium holds a limited binding character. In fact, no federal or regional government is normally forced to participate in intergovernmental negotiations. Moreover, all decisions taken within the cooperation mechanisms must be adopted by consensus.¹⁸ This comes both as a consequence of the principle of no hierarchy grounding the dual structure of Belgian

15. Swenden and Jans, *Will it stay or will it go?*

16. Special law of 8 August 1980 of institutional reforms, no. 1980-08-08/02, art. 92-bis.

17. Godts, Di Giacomo and Maussion, *Belgium's Energy & Climate Plan*.

18. Happaerts, Schunz and Bruyninckx, *Federalism and intergovernmental relations*.

federalism and the nature of Belgium as a consociational democracy channelled towards negotiations, full-fledged representations and compromised decision-making.¹⁹ Thus, regardless of the mechanisms in place under the legislative framework, persuasion and voluntary cooperation are ultimately the cornerstones of joint intergovernmental action.²⁰

Furthermore, a relevant factor in the context of intergovernmental cooperation in Belgium is the influence exercised by external factors. It has been widely recognised that despite the general voluntary spirit of cooperation in Belgium, many cooperation agreements or inter-ministerial conferences have been prompted by requests arising at the EU or international levels, e.g., with regard to a common position or a common policy on an overarching issue. The EU plays a prominent role in this dynamic given its authoritative role in both Belgian politics and public opinion. Hence the “Europeanisation” of Belgian policies has been widely recognised as a key element fostering intergovernmental cooperation, among others, in the fields of climate action.²¹

One last element to be stressed is the role of informal processes in intergovernmental relationships in Belgium. In several instances, cooperation takes place beyond the establishment of specific agreements among Belgian federated entities. As a notable example, research unveiled a universe of *ad hoc* informal cooperation practices in the context of sustainable development which – although driven by international pressure – were considered adequate and well-functioning by every level of government even without the backdrop of a formal cooperation agreement.²²

2.3. Partocracy

The third and last key element of Belgian Federalism relates to the role of the executive power and political parties. Belgium can be defined as an executive

19. Van Wynsberghe, *The End of Belgium As We Know It*.

20. Happaerts, Schunz and Bruyninckx, *Federalism and Intergovernmental Relations*.

21. Beyers and Bursens, *The European rescue of the federal state*.

22. Van den Brande, *Intergovernmental cooperation for international decision-making in federal states*.

federal state. This entails a heavily politicised fashion of the multi-level interactions in the policy-making arena. In fact, intergovernmental relationships are rather controlled and driven by elected officials as opposed to parliaments. Ministerial cabinets, which operate at both the federal and regional levels, participate in all cooperation mechanisms and hold extensive power in decision-making rather than parliamentary chambers.²³

In addition to this executive, more institutional character, Belgium has been characterised as a “partocracy” because most political decisions are monopolised by the relevant political parties.²⁴ This comes as a long-lasting process of erosion of the parliaments’ control function over the government formation and activities since the Second World War; up to a point where “Belgian parties can be considered the effective principals in the polity, and many actors of the parliamentary chain of delegation, such as MPs, ministers, and civil servants have been reduced to mere party agents”.²⁵

Political parties in Belgium essentially reflect the territorial fragmentation of the country and are constituted on a linguistic basis. Therefore, there is no nationwide party represented across the three regions. Instead, there are two party systems: a Flemish system and a Francophone system. Flemish parties only compete for votes over the Flemish territory and do not have lists in the Walloon constituencies and vice versa. Flemish or Francophone parties thus only answer to their own electorate. While such a system might foster policy coherence, it is nonetheless exposed to inevitable tensions and failures when the federal government and regional governments are not led by the same coalition, which has happened rather consistently since the 2004 elections as followed by increasing fragmentation of the political parties.²⁶ Since most of the ministerial cabinets at the federal and regional levels are nominated by political parties, it is clear that political asymmetry between different levels of government leads to conflicting views on policy agendas and potentially diverging approaches and decisions which further hamper the decision-making process.

23. Happaerts, *Climate governance in federal Belgium*.

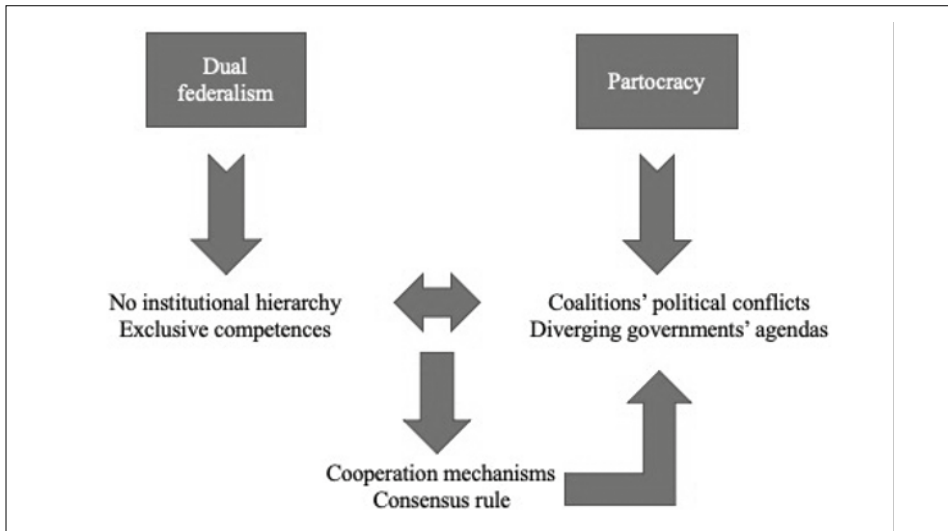
24. Peters, *Consociationalism, corruption and chocolate*.

