

# **A participatory approach to National Sustainable Development Strategies: the Belgian Federal Experience**

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**Thanks:**

*Thanks to Marc Pallemmaerts, Jan Verschooten and Guy Vandille for their advice, as well as to all actors of the Belgian Sustainable Development Strategy for their contributions to the object of this paper*

**Abstract:**

*The UN Conference on Environment and Development of Rio in 1992 urged governments to adopt a “national strategy for sustainable development” which “should be developed through the widest possible participation.”<sup>1</sup>. This paper can be considered as a status report of the progress made in Belgium at the federal level in responding to this call. It places this issue in the whole context of the global responsibilities of Belgium regarding the follow-up of Rio. It stresses, in particular, the importance of “public participation” as a crucial part of the sustainable development planning process. However the paper focuses on the operationalisation of the Rio Commitments. It examines the first steps in the cycle (1998-2003) of the reporting and planning framework - involving public participation in the planning process – which has been adopted in the Belgian Act on Sustainable Development Policy. First lessons derived from this limited but rich experience lived by the authors are proposed. Their approach, at this stage, is more placed on the changes that must be brought in domestic policy than on the aid that must be brought to developing countries.*

*The first annex to the paper deals with the contents of the Rio commitments and discusses the issue of “public participation” as an intrinsic dimension of sustainable development. It shows how this concept is integrated as a “value” or “criteria” in the methodological approach of this type of development proposed by the FPB and based on the Rio Declaration. The need of “public participation” as it is expressed in general and specific chapters of Agenda 21 is also illustrated as well as its link with sustainable development strategies.*

*The second annex to the paper concerns sustainable development frameworks and examines various translations of Rio sustainable development principles and visions into agreed and legal frameworks. It explores how, during the post-Rio decade, provisions regarding ‘public participation’ have been simply reaffirmed or even introduced into legal frameworks, giving concrete examples at the global, regional and national levels. The latter, at the national level, is the Belgian Act of 5 May 1997 on the Co-ordination of Federal Sustainable Development Policy.*

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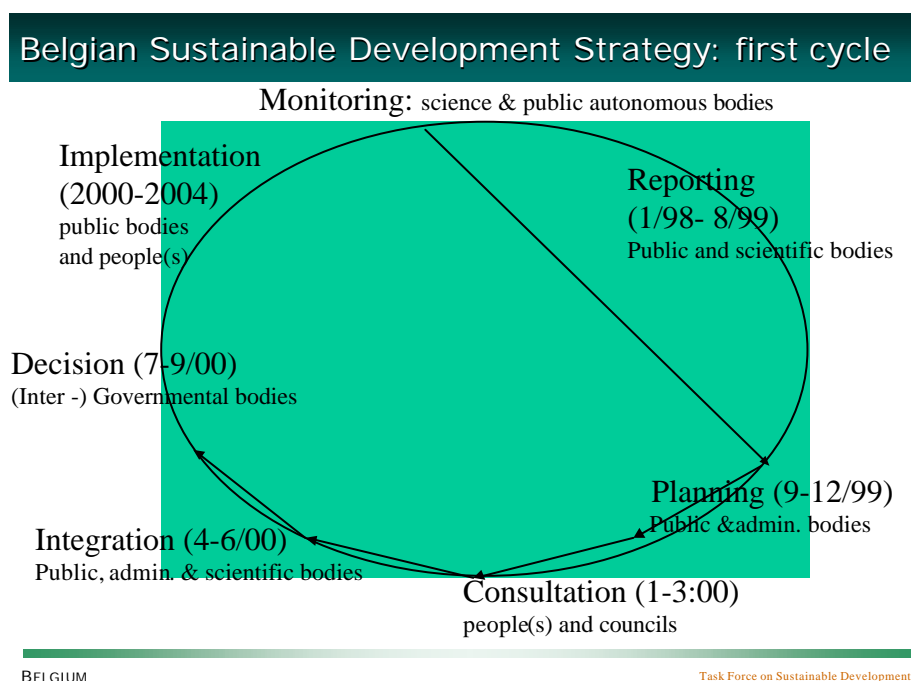
<sup>1</sup> Agenda 21 - Chapter 8 – Integrating Environment and Development in Decision-Making

## A participatory approach to National Sustainable Development Strategies: the Belgian Federal Experience

The Belgian Act of 5 May 1997 *on the Co-ordination of Federal Sustainable Development Policy* institutes a strategic process of consecutive rounds of reporting, planning, consultation, implementation and monitoring in order to introduce policies at the federal level contributing to the goals of sustainable development. According to this Act these goals (converted into targets) and policies (implemented through measures) should be structured along the lines of Agenda 21 and of the international commitments regarding sustainable development (SD) to which Belgium has subscribed. These commitments are recalled in the first annex to the paper while the text of this Act is commented in the second annex.

This legal framework is illustrated in Table 1.1. It indicates the time limits of each stage of this first cycle of implementation between 1998 and 2004. The next sections will report the most important features of the phases of Reporting and Planning. We shall discuss lessons learned and propose conclusions drawn from our first steps in this framework. At our level, they have created a first vision of a SD policy-making process. They can be considered as a significant achievement in the run-up to the Johannesburg 2002 ten-year review of the implementation of the Rio Conference on Environment and Development.

**Table 1.1: The First Belgian Federal SD Strategy (2000)**



## ***1 Reporting: indicators, policy assessment and foresight***

The first Federal Report on Sustainable Development was published in August 1999, two years after the vote of the Act creating this new framework. According to the Act, it should have been published 6 months earlier. But six months was also the time needed in the context of a federal public administration to create a new capacity (to hire appropriate experts<sup>2</sup> and to find, rent or buy adequate place and equipment, etc...) able to establish such a Report. Called the (Belgian) Task Force on Sustainable Development (TFSD), this new transdisciplinary unit has been inserted in the public Agency called the Federal Planning Bureau (FPB). The FPB publishes the Report under its own responsibility.

The Act of May 1997 assigns to the Federal Report at least three functions regarding the implementation of the sustainable development processes and commitments: (1) to analyse the existing situation, (2) to assess sustainable development policies in Belgium, (3) to propose long term prospective analysis based on policy options. These elements offer together a first vision or reference framework for public debate and political decision-making on Sustainable Development.

### ***The need for a methodological framework***

The first obstacle met in the beginning of 1998 was the lack of a multidisciplinary methodology providing the basis for a sustainable development approach to these three functions of the Report. Confronted with the challenge of this triple mission on such a new concept, the experts of the TFSD immediately felt the need for a “common transdisciplinary language” in order to merge the economic, social, environmental and institutional components of sustainable development, as well as a need for common criteria of sustainable development assessment.

Only such a methodology could enable these experts to work together systematically and rigorously in spite of their so different disciplinary and professional backgrounds. Therefore, in addition to the triple mission defined by the Act, they developed a conceptual and methodological platform in the beginning of the Report. They also took the initiative to add, a chapter on the role of the major groups and on different forms of participation at the end of the Report.

### ***The five dimensions of sustainable development***

There exist numerous alternative definitions of sustainable development. But they are all too abstract or too narrow for linking the general concept to policy analysis or policy-making. In the Report, five requirements (or criteria) for sustainable development actions have been selected. Taken together, they differentiate sustainable development actions from the classic actions in favour of development or the environment.

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<sup>2</sup> The permanent part of the Task Force is made up of 9 members: 3 senior economists – including the coordinator – having an experience within the Federal Planning Bureau (on energy modelling and accounting, climate change and sustainable development foresight and international negotiations) and 6 new members with different academic (lawyer, sociologist, political scientist, agricultural engineer, zoologist, mechanical engineer,... ) and professional backgrounds.