25. Swenden, Brans and De Winter, *The politics of Belgium: institutions and policy under bipolar and centrifugal federalism*.

26. De Winter and Baudewyns, *Belgium*.

The three elements analysed above are inextricably connected and mutually reinforcing, and altogether contribute to the bedrock of decision-making against the context of a pronounced decentralisation, as displayed in Figure 2 below.

Figure 2. Mutual relationship among the main Belgian governance features



Source: Author.

Such a complex system ideally serves as a conflict management setting to ensure political stability against centrifugal forces driven by a divided society.²⁷ However, as I shall explain below, such delicate construction might provide utter failures when faced with long-term and inherently far-reaching issues such as the fight against climate change.

3. Climate policy and decision-making in Belgium

Belgian climate change policy is deeply ingrained in the above-displayed tenets of the Belgian federal system.

27. Van Wynsberghe, *The End of Belgium As We Know It*.

From the perspective of policy planning, given the eminent powers and competences exercised by the federated entities, Belgian climate policy refers to a constellation of policy documents and legislation. At the more general level, in terms of target-setting and GHG emissions reduction trajectories, the following documents can be listed:

- Belgian long-term climate strategy for 2050.²⁸
- National Adaptation Strategy.²⁹
- National Energy and Climate Plan (NECP), which replaces the former National Climate Plan from 2021 onwards.³⁰
- Regional climate plans.

In this section, I will briefly explain the governance setup and different instruments adopted by the different levels of government in the field of climate action.

3.1. Federal government

Given Belgium's extremely decentralised structure and its internal delicate equilibrium in terms of competences and powers, several mechanisms have been created at the federal level to promote consultation and cooperation between the different levels of government to streamline policies and decisions in the field of environmental and climate change action.

The apical bodies of the Belgian federal climate decision-making are the *Inter-ministerial Conference for the Environment* (ICE) and the *Coordination Committee for International Environment Policy* (CCIEP). The ICE provides deliberation between the federal government and the regions on environmental

28. Belgium's Long-Term Strategy, available at the following link: <https://climat.be/doc/national-lt-strategy-fr.pdf> (accessed 22 March 2023).

29. Belgian National Climate Adaptation Strategy, available at the following link: <https://climat.be/doc/strategie-nationale-adaptation.pdf> (accessed 15 March 2023).

30. Final National Energy and Climate Plan – Belgium, available at the following link: https://energy.ec.europa.eu/final-necp-belgium-original-version_en (accessed 17 March 2023).

issues and comprises the federal and regional ministers for the environment. When discussing climate change issues, however, the ICE includes also the federal and regional prime ministers, as well as other competent ministers at the federal and regional level (e.g., the ministers responsible for Budget, Energy, Transport, Taxes, etc.). The main aim of the ICE is to devise Belgium's international positions on climate change, which shall be further upheld before EU or international bodies.³¹

Differently, the CCIEP serves a coordination function delegated thereto by the ICE. The CCIEP comes as a result of a cooperation agreement between the federal state and all three regions. In turn, the CCIEP consists of different working groups, which deal with different specific subsets of environmental and climate policy. As related to climate action, the most prominent role in the CCIEP is played by the Greenhouse Effect Coordination Working Group (GECWG). The GECWG essentially provides coordination for the Belgian action on climate change. As such, it supports the development of all Belgian policy documents, including decisions, positions and recommendations, as well as regulatory instruments on climate change.

With regard to the internal national dimension of Belgium's climate action, the main coordinating entity established at the national level is the *National Climate Commission* (NCC). The NCC was established under a cooperation agreement signed in November 2002. It includes four ministerial representatives from the federal government as well as four ministerial representatives for each region. It is assisted by a permanent secretariat and in turn includes ad hoc working groups dealing with specific subsets of climate policy, including adaptation, burden sharing, Emission Trading System (ETS), climate finance, flexibility mechanisms under the Kyoto Protocol, and the National Energy and Climate Plan. Therefore, the NCC WG is responsible together with the GECWG for compliance with European and international obligations. For example, the NCC approves Belgium's annual GHG inventory to be submitted pursuant to Articles 7 and 8 of Regulation no. 525/2013/EU and the UNFCCC, as well as all reporting obligations under the EU ETS Directive 2003/87/EC.³² The NCC aims for the correct fulfilment of the European and

31. Gayard, *How Regions Contribute to Belgium's International Climate Policy*.

32. Parliament and Council Directive 2003/87/EC establishing a scheme for greenhouse gases emission allowance trading within the community, OJ L 275, 25.10.2003, p. 32–46.

international reporting obligations and also advises both the CCIEP and the Interdepartmental Committee on Sustainable Development (ICSD) with regard to policies related to both climate mitigation and adaptation.