These five “dimensions” of sustainable development are drawn from five basic principles of the Rio Declaration described in Annex I and concerning global responsibility aspect, inter- and intra-generational equity, integration of the components of sustainable development, precaution (acknowledging and facing scientific uncertainty) and participation. They have been used as a matrix to assess the sustainable development character of political and citizen’s actions in implementing Agenda 21.

### ***Core issues of the Report***

Four major themes have been selected as core issues of this first Report. This choice responds to the need of implementing in Belgium (as well as in the rest of the world) four chapters of Agenda 21: eradicating poverty and social exclusion, protecting the atmosphere (climate change and ozone in the troposphere), marine ecosystems (dangerous substances, over-fishing...), and changes in consumption patterns.

As these themes are all related to global changes in the social, environmental and economic domains, they can be considered as exemplary “poles” of the three “pillars” of sustainable development. With this type of approach, the emphasis is placed on the complementary nature of these components, and the need to achieve an equilibrium when they come into conflict with one another.

### ***The fourth component of sustainable development***

The existence of a “fourth component” is also assumed in the Report: an institutional one. The idea is that societal development is inferred by changes in its living conditions, while these changes are, in return, affected by its potential for decision-making and for action. The inertia of our social organisation might block the progress of the other three components (or three pillars) and its vitality might enhance it.

The evolution of this fourth pillar (or component) of sustainable development is a decisive factor for possible decision-making and action on the three other pillars. Small or big changes, needed at every institutional level, from the most global to the most local, in order to achieve a sustainable development as adopted by the Rio Conference, amount to a peaceful but fundamental reshaping of the societal decision-making process, including policy-making.

### ***Long-term (or ultimate) SD policy goals***

How can a country proceed from the abstract sustainable development commitments of the international Community to concrete action ? The “operationalisation” of goals and policies regarding the core themes listed above is confronted with the difficulty of answering such a question. For the two environmental themes, the long term policy goals are a *wholesome environment* – i.e. *protected and better managed ecosystems* - and *human health*. For the theme “changing consumption patterns”, the objective is to reach a *sustainable consumption* and for the theme “fighting poverty and social exclusion”, it is not only *eradicating poverty* but also to achieve *human dignity*.

Concrete meanings must be given to these objectives because, as long as they remain so abstract, it is impossible to link them to concrete political measures. A first set of indicators is proposed in the Report for keeping track of measurable evolution of these issues, both at the international and at the national level. Some of these indicators (not all of them) help defining

specific targets related to the core themes of the Report. It is obvious that the choice of indicators can neither be based on purely scientific statistical considerations nor be limited by the present availability of data. It is largely a political choice.

A set of indicators for sustainable development is also needed to stress the links existing between these themes in order to express and improve their integration. The Report proposes about 100 indicators as well as a large number of indications added to the text describing both the international and national situations concerning these themes. They are integrated into a DPSIR-approach (Drivers-Pressure-State-Impact-Response) focused on the link(s) between major forces or drivers (D) and the pressure (P) exerted on the state (S) of the environment and society. These changes then have a series of impacts (I) on natural and human resources which ask for a certain response (R) made by governments and major groups.

### *Federal SD policies*

To provide an overall view of political progress since Rio, the sustainable development analysis conducted in the Report is made in three stages:

- the political and institutional framework which integrates the federal “core policies” in their international and national context
- the “core policies” for each of the four above mentioned core themes
- the “supporting policies” in other areas of federal government domestic action<sup>3</sup>.

#### *The content of federal “core policies” focused on the four chosen core themes*

The policy regarding poverty and social exclusion during this period has been focused on the detection of problems experienced by resourceless people and on the co-ordination of new measures directly aimed at solving these problems. These measures, however, remained in the margin of mainstream socio-economic decision making. Regarding sustainable consumption, measures have been taken in supporting policies, including environmental taxes, the European environmental label, the commission for environmental labelling and advertising and the introduction of an environmental management system in public departments. But their coherence still suffers from lack of integration in a co-ordinated sustainable consumption strategy led by a core policy.

As for atmosphere and marine environment, the case is somehow different. Considering that they are affected, for better or for worse by most policies, there has been a lack of concern and a lack of integration of marine environment and atmosphere protection issues within other policy areas. Some integrated strategies have been developed in the past years, which certainly is a progress, but they mostly experienced a lack of co-ordination at the European level and a lack of financial means and implementation at the Belgian level.

#### *The supporting or horizontal policies such as science policy*

Core policies develop within a more or less favourable context, depending on the support or lack of support provided by a series of other so-called “horizontal” or “transversal” policies. Among other things, the report highlights the potential role of the following four policy areas

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<sup>3</sup> Other areas of federal governmental policy with an indirect influence on the core policy are, for instance, powers with regard to energy, transport and agriculture. These need to be used in order to successfully conduct an atmospheric protection policy.

(the order in which they are presented bears no relation to their respective importance): scientific research<sup>4</sup>, the tax system<sup>5</sup>, budget policy<sup>6</sup>, supervision and enforcement<sup>7</sup>.

### *Long term prospective Analysis*

The existence of a considerable amount of scientific uncertainty with respect to the functioning of environmental, social and economic systems (and with respect to their interaction) is taken as the starting point for the prospective analysis of the report. Because of this uncertainty, risks regarding future developments of these systems are perceived in different ways within society. These differences in risk perceptions depend on how high or low one judges the resilience of the environment or the capacity of society to adapt to changes or even the capacity to timely provide adequate technological solutions.

A long term prospective analysis should take these different types of attitudes into account and show their impact on the type of decisions taken which, in turn, result in important differences between the evolution of indicators foreseen in the long term. Research on long term prospective analysis regarding sustainable development challenges in Belgium is, however, rather limited for the time being, which did not make it possible to refer to detailed quantitative foresight in the Report. The Report, nevertheless, briefly outlines three broad scenarios that each depart from different combinations of risk perceptions (from high to low) in the environmental, social and economic fields. This approach has proven to be a useful input for societal debates on possible future courses of action during the consultation.

### *Conclusions of the first Federal Report on SD*

The fundamental analysis proposed by the Report about domestic policy conducted at the Belgian federal level from 1992 to 1998 came to the conclusion that, despite the progress at the institutional and conceptual levels, the actions at the federal level in Belgium during the period 1992-1998 only meet the requirements of SD in an uneven fashion, and are for the most part insufficient. This conclusion is further detailed in Box 1 according to the five dimensions of sustainable development (Box 1)

<b>Box 1: Conclusions of the first Federal Report on Sustainable Development (1999)</b>
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<sup>4</sup> The “Science Support Plan for Sustainable Development Policy” (SPSDI, 1997 – 2002) amounted to a budget of BEF 2.7 billion (EUR 66.9 millions). It aimed, among many other objectives, at giving a scientific support to the decision-making related to the various components of sustainable development.

<sup>5</sup> The federal government can use various types of tax instrument in order to achieve core policy objectives. The Report shows that as far as environmental goals are concerned, the main measures that have been adopted involve a reform of the tax system for energy and transport. These measures have had an impact on energy consumption and on CO<sub>2</sub> emissions, but have failed to compensate for the worldwide fall in energy prices. However, there have been no major changes to income tax in favour of social redistribution since the reform of personal tax in the late eighties.

<sup>6</sup> Budget possibilities largely define the federal policy’s potential. Although there are certainly other factors that explain the low priority given to sustainable development projects, the budget latitude imposed by the Maastricht standards has to a great extent influenced the context in which the core policies studied in this report have been formulated and applied.

<sup>7</sup> The federal government has at its disposal significant supervisory and enforcement powers for existing laws. The police and the judicial system are areas of federal competence. The report shows that this function could be usefully reinforced, particularly for marine environmental protection.