In addition, specific bodies have been established to ensure proper consultations between the federal and regional governments with regard to the shared competence on energy matters, the ENOVER. ENOVER's tasks are foremost to prompt consultations between the federal government and the regions, to streamline domestic energy policy and support the exchange of information in order also to devise coordinated positions on energy matters before supra-national bodies (e.g., the Council of the European Union). ENOVER comprises different working groups dealing with different subsets of energy policy, such as renewable energy generation, hydrogen, energy efficiency, etc. For the drafting of the first Belgian National Energy and Climate Plan (NECP), a joint NCC-ENOVER working group was established in 2016.

As a recent notable development, the inter-federal Energy Pact was launched in 2017 by the federal and regional energy ministers to provide a comprehensive stakeholder consultation forum to achieve the energy transition targets for 2030 and 2050. An ad hoc ENOVER has been created for the implementation of the Energy Pact.

3.2. Regional governments

Zooming in at the regional level, all three regions have an internal, yet less sophisticated, climate governance setting. All three regions regularly develop their regional climate policies and plans. In 2019, the Flemish government adopted the Flemish Climate Strategy 2050 (*Klimaatstrategie 2050*) and the Flemish Climate and Energy Plan (*Vlaams Energie en Klimaatplan*, VEKP) 2021-2030, which include climate mitigation and objectives and targets with regard to all relevant GHG-emitting sectors in Flanders, as well as adaptation objectives.³³ The general objective envisaged in the Energy and Climate Plan is to reach an overall reduction of -35% GHG emissions from the non-EU

33. *Vlaams Energie en Klimaatplan*, available at the following link: <https://www.vlaanderen.be/veka/beleid/vlaams-energie-en-klimaatplan-vekp-2021-2030> (accessed 22 March 2023).

ETS sectors by 2030 as compared to 2005 levels, with a view to achieving a -85% reduction level by 2050.

The Walloon Region, based on the 2014 Climate Decree, adopted in 2019 its Plan for Air, Climate and Energy (PACE) 2030.³⁴ Accordingly, Wallonia has committed to achieving a -30% GHG emissions reductions by 2030 as compared to 2005 and a -55% reduction as compared to 1990 levels for the non-EU ETS sectors. The Walloon PACE includes specific reduction targets for all GHG-emitting sectors, including energy generation, buildings, waste, transport, agriculture, and forestry, as well as non-CO₂ emissions and adaptation measures. Based on the general framework of the PACE, a Climate and Energy Plan for the Walloon Region was also drafted.

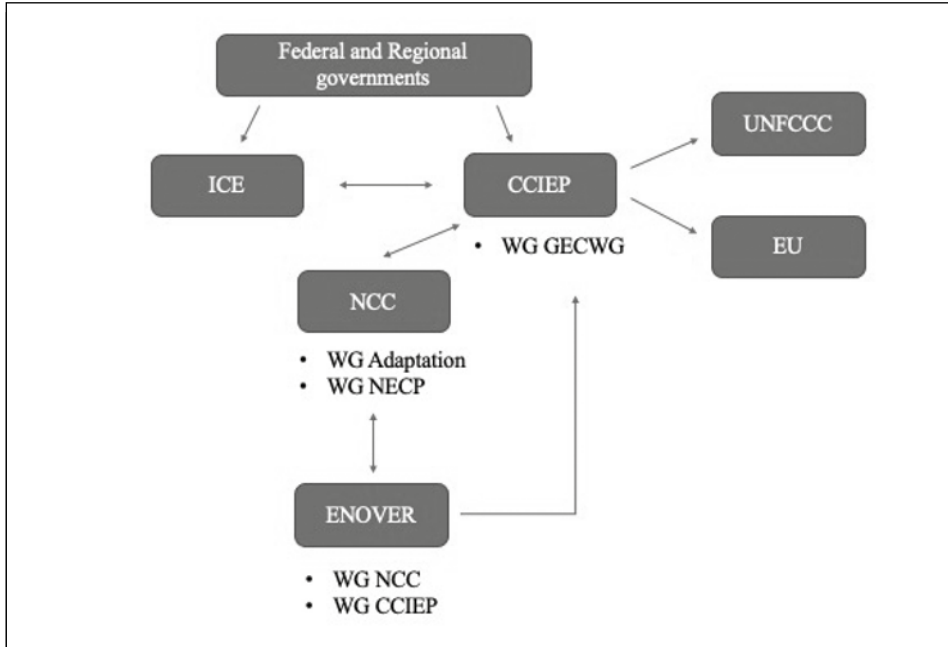
Finally, the Brussels Region has issued its draft Air, Climate and Energy Plan (PACE) 2023-2027, which is currently under public consultation.³⁵ The PACE replaces the previous PACE adopted in 2016 and the previous 2013 Code for Air, Climate and Energy for the Brussels Region. The plan sets the goal of reducing GHG emissions of -47% by 2030 as compared to 2005 levels with a view to achieving -95% by 2050. The 2022 PACE revolves around four main pillars, namely the reduction of direct GHG emissions from intensive sectors (e.g., energy, transport, residence and waste), the reduction of indirect GHG emissions (e.g., from the food chain), the fight against air pollutants and the enhancement of urban resilience. It therefore contains a wide array of specific measures targeting, among others, energy efficiency, renewables, sustainable transport, air quality and climate.

All the above-mentioned climate plans delivered by the three Belgian regions together concur with the final definition of the Belgian National Energy and Climate Plan (NECP). The overall structure of climate governance in Belgium is displayed in Figure 3 below.

34. *Plan Air Climat Énergie à l'Horizon 2030*, available at the following link: <https://energie.wallonie.be/servlet/Repository/plan-air-climat-energie-2030.pdf?ID=54248> (accessed 22 March 2023).

35. All the information related to the Brussels Region PACE is available at the following link: <https://environnement.brussels/citoyen/news/enquete-publique-projet-de-plan-regional-air-climat-energie-2023-2027> (accessed 22 March 2023).

Figure 3. Belgian climate governance structure



Source: Author.

4. Climate policy failures in Belgium

The above-mentioned governance setup is exposed to major risks of policy failures. In fact, coordination and coherence across different levels of government are crucial to ensure that no divergence or race to the bottom is triggered at different subnational levels.³⁶

Under the current governance setup, Regions bear the most relevant role in terms of policy-making.³⁷ On the one hand, enabling action at a decentralised level can be an enabling factor in prompting effective climate mitigation and adaptation action.³⁸ On the other hand, governance fragmentation might hamper progress, especially where different levels of government pursue

36. Happaerts, *Climate governance in federal Belgium*.

37. Misonne and El Berhoumi, *Klimaat, Grondwet en Bevoegdheidsverdeling*.

38. Jörgensen and Jogesh, *Multi-level climate governance and the role of the subnational level*, 7.

conflicting policies agendas.³⁹ In the case of Belgium, it has been widely recognised that the fragmented climate governance has posed remarkable challenges to the adoption of a coordinated and comprehensive climate policy, thus watering down ambition and slow-pacing the adoption of climate policies.⁴⁰

4.1. Burden-sharing negotiations

A clear reported example in this respect relates to the long-lasting negotiations on GHG emissions burden sharing to implement the EU targets under the Effort Sharing Regulation and the 2020 EU's climate and energy package.⁴¹ The 2020 EU's climate and energy framework mandated Belgium to reduce its GHG emissions in non-EU ETS sectors by 15% by 2020 as compared to 2005 levels. Yet the internal negotiations about the further breakdown of the burden sharing across the different federated entities started amidst a major political crisis in the wake of the 2010 federal elections, which led to a stalemate lasting 18 months until the federal coalition government was finally sworn in in December 2011. Until then, no negotiations on burden sharing could take place due to the principle of no hierarchy and the consensus rule, whereby no intergovernmental negotiations can take place if one player is not sitting at the table.

After the instalment of the new federal government, negotiations proved extremely cumbersome because of the widely diverging political environment, in particular, whereas the Flemish conservative and Walloon green-led governments reflected a widely different degree of ambition. Moreover, the freezing of all intergovernmental negotiations significantly delayed the regions' ability to develop their own climate plans and GHG emission reduction targets and led the regions to unilaterally adopt targets even without a proper legal basis (as in the case of the Flemish Region).

39. Jensen, Nielsen and Russel, *Climate policy in a fragmented world*.

40. Happerts, *Federalism and Intergovernmental Relations*.

41. Regulation of the Parliament and Council no. 2018/842/EU on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, OJ L 156, 19.6.2018, p. 26–42.

Hence, overall, the outcome of this lengthy negotiation process was a race to the bottom in the definition of Belgium's final burden-sharing agreement. This happened repeatedly in all agreements negotiated as mandated by recurring new overarching targets set under the EU Effort Sharing Regulation. The Effort Sharing regulation set a general target for Belgium of -35% GHG emissions by 2030 as compared to 2005. With regard to the 2021-2030 targets for GHG emissions in non-ETS sectors. Where in the submitted NECP Belgium has committed to this general target, no clear-cut national target has been officially set since such a target should arise as a consequence of an aggregation of submissions from the three regions. As mentioned above, the Flemish Region has committed to an indicative reduction target of 32.6% by 2030 compared to 2005. The Walloon Region agreed on a final target of -37% by 2030 compared to 2005 based on existing policies. The Brussels Region has adopted a far-reaching objective of -40% by 2030 compared to 2005. Notwithstanding, the aggregated result of the pledges and policies adopted at the regional level still shows a 23% gap with the overall target established under the Effort Sharing Regulation, as highlighted by the European Commission.

Another, more recent example of poor-functioning climate governance relates to the allocation of revenue streams under the EU Emission Trading System (EU ETS) because of a backlog due to the resistance of the Flemish government to come to a cooperation agreement for the period 2021-2030, in order to allocate shares across the regions and the federal state. Therefore, more than 1.5 billion EUR from EU ETS emission allowances auctions in years 2021-2022, which should be used for climate mitigation action, were frozen in a dedicated account until a final agreement was reached in November 2022 – although it has yet to be crystallised in a cooperation agreement.