Decision-making in Belgium during the first decade after Rio (1992-98) has often been characterized by:

- Failure to situate federal policy options within the challenge of SD for the entire planet
- Lack of long-term view, resulting in too few intermediary goals and/or lack of means to achieve them
- Difficulties with integrating the economic, environmental and social components of SD due to the lack of adequate structures and staff in existing bodies
- Failure to take uncertainties regarding the long-term repercussions of the present development path sufficiently into account
- Insufficient efforts to clarify development options on a participatory basis

As far as social and environmental themes are concerned, the co-ordination of federal actions with those of the regions and communities has represented an important element of the efforts made up to now. Consultation structures have been created during the period 1992-98 in the form of inter-ministerial conferences or co-ordination structures between administrations<sup>8</sup> and, in the case of efforts to combat poverty, a formula for permanent co-operation has been developed in the form of co-operation agreements. But this framework and its efficiency may still be improved.

The policy analysis made in the Report makes it thus clear that, as regards sustainable development for the chosen areas, federal policy has an important co-ordination role to play for both the core policies and the supporting policies. The federal, regional, community and local authorities have complementary powers for the implementation of a sustainable development policy and multi-level governance is thus needed.

## ***2 Planning Process: preparation, consultation, finalisation***

### ***2.1 Preparation for the planning process***

According to the Act of May 5, 1997, the first Federal Plan for Sustainable Development should have been adopted by the end of 1999. Due to the elections in June 1999 it was considered impossible to complete the process of drafting and consulting in a proper manner for this date. It is the Preliminary Draft of the Federal Plan which, instead, has been prepared for the beginning of 2000.

#### ***Methodology and structure of the plan***

Works on the drafting of the Belgian Federal Plan begun immediately after the publication of the Federal Report on Sustainable Development. This work was placed under the authority of the Interdepartmental Commission for Sustainable Development (ICSD – High level officials of all departments, hereafter called “the Commission”). Underpinned by the methodological

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<sup>8</sup> Such as the co-operation agreement of 5 April 1995 between the Federal State and the Regions of Flanders, Wallonia and Brussels concerning the co-ordination of international environmental policy, which will in the future enable Belgium to make more of a contribution to improve the coherence of this international framework aiming at sustainable development; and the Act of 5 May 1997 on the co-ordination of Federal Sustainable Development Policy



framework provided by the Federal Report, it also benefited from the drafting ability of sustainable development experts of the Federal Planning Bureau (FPB).

The structure of the Preliminary Draft Plan is reported in Box I.2. It was accepted by the Commission in the form proposed by TFSD experts. Many remarks made by the public during the consultation also supported this structure of the plan, including the need for principles and guidelines. The Belgian Federal Government confirmed it at the final stage. However the wording of the Preliminary Draft Plan has been criticized at all levels for some lack of readability in both languages<sup>9</sup>.

This failure to deliver a document with better educational standards and more attractive lay out is linked to the fact that many concepts proposed in the plan were (are) still rather new for most of the authors as well as for the population. It is also linked to the lack of time and means to improve the form of the texts after their substance had been agreed upon by the Commission (gathering all ministries of the Federal State). Only four months (between the adoption of its structure and its launching in the consultation) had been allocated to the iterative writing of the more than 100 pages of the Plan.

#### **Box .2 : Structure of the Federal (Preliminary Draft) Plan For Sustainable Development**

- Foreword presenting the process in progress
  - Part 1 : Principles, Themes and Goals
  - Part 2 : Federal policies aimed at the economic, social and environmental components of SD
    - Actions on patterns of consumption – production
    - Actions on poverty – over-indebtedness – environmental health
    - Actions on agriculture – marine environment – biodiversity
    - Actions on energy – transport – ozone and climate change
  - Part 3 : Means of implementation
  - Part 4 : Strengthening the role of major groups
  - Part 5 : Ten guidelines for sustainable development policy
- Present situation
  - Action Plan
  - Objectives
  - Policies and measures
  - Implementation of the Plan

- Part 1: The Plan begins with an overview of the ultimate objectives of sustainable development and basic principles used as criteria for the assessment of policies and measures towards sustainable development.
- Part 2: The thematic priorities of the Plan are then developed with four chapters clustering the priority or core themes. Each of these themes is approached by a very short status questionis, followed by a thematic action plan including objectives, policies<sup>38</sup> and measures and indicating who is responsible for the realization of these actions.

<sup>9</sup> These two languages are French and Dutch.

<sup>38</sup> As in the *Federal Report on Sustainable development*, the policies are classified into two groups. The first contains the federal policies « focused » on major sustainable development themes such as the ones quoted above. The second group includes other federal policies, which can support the goals of the former (such as fiscal, finance, science and foreign policies).

- Part 3: The “means of implementation”, much like the last part of Agenda 21, cover International policy (instruments and mechanisms, trade, cooperation), Science Policy, Fiscal Policy, Information for Decision-making).
- Part 4: The “strengthening of the role of major groups”, much like the third part of Agenda 21, deals with the objectives, policies and measures related to the need to increase participation by civil society in sustainable development.
- Part 5: The last part of the document, recognizing the need to build gradually a common approach of the different Ministers and ministries on the substance covered by the plan proposes ten common guidelines on the way in which this commitment should be implemented.

### *List of SD priority themes taken into account*

About twenty themes of sustainable development chosen by the Commission are integrated in the Plan including priority or “focus” themes such as changing consumption patterns, combating poverty and social exclusion, reducing over-indebtedness, environmental health, sustainable development of agriculture, protection and managing of the marine environment, conservation of the biodiversity, sustainable development of energy, promoting mobility compatible with SD and protecting the atmosphere. These twenty themes (reported in box 3) are related to more than 50% of the chapters of Agenda 21. The themes in bold are the “core themes” or “thematic priorities” of the plan.

Box 3 : Themes of the SD Federal (Draft) Plan (COVERING MORE THAN 50% OF THE CHAPTERS OF AGENDA 21)

- **changing consumption patterns (including the *greening of government*)**
- **Combating poverty and social exclusion**
- **environment-health policy**
- **conservation of biological diversity**
- **protection of the marine environment**
- **protection of the atmosphere**
- **sustainable development of energy**
- **sustainable transport/mobility compatible with sustainable development**
- (international) trade
- (international) development cooperation
- international legal instruments and mechanisms
- finance and taxation
- science to help SD
- information for decision-making
- enforcing the role of major groups (women, youth, refugees, migrants)

From February 1 to March 31 2000, 17.000 copies of the preliminary draft plan were distributed. The preliminary draft of the federal plan was automatically sent to all the members of the federal Parliament, the governments of the Regions and the Communities as

well as to the members of the Federal Council for Sustainable Development. The preliminary draft plan could also be examined in all municipal offices and public libraries. A preparatory mailing addressed to all municipalities and public libraries was carried out at the same time as the advertisement of the public consultation.

The distribution was also supported by a campaign in the media, organized in collaboration with the Federal Information Service. This included a governmental communication on radio and television, consisting of four spots approaching a different topic, always referring to the preliminary draft plan; two advertisements in national newspapers; and two advertisements in the weekly press. Moreover, two websites making the preliminary draft plan accessible on Internet and aiming at stimulating the debate on sustainable development, were launched. 4.200 copies of the document were printed via the official website ([www.cidd.fgov.be](http://www.cidd.fgov.be)), and from February 1 to March 31 2000, the website "Billy Globe" attracted 5.500 visitors ([www.billy-globe.org](http://www.billy-globe.org)). About thirty other websites supported the public inquiry by indicating a link towards the official website.

More than 100 public debates, workshops, briefings and presentations of the preliminary draft plan were organized by the authorities throughout Belgium during February and March. Dozens of them were guided by the SD experts of the FPB. They were also included in a list of fifty experts (mostly members of the administrations and associations but also some independent or university experts) who offered their competence to take part in the discussions in certain areas. In this context, a call was made to public interest associations or organizations who could also introduce proposals to obtain subsidies for information projects related to this consultation of the population on the preliminary draft plan. Twenty-five of the 46 proposals submitted were approved and supported financially by the cabinet of the Secretary of State for Sustainable Development.

### ***1.2.2 Public participation in the Planning Process***

The Public participation in the Planning Process concerns all *the natural or legal persons and, in accordance with national legislation of practice, their associations, organisations or groups* like in the Aarhus Convention (Annex II, point II.2) who took part in this Process. We do not consider in this section the key role played by the federal Council for Sustainable Development as the outcome of the consultation of that Council has a totally different status from the one of consultations at the level of individual persons or groups (see Annex II, part II 3.2).

No less than 2.104 responses were sent by citizens (89%), organizations, institutions and other associations (11%) to the secretariat of the ICSD. Expressed as a percentage of the consulted population, the rate is of the same magnitude as that of other consultations. Compared to the slightly more than 20.000 copies of the preliminary draft plan which were downloaded and printed, this gives a ratio of approximately one remark for every ten copies distributed. After suppression of some opinions declared inadmissible on formal grounds, there remained 1.887 responses to be analyzed. On the whole, the 1.887 responses contained almost 15.753 proposals or remarks of the consulted population on the various issues included in the 800 paragraphs of the Preliminary Draft Plan.

This consultation has been counted and scrutinized by a multidisciplinary team of Ghent University. An interesting result they have brought to light<sup>10</sup> is the distribution of the proposals and remarks on the different parts of the Preliminary Draft Plan (Box 4). A little more than 70 % of the responses concerned Part 2 of the Plan, which deals with *Federal policies aimed at the economic, social and environmental elements on SD*. In particular, more than one quarter concerned *Actions on energy – transport – ozone and climate change*.

The issue which has raised the least interest (0.6%) in the context of the consultation is *Science Policy*. Interestingly, transversal or cross cutting issues have caught together at least 8.3% of the responses. A share of 5.2% was allocated to issues like *Principles, themes and goals*, although many policy-makers used to say that «abstract» and «value» issues do not interest the population. Another share of 3.1% of the answers discussed the guidelines for sustainable development policy proposed, although the population also has the reputation to be only interested in the results and not in the process of policy-making.

#### Box 4: Distribution of the responses on the main parts of the Preliminary Draft Plan

SHARES OF RESPONSES <sup>11</sup>	MAIN PARTS OF THE PRELIMINARY DRAFT PLAN
7.6%	Foreword
<b>5.2%</b>	<b>◆ Part 1 : Principles, Themes and Goals</b>
<b>70.6%</b>	<b>◆ Part 2 : Econ., soc. and environmental components of SD</b>
15.5%	Actions on patterns of consumption – production (incl.introduction)
16.0%	Actions on poverty – over-indebtedness – environmental health
11.8%	Actions on agriculture – marine environment –biodiversity
27.3%	Actions on energy – transport – ozone and climate change
<b>8.2%</b>	<b>◆ Part 3 : Means of implementation</b>
3.9%	International policy
0.6%	Science Policy
2.7%	Fiscal policy
1.0%	Information for decision-making
<b>5.3%</b>	<b>◆ Part 4 : Strengthening the role of major groups</b>
1.1%	Advisory Councils (including introduction)
1.1%	Women
1.8%	Young People and Children
1.3%	Foreigners and refugees
<b>3.1%</b>	<b>◆ Part 5 : Ten guidelines for sustainable development policy</b>

As regards the geopolitical distribution of the responses, the share of the French-speaking Community (79.8%) in the amount of response received was considerably larger than that of the Dutch-speaking Community (19.3%), while the Region of Brussels (22%) had also a relatively high ratio compared to its population share.<sup>12</sup> This high score for Brussels can partly be explained by the fact that, as it is the main administrative center of Belgium, many organizations have their administrative seat there. . The difference of responsiveness in this

<sup>10</sup> Universiteit Gent, Centrum voor Duurzame Ontwikkeling – *Centre pour un Développement durable: Encodage et traitement de données relatives aux réactions de la population belge à l'avant-projet de Plan fédéral de Développement durable. Rapport final, décembre 2000*. Pdf-file, <http://cdonet.rug.ac.be>, 43 pp.

<sup>11</sup> These shares are measured on the 12.234 remarks and proposals which were processed into the Draft Plan.

<sup>12</sup> The shares of these populations in Belgium in 2000 were respectively: Dutch-speaking Community (...%), French-speaking Community (...%) and Region of Brussels: (...%)

consultation between the Communities could be linked to the fact<sup>13</sup> that there is (still) a significantly higher proportion of the population who identifies with the Nation of Belgium (and, therefore, probably with the Federal State of Belgium) in the French-speaking Community. It might also be partly explained by some preference on the Flemish side to speak through organizations, institutions and other associations in such a consultation rather than to express opinions individually.

### **Participation of the citizens**

It is interesting to note that such a large part (89%) of the reactions formulated during the public consultation of the preliminary draft of the plan were sent in by citizens. Only 358 (19 %) of the responses sent by citizens were identified as being copies of standard letters - which is a much smaller ratio than the one (88.4%) observed in a previous consultation about environment policy in the Flemish Region. Here and there, citizens also gathered to discuss the Preliminary Draft Plan independently of any type of groups.

Other important characteristics of the people's reactions are that they came from a majority of men (60%) and that an important proportion of older citizens reacted to the consultation, particularly in the French-speaking Regions. A quarter of the people's reactions came from citizens over 60 years old and more than 40% came from people over 50 years old. Another quarter came from people less than 30 years old. A small half of the reactions emanate from the working population (wage-earners or self-employed people). While understandable, it is regrettable that the people between 30 and 40 years old, who are usually the most actively engaged in family life and societal development group, and are most heavily charged with all the associated challenges, are the most underrepresented (with a share of 14.5%) in such a consultation.<sup>14</sup>

### ***Participation of the groups***

The 'organizations', 'institutions' and 'other' bodies who took part in the consultation have been clustered under various headings, including those provided by Agenda 21<sup>15</sup>, to offer a broad vision of the responses made by Belgian "major groups":

- The employers' organizations, NGOs of nature conservation and environment, the organizations active in the supply of energy and the agricultural organizations have reacted at their top level; in other words, only a small number of very specific reactions came from federations of sectoral companies and local associations in these fields;
- Certain trade unions, some NGOs for development cooperation, part of the political world, few Centers of the scientific community, some organizations of consumers and organizations of women, certain public authorities, ...took part in a very explicit and representative way but with a rate of participation of the group considered which is variable from one group to another;
- As regards cultural organizations, organizations fighting against poverty, pupils and students, groups of citizens, the religious and spiritual world, the medical world and health

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<sup>13</sup> Billiet J., Doutrelepon R. en Vandekerke M., Types van Sociale identiteiten in België: convergenties en divergenties, pp.17-54 dans: Dobbelaere K. et al. (2000), *Verloren Zekerheid – De Belgen en hun waarden overtuigingen en houdingen*, Uitgeverij Lannoo, Tiel, 272 p. The same book has been published in french under the title *Belge toujours*.

<sup>14</sup> The proportion of the Belgian population in these age brackets in 2000 were respectively: over 50 (...%), less than 30 (...%) and from 30 to 40 (...%).