4.2. Nuclear power phase-out

Another clear example to be referred to is the decision, adopted by the federal government in 2003, to phase out all nuclear energy generation by 2025. Nuclear power has historically been a cornerstone of Belgium's energy mix since 1975, when most of its reactors entered into operation. In 2019, nuclear generation accounted for 47% of the total energy generation in Bel-

gium for a total capacity of approx. 2 GW.⁴² There are currently two nuclear power plants operational in Belgium, deploying seven nuclear reactors in total – Doel, located in Flanders, with four reactors and Tihange, located in Wallonia, with three reactors. The decision to phase out nuclear generation was taken in 2003 in response to growing public concerns about the safety and environmental impact of nuclear power, as well as the need to reduce the country’s dependence on a single source of energy. Accordingly, Belgium agreed to shut down its oldest nuclear reactor, Tihange 1, in 2015 and to close all remaining reactors by 2025. Although this matter was discussed and decided at the federal level, the negotiations undertaken to operationalise the nuclear phase-out unfold the potential for policy waves related to the fragmented nature of Belgian politics and the role of political parties in the decision-making process. The decision as to the possible postponement of the nuclear phase-out sparked a vibrant discussion between the ruling green and liberal parties. Where the green Federal Minister for Energy advocated for a proper and timely phase-out, the liberal party heavily criticised the choice of natural gas as a bridging energy source through the full replacement of the nuclear capacity with renewable energy generation.⁴³ Moreover, the constant alternation of different federal governments since the 2003 phase-out decision (10 governments in 19 years), has contributed to a lack of clarity and coherence in the country approach to the originally agreed plans and deadlines. The recent concerns about energy security triggered by the war in Ukraine have led the federal government to extend the operational life of two reactors (Doel 4 and Tihange 3, in operation since 1985) by another 10 years until 2035.

As outlined by the International Energy Agency in its last country review in 2022, “More aggressive policies are needed to reduce Belgium’s fossil fuel dependency and accelerate emissions reductions, especially given that the nuclear phase-out will increase the carbon intensity of electricity generation”.⁴⁴ More specifically, the IEA has expressed concerns as to the actual capability of Belgium to ensure such prolongation of Doel 4 and Tihange 3 reactors against, among other things, “potential delay in regulatory processes”.⁴⁵

42. IEA, *Belgium 2022*.

43. Politico, *Belgium’s nuclear feud threatens to split ruling coalition*.

44. IEA, *Belgium 2022*.

45. *Ibid.*

4.3. The non-adoption of the Belgian climate law

The long-standing discussions on the streamlining of Belgian climate governance could be at a turning point between December 2018 and spring 2019, when a proposal for the first-ever climate law in Belgium was issued. The endeavour came as a result of three enabling factors. First, the civil society unrest and widespread grassroots initiatives for more ambitious climate action sparked by the Fridays for Future movement. Second, the dissolution of the federal government due to a split up between the Flemish conservative party (*Nieuw-Vlaamse Alliantie*, N-VA) and all other political parties over the migration policy. Third, a far-reaching academic initiative, which came as the outcome of a previous process of intellectual appraisal of the existing climate governance regime in Belgium.⁴⁶ As a result of a series of seminars held under the initiative of the federal government, this pool of academic professors drafted a full-fledged proposal for a climate law operational at the federal level.⁴⁷

The proposed Belgian climate law had as its main goal to reduce greenhouse gas emissions in the country and achieve carbon neutrality by 2050. The proposal calls for several measures to be taken in order to achieve this goal, including:

- Reduction of greenhouse gas emissions: The law proposes setting binding targets for the reduction of greenhouse gas emissions, with the aim of reaching carbon neutrality by 2050.
- Clean energy transition: The proposal calls for the promotion of renewable energy sources, such as wind, solar, and hydropower, in order to reduce dependence on fossil fuels.

46. Orsini, Cobut and Gaborit, *Climate change acts non-adoption as potential for renewed expertise and climate activism*.

47. Misonne, Lavrysen, El Berhoumi, Born, Billiet, Theunis, Van Eeckhoutte, Schoukens, Seys, Triaille, Nennen, *Proposition de loi spéciale portant coordination de la politique de l'autorité fédérale, des communautés et des régions à l'égard du changement climatique et fixant ses objectifs globaux à long terme*.

- **Energy efficiency:** The law aims to improve energy efficiency in the building sector, transportation, and industry, through the implementation of energy-saving measures and the use of more efficient technologies.
- **Climate adaptation:** The proposal includes measures to address the impacts of climate change, such as sea-level rise and increased frequency of extreme weather events.
- **Involvement of stakeholders:** The law calls for the involvement of various stakeholders, including local governments, businesses, and civil society organisations, in the development and implementation of climate policy.
- **Monitoring and reporting:** The proposal requires regular monitoring and reporting on the progress towards achieving the goals set out in the law.

The proposal was first conceptually enshrined on 27 November 2018, when it was discussed at a high-level academic workshop as a result of a previous process of analysis of the main weaknesses of Belgian climate governance. In the wake of this high-level seminar, eight academics took the lead on the drafting of the proposal. Notably, on 9 December 2018 a flagship demonstration, the Climate March, took place in Brussels gathering over 65.000 people rallying for more ambitious action by all levels of government. The mutually reinforcing dynamic between the pro-activism of the academic drafting team and the unravelling unrest in public opinion over the issue has been recognised.⁴⁸

After the official launch of the proposal, which took place on 1 February 2019, some progressive political parties immediately took on the draft climate law and tabled its discussion before the Federal Parliament on February 4 to be passed as a special law. Thereafter, all Flemish left-wing parties and all the Walloon parties vouched for the proposal. However, scepticism was raised against the proposal by the Flemish conservative parties and, in particular, the above-mentioned Flemish N-VA, which opposed the idea of setting binding climate targets nationwide.

48. Orsini, Cobut and Gaborit, *Climate change acts non-adoption as potential for renewed expertise and climate activism*.

Notwithstanding the lack of consensus across the political board, the proposal was sent to the Belgian Council of State for its review as required by Belgian federal legislation. While stressing the relevance of a more coherent framework provided by the proposed climate law bill, the Council of State noted that to ensure the adoption of such special law a specific legal ground in the Belgian Constitution was needed. More specifically, the Council of State pointed to the need to amend Article 7 *bis* of the Constitution. Article 7 *bis* of the Belgian Constitution reads:

In the exercise of their respective competences, the Federal State, the Communities and the Regions pursue the objectives of sustainable development in its social, economic and environmental aspects, taking into account the solidarity between the generations.

Accordingly, Article 7 *bis* unfolds the principle of intergenerational equity as revolving around the upholding of sustainable development in all its facets. It therefore states explicit obligations on all levels of government to protect the rights of future generations by taking into account the long-term effects of its actions and decisions, including by considering the impact of environmental degradation and depletion of natural resources. As such, it provides a legal basis for the government to take action to address environmental issues and to prioritise sustainability in its decision-making; moreover, upholding a precautionary approach to prioritise the protection of the environment.⁴⁹

To provide an adequate legal ground for comprehensive legislation such as the tabled climate law, the Council of State suggested amending Article 7 *bis* either by including “precise binding climate objectives” or to state that “the state, communities and regions have to respect binding climate objectives defined in a special majority law or a simple majority law”. This proposal shook the political grounds for the adoption of the climate law bill. In fact, for such an amendment to be adopted a two-thirds majority vote in the Federal Parliament would be required, thus involving a favourable vote from the Flemish conservative parties either utterly against or not supportive of the bill. In addition, other political groups originally standing in favour of the proposal withdrew their support because of their reluctance to revise Arti-

49. Huyberechts, *La place du climat dans la Constitution belge*; Gouzée, Mazijn and Van de Walle, *Les origines et le sens de l'article 7bis de la Constitution*.

cle 7 *bis* as a potential avenue for other constitutional amendments further limiting the autonomy of the regional governments.

Hence, despite the massive ongoing civil society mobilisation throughout the debate on the bill outside the Federal Parliament in March 2019, with climate activists and young citizens occupying and sleeping in *Rue de la Loi* in Brussels, the key proposal to amend Article 7 *bis* of the Belgian Constitution was rejected by the Federal Parliament and rolled over in the agenda for the future legislature.

5. Climate governance in Belgium: A tale of ineffective decentralisation

Climate change can be viewed as a “super wicked” policy problem, with the connotation of the need for adequate governance setup, policy formulation and implementation necessitating problem-solving at various territorial levels.⁵⁰ Conceptualising climate governance as the complex interrelation between a multitude of structural and regulatory forms across a universe of different stakeholders, climate change governance requires a thoroughly coordinated and streamlined approach dealing with different levels, which are interdependent although operating in an institutionally varied, and often diverging, political system.⁵¹

Furthermore, climate change as a policy objective stands out due to the diversity of its perspectives and interests. This diversity implies that there cannot be a single adequate form of governance, nor a single ideological programme or ideal policy, but rather a wide range of approaches and solutions. As underscored by climate legal scholarship, climate change is a multi-scalar regulatory problem, capable of simultaneously engaging more than one level of governance (local, state, national, regional, international).⁵²

The example of Belgium notably challenges the traditional view that decentralised governance is conducive to more effective climate action within the

50. Lazarus, *Super Wicked Problems and Climate Change*.

51. Fröhlich and Knieling, *Conceptualising climate change governance*.

52. Peel, Godden and Keenan, *Climate change law in an era of multi-level governance*.

context of the broader multilateral framework. Research has showcased a linear and positive relationship between decentralisation and environmental performance in OECD countries, but no significant relationship between federalism and environmental performance.⁵³

Whilst Federalism is a constitutional setup, however, decentralisation is a policy preference.⁵⁴ Decentralisation is defined as the allocation of power away from the centre, and it is associated with both a static understanding of a decentralised structure and the process of evolving the structure to a less centralised one in order to solve resource delivery, subsidiarity, and diverse territorial preferences.⁵⁵ As explained by social sciences literature, if national environmental and climate standards are not clearly defined, different subnational jurisdictions may underregulate, for example, environmental policies that would necessitate concrete action and problem-solving.⁵⁶ This is especially true when subnational regions have a high degree of space in policymaking rather than a high level of commonly agreed-upon rules. Therefore, comprehensive, coordinated strategic approaches are required to balance and integrate various claims while avoiding or minimising conflicts of aims. Moreover, inequalities across regions may not be addressed as thoroughly as possible, which may result in a failure to implement or regulate, for example, climate change directives (outcome) – such as the reduction of carbon dioxide emissions – due to disparities in capacity and competitiveness between subnational units.⁵⁷