<sup>15</sup> Some groups could not be categorized because of the lack of data immediately available to identify them. Improvements in this regard will have to be made in the preparation of the next consultations.

organizations, responses were sent from bodies belonging to these groups but it is impossible to say that a rather broad spectrum was reached in these categories.

Given the heterogeneity of some of these major groups (like the Non Governmental Organizations), a more systematic approach will be needed in the next consultation to better appreciate who the group represents and to understand their perspectives and their role in the context of sustainable development. The Major Groups defined in Agenda 21 have almost all been reached by this consultation including the immigrants - foreigners and refugees - who, in the Belgian approach of Agenda 21, replace the major group called in Agenda 21 “indigenous people”. Some groups who do not belong to Agenda 21 (e.g. the religious and spiritual world, the medical world and health organizations, the cultural organizations, the banks and insurance companies,...) clearly have a role to play and should also be consulted in such a process. What is indicated in box 5 is the main focus of the groups’ responses. Most of them did also react, to a smaller extent, on other parts of the Plan than those indicated here.

**Box 5 : Origin of the groups’ responses on the parts of the Preliminary Draft Plan**

GROUPS WHO REACTED MAINLY ON THESE PARTS	MAIN PARTS OF THE PRELIMINARY DRAFT PLAN
<ul style="list-style-type: none"> <li>◆ Scientific Community</li> <li>◆ Pupils and Students</li> <li>◆ Neighbourhood Groups</li> <li>◆ Consultative bodies(other than FCSD)</li> </ul>	<ul style="list-style-type: none"> <li>• Part 1 : Principles, Themes and Goals</li> </ul>
<ul style="list-style-type: none"> <li>◆ Trade Unions</li> <li>◆ Environment NGO’s</li> <li>◆ Agricultural organizations</li> <li>◆ Consumer organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Part 2: Econ., soc. and environmental components of SD</li> </ul>
<ul style="list-style-type: none"> <li>◆ Employer’s organizations</li> <li>◆ Environment organizations</li> <li>◆ Development NGO’s</li> <li>◆ Consultative bodies (other than FCSD)</li> </ul>	<ul style="list-style-type: none"> <li>• Part 3 : Means of implementation</li> </ul>
<ul style="list-style-type: none"> <li>◆ Trade Unions</li> <li>◆ Political Representatives</li> <li>◆ Women organizations</li> <li>◆ Pupils and Students</li> </ul>	<ul style="list-style-type: none"> <li>• Part 4 : Strengthening the role of major groups</li> </ul>
<ul style="list-style-type: none"> <li>◆ Employer’s organizations</li> <li>◆ Environment NGOs</li> <li>◆ Scientific Community</li> <li>◆ Neighbourhood Groups</li> </ul>	<ul style="list-style-type: none"> <li>• Part 5: Ten guidelines for sustainable development policy</li> </ul>

One of the main conclusions of the consultation on this first Preliminary Draft Plan for Sustainable Development is thus that the target groups must be better defined and that it is necessary to work out specific approaches to some of them. Examples given above are the working people in the age bracket from 30 to 40 years old in the three Communities. This would be an interesting implementation of the third sentence of Article 7 of the Aarhus Convention which places responsibility on the public authority to make efforts to identify interested members of the public whose participation would be particularly needed but who would not be participating without special efforts to include them in the process (see Annex II end of point II.2).

### ***2.3 Finalisation of the Planning Process***

The proposals and remarks made by citizens and groups, classified according to the paragraphs of the Draft Preliminary Plan<sup>16</sup>, were delivered by the University of Ghent to the Interdepartmental Commission on Sustainable Development (ICSD). The ICSD also received the 372 remarks made by the Federal Council on Sustainable Development after three months of work on the same document. The ICSD gave the task to process these results into useful inputs to the Draft Plan to the Task Force on Sustainable Development (TFSD).

#### ***Processing the results of the consultation into useful input to the draft Plan***

The TFSD proposed to the ICSD to sort the proposals and remarks resulting from the consultation in four broad categories:

- Those to be processed in the Draft Plan (main part);
- Those which were too detailed or too technical or beyond the Federal competence; they could not, as such, be inserted in the plan but could be sent directly by the ICSD to the appropriate departments;
- Those dealing with other themes than the priority themes selected for this first plan; they were kept by the ICSD for a next plan, because the timing did not allow to insert entirely new themes in the Plan at this stage ;
- Those which were clearly in opposition with one of the 27 principles of the Rio Declaration and should not, as such, be considered for insertion in any Sustainable Development Plan.

The systematic work of both the TFSD and the ICSD on the 12.224 remarks and proposals to be processed in the Draft Plan has been structured by a system of methodological sheets per paragraph of the preliminary draft plan. This system of sheets, based on a special software produced by the FPB, was developed and filled in by the TFSD. This work produced 660 sheets which were submitted to discussions of the ICSD. These discussions took seven one day meetings of the ICSD involving the TFSD and other experts coming from the Federal Departments. On each of these sheets, the proposals and remarks related to the paragraph had been converted to alternative amendments (not more than three) proposed to the text of the paragraph. The ICSD could easily control the relevance of the proposals made on the sheets by crosschecking them with the listing of proposals and remarks, as they had been summarized by the University of Ghent. And the Commission could also go back to the thousands of pages of original responses which were at her disposal as well.

#### ***Draft Plan 2000- 2004 presented to the government***

This resulted in a very substantial change (about one third of the text) of the Preliminary Draft Plan into the Draft Plan. A "track change" version of the Draft Plan was put on the Web Site of the ICSD, showing clearly what had been scrapped in the plan and what had been added as a result of the public consultation. Afterwards, this Draft Plan was presented to the Federal Government who also discussed it and amended it during a series of seven meetings at cabinet level, amounting to a total of 35 hours of discussions. They established the definitive Plan on 20 July 2000<sup>17</sup>.

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<sup>16</sup> The general remarks were associated to the Foreword of the Preliminary Draft Plan.

<sup>17</sup> The final Plan was laid down by Royal Decree of 19 September 2000.

It is interesting to note that some amendments to the Preliminary Draft Plan in accordance with the result of the consultation, for instance in the field of agriculture, marine environment and biodiversity, were changed or suppressed by the Government. Another example of successive text changes is the goals and measures related to the need to reduce the dependence of smokers and drinkers on tobacco and alcohol. The TFSD had unsuccessfully proposed to the ICSD to insert them in the Preliminary Draft Plan. But the outcome of the consultation resulted in an acceptance by the ICSD to integrate these types of actions in the Environment/health part of the Plan. However, this was suppressed by the Government in the final version of the Plan. But many improvements brought by the Public Consultation which helped to clarify some concepts or actions or guidelines described in the Preliminary Draft Plan were kept by the Government and contributed to the improvement of the final document.

The new plan covers a variety of new objectives such as a cut in energy consumption by 7.5% from its 1990 level by 2010, a 10% reduction in the energy consumption level of federal public buildings from the 1999 level by 2004 and an increase of the share of renewables in Belgium's primary energy consumption above 2% by 2003. Federal public administrations have also adopted significant reduction objectives by 2003 in their consumption of water (6m<sup>3</sup> per civil servant compared to 1999) and their volume of unsorted waste (30 kg per civil servant compared to 1999). In agriculture, a 60% increase in organic farms between 2000 and 2004 is to be obtained with a goal of 4% of agricultural surface to be converted to this form of farming. The objective of adopting a quantitative objective for the reduction of poverty at the European level at the end of 2001 has been proposed as a goal for the Belgian Presidency.<sup>18</sup>

Reforming energy, transportation and fiscal policy is high on the agenda of this plan. The policy includes the promotion of public transportation, and transport by rail and water, as viable alternatives to road vehicle use. Measures include the switch from labour taxation to energy taxation and from a fixed car tax to taxation linked to the amount of energy consumed. This new plan stands out from many other sustainable development strategies in its inclusion of policies regarding poverty and social exclusion and of measures to improve the integration of views and actions of the major social groups.