All the concrete examples analysed in Section 4 above share a common thread, which ultimately relates to the lack of effectiveness of the heavily granular and decentralised governance. While cooperation bodies, such as the joint NCC-ENOVER panel, have managed to mitigate intergovernmental clashes, the partocratic and consociational characters of Belgian federalism still undermine long-term coherent and timely climate action. This is all the more the case against political asymmetry between government political coalitions both between the different regions and between region(s) and the

53. Biela, Hennl and Kaiser, *Policy Making in Multi-Level Systems*.

54. Blume and Voigt, *Federalism and Decentralization*.

55. Schneider, *Decentralization*.

56. Carreras, *Problem-Solving Across Literatures*.

57. Hueglin and Fenna, *Comparative Federalism*.

federal level. With specific regard to climate and energy policy, meaningful discrepancies are present between the Flemish more industry and economy-oriented leadership and the Walloon more progressive and less industry-centric government. In fact, this questions the whole suitability of the consociational model to address institutional conflicts.⁵⁸

Furthermore, and importantly, the fact that all the negotiations related to burden sharing within Belgium have been triggered by EU obligations highlights how Belgian national climate governance is “embedded in a framework that relies on external motors”.⁵⁹ In this respect, studies have clearly underscored how Belgian climate governance is fostered by top-down, mostly EU-driven dynamics, as opposed to bottom-up, stakeholders-centred dynamics.⁶⁰

This example reveals a more general, yet important, element that comes regularly into play which relates to the sensitivity of climate change as a political issue in Belgium. For example, regulating GHG emissions impinges on several delicate policy fields, such as economic planning, industry, transport, and energy, where sizeable ideological divides remain within the federal and regional governments, which inevitably reflect in intergovernmental conflicts.

More generally, as shown by the above-displayed examples and stressed by Belgian climate legal scholarship, the experience gained with the implementation of climate governance in Belgium marks the need “to objectify the climate problem in Belgium; the formulation of objectives; the needs; government policy options and results; the costs (a carbon budget) and the necessary financing (a budget); and the burden sharing key, as this effort sharing is a recurring stumbling block”.⁶¹

According to a recent assessment of the Belgian climate governance undertaken under the supervision of the federal government, it has been concluded that Belgium is required to adopt a new framework which is more in line with the evolving European and international climate policy regime, with

58. Caluwaerts and Reuchamps, *Combining Federalism with Consociationalism*.

59. Pepermans and Maesele, *The politicization of climate change*.

60. Happaerts, *Climate governance in federal Belgium*.

61. Misonne, *Syntheserapport Belgisch 'Klimaatgovernance'*.

progress to be achieved on both a common vision, the operationalisation of the country's climate ambition, and the objectification and transparency of decisions, while stressing that the lack of action might expose the country to legal proceedings, both before domestic and European courts.⁶² On 17 June 2021, the French-Speaking Court of First Instance in Brussels upheld the claim in the landmark *VZW Klimaatzaak* case.⁶³ The plaintiffs, representing over 58.000 Belgian citizens, sought for the Court to mandate both the federal government and all the regional governments to adopt more stringent GHG emissions reduction targets in line with the trajectories outlined by the best climate science to achieve the pivotal 1.5° C temperature increase target set in the UNFCCC Paris Agreement. By acknowledging the failure of the Belgian federal and regional governments in tackling climate change, the Court pointed, among others, to the asserted shortcomings of several institutional arrangements, foremost the NCC, as reported by both federal and regional government officials. Quoting from the Court judgment:

as the scope of the different regional strategies varies [...] it is not possible to aggregate the regional ambition levels in order to obtain a global beige target for greenhouse gas emission reductions [...] Therefore, the Court concluded that “cooperation between the federal authority and the federated entities is, by the admission of various state bodies, deficient to date, which leads some authors to consider the climate governance framework to be fundamentally inadequate.”⁶⁴

Moreover, the Court drew extensively on the assessment issued by the European Commission on the first Belgian NECP.⁶⁵ Accordingly, “the Belgian contribution with regard to the EU-wide targets on renewable energy generation and energy efficiency were unambitious” and, therefore, Belgium NECP’s “leaves considerable scope to further develop and step up policies and measures on both renewables and energy efficiency, so as to contribute more to EU climate and energy targets and strengthen the green transition”. In addition, and importantly, the Commission highlighted that “[T]he division

62. Ibid.

63. French-Speaking Court of First Instance of Brussels, Civil Section, 17 June 2021, no. 167/2021.

64. Ibid., 77.

65. European Commission Staff Working Document, Assessment of the final national energy and climate plan of Belgium, SWD(2020) 900 final.

of competences between the different federated entities in Belgium presents a challenge to arrive at an integrated NECP. [...] [A]dditional coordination efforts will be needed to present an integrated national vision on how to achieve the objectives of the Energy Union towards 2030 while ensuring overall consistency and coherence with the federal and regional plans [...].⁶⁶

Hence in the Brussels Court's words:

It is true that the implementation of climate policy, which is necessarily transversal in nature, is a real challenge in a state structure such as Belgium, in which the distribution of competences functions according to a logic of enumeration of matters attributed to the federated entities or reserved to the federal authority, and not on the basis of a distribution of public policy objectives between the different entities. However, the federal structure does not exempt the federal state or the federated entities from their obligations, be they internal, European or international. [...] Contrary to what the defendants maintain, beige federalism is not an obstacle to a finding of concurrent fault by the four entities cited in this case [i.e., the federal government and the three regions]. On the contrary, it is precisely the cooperative federal structure of Belgium that leads to the conclusion that both the federal state and each of the three regions are individually responsible for the lack of climate governance [...].⁶⁷

6. Conclusion

This contribution has attempted to explain the governance structure of Belgium and to underscore the most relevant elements that characterise it as a prominent example of decentralised governance.

Across the spectrum of different degrees of decentralisation within federal states, Belgium presents a heavily fragmented structure. The reason for such heavy fragmentation, which took place since the year 1970, resides in the need to ensure integration and cooperation between largely diverging entities pursuing different cultural and economic policies. The result of this more than forty-year process of fragmentation is a multi-level governance

66. *Ibid.*, 4.

67. French-Speaking Court of First Instance of Brussels, Civil Section, 17 June 2021, no. 167/2021, 79.

structure grounded on a tangled system of competences allocated between the central government and the subnational governments, in particular at the regional level. Yet the analysis of the Belgian climate governance system demonstrates how, in addition to providing multiple opportunities to subnational governments, a multi-level system can also be inhibiting and conducive to policy failures.

Hence, below I will try to answer the three underlying questions related to the analysis of decentralised states in Europe, also based on the examples of policy failures provided in Section 4.

As to question no. 1, the first reply would surely unfold the peculiar features and practices of Belgian federalism that have a central role in shaping climate policymaking. The elements of dual, yet cooperative, federalism and the role played by the executive and political parties bear a meaningful impact on the way decisions are taken in Belgium. As clearly put by some commentators, the “axioms of Belgian federalism come before the fight against climate change, so that it is up to this fight to adapt itself to the federal design rather than the other way around”.⁶⁸

Qualitative research has concluded that when politically sensitive issues generate ideological clashes on multiple levels, *status quo* policies are preferred as secured by political parties’ stances within the manifold cooperation *fora*.⁶⁹ The core issue, of course, is the Belgian political elite’s lack of political will to take an ambitious stance on climate governance. The foundational ties between the decision-making process and the political system in Belgium expose the country to increasing risks of policy failures in case of political disagreements and fragmentation. The increasing polarisation and fragmentation of the political setting in Belgium, both at the level of the federal government and within the regional governments, has undermined the adoption of long-term, clear-cut climate change commitments.⁷⁰ In the absence of a joint political vision on climate change action, the Belgian federalist structure unveils the contrast between the required long-term thinking and the political short-termism as arising more specifically within the context of

68. El Berhoumi and Nennen, *Le changement climatique à l'épreuve du fédéralisme*.

69. Happaerts, *Climate governance in federal Belgium*.

70. Dupont, *Is België te complex voor een effectief klimaatbeleid?*

the lengthy and often unsuccessful – or at any rate disappointing – negotiations under the established institutional formal and informal cooperation mechanisms. The long-standing policy debate about the nuclear phase-out is a clear example of policy overturn against constant changes in government majorities and parties' stances in Belgium although no issue of shared competence was involved and therefore no cooperation mechanism was required to implement that policy.

As to question no. 2, the case of Belgium has also highlighted how a significantly decentralised framework would provide for sizeable obstacles to the development and implementation of climate policies. It emphasises the importance of not being overly optimistic about multi-level solutions and encourages both scholars and policymakers to consider alternative and additional approaches to dealing with climate change in a complex political landscape. The compartmentalised allocation of competences between the federal government and the regions and the lack of hierarchy between levels of government have proven to be a major obstacle in addressing cross-cutting issues, such as GHG emissions reduction, in a comprehensive way as mandated under Belgium's international and European Union climate change obligations. The example of the burden-sharing negotiations and the first Belgian NECP is a representation of how the lack of political will and the pursuit of conflicting agendas coupled with the lack of strong centralised coordination leads to subnational entities watering down their ambition and to notable hurdles in finding a commonly agreed-upon policy objective. The analysis in this article shows how the complex multi-level architecture allows them to maintain their low ambitions, and even strengthens them, thus hampering policy innovation. However, notably, local governments may acquire a championing role against this context – albeit limited to their limited set of competences as set under the constitutional framework – by prompting bottom-up policy implementation even beyond the targets and goals set by the regional and federal governments.

As to question no. 3, as also recognised by the draft Belgian climate law and the recent academic assessment of Belgian climate governance, the Belgian governance system displayed a top-down dynamic, coupled with a wait-and-see approach widely adopted at the subnational level. Climate action in Belgium is solely triggered by EU requirements resulting from supra-national negotiations; whereas regional governments tend to adopt a rather defensive posture in relation to the commitments made by higher levels of governance.

The political turmoil and the eventual rejection of the Belgian climate law bill exemplify the general political and institutional resistance towards more stringent obligations arising within the Belgian legal system. As a matter of fact, there are few examples of bottom-up policy action for climate change in Belgium. Such a dynamic might be triggered by other transnational governance networks such as the Global Covenant of Mayors for Climate and Energy, which set ambitious climate mitigation and adaptation targets and prompt implementation by local governments. Notwithstanding, the case of Belgium demonstrates that, while subnational policy-making autonomy in a multi-level setting provides opportunities for environmental governance, it can also end up undermining climate action.

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