Finally, the last part of the plan recognizes that the subject matter to be covered by this document is, in principle, unlimited. To work it out with a sufficiently wide scope, a common approach must govern sustainable development actions of the different Ministers and ministries, *enhancing their coherence and, by degrees, creating synergies among them*. For this reason, ten guidelines (reported in Box 6) have been adopted by the Government *on the way in which this plan and all the plans which will be drafted in extension of it should be carried out*.

#### **Box 6: Ten Guidelines for Sustainable Development Policy**

These guidelines cover:

1. Political responsibilities of Federal members of government (policy notes)
2. Responsibilities of Federal ministries (SD units)
3. Objectives of SD and their translation into intermediate or strategic objectives
4. Foresight in Belgium and the need of long-term scenarios (parliament)
5. Funding and other means for the SD strategies (related to available funding)
6. Integration and coordination of policies and actions (all levels)

<sup>18</sup> At the end of the Presidency, no specific quantitative target linked to these indicators had been adopted. However 18 Poverty indicators had been introduced for the monitoring at EU level.



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|---|
| 7. Interconnecting and sharing of scientific knowledge (scientific community) |
| 8. Development of indicators for Sustainable Development (at all levels)      |
| 9. Promotion of a new strategic planning (in evolution)                       |
| 10. Participation and responsibilities of all actors (a new dialogue or pact) |

This first plan has obvious imperfections. It does not contain as many clear targets as are needed. Moreover, some proposed targets, though justified by a gradual approach in a direction supported by scientific evidence, lack the scientific background which could increase their credibility and improve their presentation to the public at large. Due to a lack of time in the preparation, it was often impossible to indicate clear time frames or to foresee the necessary means to undertake the proposed actions. This does not undermine the importance of the plan as a first step in a learning process and as a feasibility test for some important parts of the act of May 1997. But it also contributes to move the implementation gap one step further in the decision-making process. As shown in the conclusions hereafter, the gap between international commitments and national commitments has now, in part, transformed into gap between national decisions taken and national decisions implemented and created a new type of challenge.

### ***1.3 What did we learn ?***

We have learned about the potential and limits of a first federal *strategy for sustainable development* implementing Rio commitments and principles.

1. LIMITATIONS: The limits are obvious. This process should be extended in the future so as to be integrated into a national plan, bringing together the federal plan and different plans of the regions and communities, and interlinking thereby more different aspects of sustainable development. But interesting linkages have already been built through advice given by the Regions and Communities of Belgium on the Draft Plan. The potential revealed by this limited experience is thus rather high, not only regarding the use of the Report but also the interest of the consultation on the preliminary draft Plan.

2. REPORTING: The impact of the first Federal Report on Sustainable Development published by the Federal Planning Bureau proved that there is a general need for an objective/credible analysis and evaluation of the present situation and the policies of the past. We also learned that there is some political willingness to accept the results of this type of assessments and to refer to it while making further sustainable development political decisions.

3. METHODOLOGY: The transdisciplinary methodology developed in the Report has been proposed to all ministries. Their high-level representatives brought together in the ICSD were invited to take part in the planning process and responded with goodwill. They effectively started thinking about what they could do and should do - separately and together - to face up to their responsibilities regarding the implementation of sustainable development, taking into account their limited means.

4. LEARNING PROCESS: Belgium opted for a bottom-up approach, rather than for a top-down process. This approach tends to create ownership of the plan at the level of civil society as well as at the level of civil servants, while being entirely submitted to the decisions of the

Government. The Act does not create a royal (or presidential) advisory board with experts advising directly the Minister to decide what every ministry should do. It is focused on bottom-up capacity building through the launching of a learning process focused on the development of the dialogue between the civil servants, who prepare and improve the preliminary draft plan, and the civil society, who react both at the level of people and of advisory bodies.

5. CONSULTATION: The consultation proved that not only the civil servants, people and advisory bodies but also many individual organizations can contribute in a constructive way to the identification of goals, action plans and other components of a sustainable development strategy. However it also revealed that there remains a lot to do in the field of sensitization and awareness raising for sustainable development at all levels and for a better definition of the target groups and the appropriate approach of each of them.

6. PARTICIPATION PERIOD AND PREPARATION: This experience gained by the Belgian federal authorities can help to improve the next "public participation process" by starting soon enough<sup>19</sup> the preparation of an (improved) consultation process on the next Federal Draft Plan for Sustainable Development. The period of consultation on the plan should be preceded by a period of sensitization of public opinion and debates about sustainable development alternative visions, which could be based on the Federal Report and on other relevant tools for Sustainable Development produced at all levels (UN (Rio+10), OECD, European, other Regions of the World...).

7. ROLE OF PARLIAMENTS: In many countries, the Parliaments play an important role in the stimulation of sustainable development Policies and they are the first addressees of Reports containing independent analysis and recommendations. The fact that this has not been the case in the first Belgian cycle of the Act of 5 May 1997 can be considered unfortunate. A guideline on future prospects in Belgium provides that the Government will be inviting Parliament to hold an annual debate on the outlook for sustainable development. During this debate, papers forecasting various aspects of sustainable development in Belgium and at the international level will be presented and discussed. Representatives of civil society and public administration could be invited by parliament to attend these debates

8. SCIENCE FOR SUSTAINABLE DEVELOPMENT: The ambitious Scientific Support Plan for Sustainable Development Policy (SSPSD) launched by the Federal Office for Scientific, Technical and Cultural Affairs has contributed to generate some impetus in the scientific community on issues of importance for the Plan. But most discussions of this SSPSD have been kept separated from the SD process of the Act of May 1977 and it is the view of many high-officials of the scientific community that a total independence between these two plans would even be preferable. As a result, the scientific foundation for the decision-making included in the plan was not as strong as it could have been and efforts to establish a systematic interface between SD science and SD decision-making in the guidelines of the plan failed. There is a sharp contrast between the huge amount of funding allocated to the SSPSD and the scarce resources allocated to the elaboration and implementation of the Federal Plan for SD.

9. FOLLOW-UP: Another (yet unmet) challenge is the organisation of the annual follow-up of the implementation of the Plan in every ministry. The amount of work necessary to launch

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<sup>19</sup> This time, the preparation of the consultation started only a few months before its beginning.

and coordinate sustainable development approaches and actions is nearly always underestimated. Moreover, people working on sustainable development are confronted with a lack of availability of time and means for these new types of tasks, including the high-level officials, members of the Interdepartmental Commission, who are all charged with many other tasks within their ministries.

10. BUDGET: The lack of clear budgetary allocation already plays an important role in the new type of implementation gap challenge met by the Plan. The text of the Plan recognizes that a sustainable development policy does not necessarily require more government interventions or more taxes and that its budget should not necessarily be “added” to the weight of existing spending. Sustainable development asks more often for a reorientation of efforts: a redefinition of targets, a reevaluation of actions, a change in ways things are done.... This can often be done by a reshuffle of already existing budgetary means on the basis of new priorities. But even a reshuffle needs appropriate political decision-making.

Finally, we might recall that the kind of changes (including environmental changes) now underway is outside the scope of any previous human experience. Learning to cope with them can only be a new and difficult enterprise. The strategy described here has met new local, national and global challenges while overcoming initial difficulties. There is obviously a need of more work, both at national level and to share experience about cross-sectoral strategies, through the dialogue within the international community, for increasing the potential of such strategies at all levels. Whether we want it or not, they are and will be more and more interdependent.

## Annex I: Sustainable Development Commitments and Concepts

*This annex deals with Rio commitments and discusses the issue of “public participation” as an intrinsic dimension of sustainable development. It shows how this concept is integrated as a “value” or “criteria” in the methodological approach of this type of development proposed by the FPB and based on the Rio Declaration. The need of “public participation” as it is expressed in general and specific chapters of Agenda 21 and its link with sustainable development strategies are also illustrated.*

Many different options were taken by authors or institutions in the last two decades to define “sustainable development”. These definitions were written on the basis of specific references to human or natural sciences or even according to values, experiences and visions associated to this concept by their authors. An example is the definition of sustainable development recently proposed by the OECD as *a development path along which the maximisation of human well-being for today’s generation does not lead to a decline in future well-being*<sup>20</sup> which is primarily influenced by economics. Most of these definitions refer to ambitious voluntaristic development ultimate objectives and seem complementary since they all seek to enlighten at least one aspect of this wide-ranging undertaking.

The authors of this paper define sustainable development as a primarily political concept and have, accordingly, opted to refer to language negotiated at the largest possible level of political representation (which is the United Nations) to define it. When the International Community met at the Earth Summit of Rio in 1992 to give the decisive impulse to “sustainable development” as a world process, it negotiated and adopted both a new vision of policy-making and a new set of articulated values:

- the former is called *Agenda 21 (A21)* and has the form of a common agenda for the 21<sup>st</sup> century. This *UN program of Action from Rio* is a blueprint of 40 chapters describing action for global sustainable development into the 21<sup>st</sup> century;
- the latter is called the *Rio Declaration on Environment and Development* and comprises 27 principles. They were adopted with the aim of *Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system* and the overall goal of *establishing a new and equitable global partnership...* (see below).

On this basis, sustainable development has often been simply defined according to principle 3 of the Rio Declaration as *a development process in which the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations*. It is obviously stressing important political aspects that are not included in the OECD definition (with words like *process, right, equitably, environmental and developmental and needs*) while providing a better definition of the *right to development* than the numerous ones which do not take into account the needs of future generations. But, though largely used as such, it is still a very narrow definition which does not open the eyes on the need of decision-making processes capable of fulfilling such an ambitious ultimate objective.

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<sup>20</sup> OECD (2001) *Sustainable Development – Critical Issues – Annex 1 – Glossary and Acronyms*

The current transition towards an improved form of democracy for public decision-making, recognises and encourages the active use of citizens' political rights beyond the simple right to designate representatives once every four years. But among the public goals or targets agreed in Rio or in its follow-up, many intend to curb an impressive series of present unsustainable global development tendencies and behavioural patterns. They will, therefore, only be implementable in a democratic society if they have gained widespread support of citizens and can benefit from their involvement on a continuous basis. Transparency in discussions regarding the SDS policy options, especially when there is lack of scientific certainty about present and future developments in certain areas, is thus a particularly important prerequisite to their adoption.

This need has been at least in part recognised nearly ten years after Rio in the declaration *Towards a Sustainable Future* made by the OECD Council at ministerial level on 16-17 May 2001. Adopting sustainable development as an overarching goal of OECD government and the OECD, this commitment contains a recommendation (the fifth) regarding the *strengthening of decision-making and information*. It endorses that: *Improved policy integration and coherence at all levels of government, closer involvement of parliaments, and better mechanisms for interacting with citizens and civil society organisations, including greater access to information and participation in decision-making, are required. When designing policies for sustainable development, countries should apply precaution as appropriate in situations where there is lack of scientific certainty*<sup>21</sup>. But this recommendation and, moreover, the first steps made by many OECD countries in its implementation, are still far below the hopes or even expectations of the Commitment made in Rio in 1992 by the international Community.

On the basis of Rio Declaration and Agenda 21, the two next sections will outline the linkage between sustainable development and public participation. They will show that the evident need of such a linkage is not only supported by common sense but also by a methodological approach of sustainable development adopted in Belgium.

### ***1.1 A Sustainable Development approach based on the Rio Declaration***

While it is now largely recognized that *Well-designed consultation and participation processes are important to democratic governance in general*<sup>22</sup>, public participation is not yet automatically considered as an inherent dimension of any sustainable development process. It was even less the case three years ago when the methodological approach of sustainable development of the FPB was developed. In this methodology (adopted in this paper), the foundations of Sustainable Development is not reduced to "a" single, unique principle of sustainable development. None of these principles can be left aside, all of them must be taken into account to evaluate the contribution of a public or private project or policy to sustainable development. But five of those principles may be emphasized as the five *criteria* or *dimensions* of Sustainable Development<sup>23</sup> as they are the most innovative, the most characteristic and the most all-embracing ones. They are reported in box I.1.

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<sup>21</sup> OECD/ PAC/COM/NEWS(2001)48 *Towards a Sustainable Future* - page3 – Paris 17 May 2001

<sup>22</sup> OECD/SG/SD(2001)5/FINAL - page 38 - *Policies to enhance sustainable development* - 27 april 2001

<sup>23</sup> This approach has been first developed and used to assess Belgian federal policies from 1992 to 1998 in the *Belgian Federal Report on Sustainable Development* published by the Federal Planning Bureau in august 1999. It is further developed in §19 to 31 of the *Belgian Federal Plan of Sustainable Development* laid down by the Belgian Federal Government by Royal Decree in september 2000.

**Box I.1: Five principles<sup>24</sup> to assess sustainable development political and citizen's actions**

- Global Responsibilities: *States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradations, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of pressures their societies place on the global environment, and of the technological and financial resources they command (n°7);*
- Inter- and intra-generational Equity: *The right to development should be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations (n°3);*
- Integration: *In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it (n°4);*
- Precaution: *In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to delay for postponing cost-effective measures to prevent the environment's degradation (n°15);*
- Participation in decision-making processes: *Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information held on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. State shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided (n°10).*

Source: the Rio Declaration on Environment and Development comprising 27 principles

They may as such be used to form a matrix to assess the sustainable development character of political and citizen's actions in implementing Agenda 21. Public participation is one of them and is thus considered as one of the five main requirements of a real Sustainable Development Strategy (SDS). The first Belgian *Federal Plan for Sustainable Development 2000-2004* has also decided to emphasise<sup>25</sup> the need to promote and implement them while recalling that the other principles of the Rio Declaration are also fully relevant but not with the same level of transversality. These other principles concern one of the *components* of sustainable development (such as poverty eradication or sustainable consumption), or some *major groups* of Agenda 21 (the role of women or the partnership with the young), or *regulatory aspects* (polluter pays principles, international law), or other particular themes or means of sustainable development. The "sectoral" character of these issues can however be further discussed at

<sup>24</sup> Principles 7, 3, 4 15 and 10 of the Rio Declaration (1992)

<sup>25</sup> The first Belgian *Federal Plan for Sustainable Development 2000-2004*, adopted by the Federal Government of Belgium on 20 July 2000 and laid down by Royal Decree of 19 September 2000, § 19, page 9

length as, in particular, for the Rio principle concerning *the indivisibility of peace, development and environmental protection*.

## ***1.2 The concept of “Public Participation” in Agenda 21***

Public participation is both emphasized in the *Rio Declaration* overall goal of *establishing a new and equitable global partnership through the creation of new levels of cooperation among states, key sectors of societies and people* and in its Principle 10 quoted in box 1. This language can be interpreted as concerning only decision-making regarding environment. This should be kept in perspective with the larger definitions.

In Article 2 of the Aarhus Convention, for instance (see below Annex II ), *environmental information* is defined as covering *any information (...) on (a) the state of elements of the environment(...) and the interaction among these elements, (b) factors (...) and activities or measures (...) affecting or likely to affect these elements (...) and cost-benefit and other economic analyses and assumptions used in the environmental decision-making and (c) the state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above.*

In the text of Agenda 21, participation is also covering a larger area than *environmental* concerns. Many chapters deal explicitly with both environment and development and refer to the notion of public participation in various ways. An important preamble is given to the section 3 of Agenda 21 on the *strengthening of the role of major groups*. *Major groups* does not only refer to NGO's working in the field of the environment or in the field of development cooperation but also to 8 other categories of groups defined in Agenda 21: women, youth and children, indigenous people, local authorities, workers and trade unions, business and industry, scientific community, farmers<sup>26</sup>. This preamble is focussed on the *implementation of the objectives, policies and mechanisms agreed to by Governments in all program areas of Agenda 21*. It recognizes that the *commitment and genuine involvement of all social groups is critical to this effective implementation*. It further states that *One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making*. Further in this text, participation is related to “... *individuals, groups and organizations ...*” which echoes the terms *key sectors of the society and people* used in the definition of the goal of the Rio Declaration recalled here above.

Other chapters of Agenda 21 outside section 3 also refer to the notion of public participation. However, it does not run through these chapters like a continuous thread related to “... *individuals, groups and organizations ...*”. But the examples given here confirm that participation, also in sections of Agenda 21 dealing with substantial political issues, is extended to other concerns than environment.

- Chapter 8 on *Integrating environment and development in decision-making* emphasizes it in the program area on *policy, planning and management levels*. One of its overall objectives in these actions is to ensure ... *a broader range of public participation*;

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<sup>26</sup> “Any policies, definitions or rules affecting access to and participation by non-governmental organizations in the work of United Nations institutions or agencies associated with the implementation of Agenda 21 must apply equally to all major groups.” (Agenda 21; 23.3)

- Chapter 36 on *promoting education, public awareness and training* links the program areas on *reorienting education ...and increasing public awareness* to public participation though still in a very cautious way (e.g. ... the following objectives are *proposed*: ...);
- This caution is even more visible in Chapter 40 on *Information for Decision-making* where public participation is not as such one of the program areas and not even included in the title of the chapter.

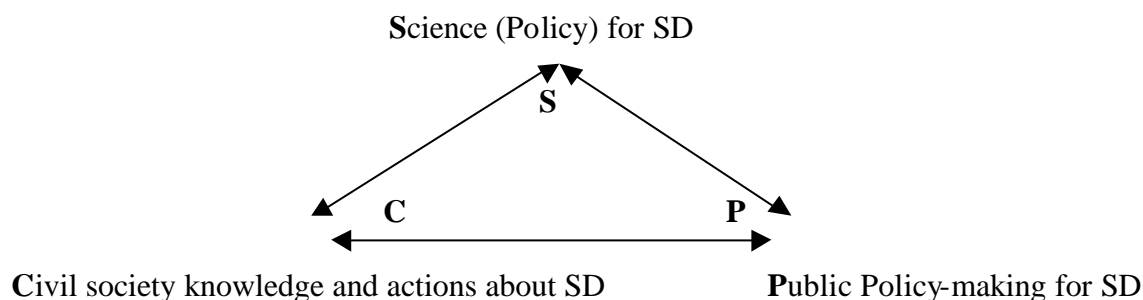
The need for public participation expressed in *group* chapters of section 3 of Agenda 21 is thus complementing elements contained in the *issue* chapters of policy areas. Their combination give in some cases a more detailed picture of public participation for sustainable development. An example is given in the next section about the issue of science policy, a policy area which is an important means of sustainable development.

### ***1.3 Science for sustainable development***

Elements found both in Chapter 35 on *Science for Sustainable Development* and in chapter 31 on the group called *Scientific and Technological Community* help to refine the concept of public participation about the issue of science. They even fuel a vision of *the three poles communication (gap)* among scientists(S), policy-makers (P) and the public or civil society at large (C) to which a triangle representation<sup>27</sup> has been given in box I.2.

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#### **Box I.2: Three Gaps to be bridged on the way toward sustainable development**



Source: N.Gouzée (2001) *Reporting and Planning for a SDS: First Steps in the Dialogue with Society*<sup>28</sup>.

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Opting generally for positive formulations, Agenda 21 states explicitly that an improved exchange of knowledge and concerns between the scientific community (S) and the general public (C) *may enable policies and programs (P) to be better formulated, understood and supported* (31.3(b)). This vision covers three important types of interactions which are described as follows in other parts of Agenda 21:

<sup>27</sup> As they often have a common vision of science - not necessarily in line with changes demanded by Agenda 21 - we have put together scientists and science policy-makers on the pole S. This means that this representation has picked out of the rest of Civil Society the major group *Scientific and Technological Community* and lifted off *Science Policy* from the rest of Public Policy-making.

<sup>28</sup> This view has been developed for the first time at the *Bridging the Gap* international conference on the contributions of research and researchers to the politics of sustainable development hosted by the Swedish Government (arranged jointly by Sweden's Environmental Protection Agency and the European Environment Agency (EEA)) held between 9 and 11 May. More information is available at: [www.bridging.environ.se](http://www.bridging.environ.se)



- interaction between the scientific community (S) and policy-makers (P): one of the main objectives of Chapter 35 is to reach substantial improvements in the interactive processes (mutual understanding and more concrete interactions) between science and policy-making (35.3), using the precautionary approach to change the existing patterns of production and consumption. Another objective is to gain time for reducing uncertainty with respect to the selection of policy options (35.5 (c)). The important need of a better and increased interaction between this major group (*Scientific and Technological Community*) and the policy-makers, in order to *implement* strategies for sustainable development on the basis of the best available knowledge, is also stressed in chapter 31.
- interaction between science (S) and society (C): to improve this interaction, the needs of the scientific community include, for instance, enough independence *to investigate and publish without restriction*. They also need *ethical principles and codes of practice for science as well as the assistance of the public in communicating their sentiments concerning how science and technology might be better managed to affect their lives in a beneficial way to the scientific and technological community* (31.1);
- interaction between people (C) and decision-makers (P): last but not least the more standard concept of public participation of people in general is also retained as an objective of the chapter on science for setting priorities in decision-making relating to sustainable development (35.6).

The elaboration of a *Sustainable Development Strategy (SDS)* must overcome these various gaps in the interactions not only between C and P but also between those and S.

It is crucial to reduce the *communication gap* between the civil society (C) and the public policy-maker (P), which is severely undermining the potential of complying with the ambitious sustainable development commitments taken by the international community in Rio in 1992. Reducing this gap is a key to the success of sustainable development public policy-making given the extent of changes needed for implementing SDS. Therefore, is not surprising that Agenda 21 requires adequate processes for a two-way communication system between policy-makers and the public, including the various stakeholders. But the strong interdependency existing between this "C,P" gap and difficulties arising in the preparation of science policy or the behaviour of the scientific and technological community is generally underestimated. In other words, the communication gap between the public and the authorities on political strategies (including SDS) is generally not related to the importance of gaps regarding ethical principles and codes of practice in science. The point made here is that the difficulties of the public in communicating their sentiments on the management of science, or the obstacles to the mutual understanding and more concrete interactions between scientists and policy-making both contribute to problems met in the "C,P" gap.

What we suggest here is, in other words, that a strong interdependency exists between the chance of reducing the "C,P" gap and the evolution of two other gaps related to science. Being the lower side of the triangle represented in box 2, the link between C and P is largely influenced by the extent and evolution of two other science gaps - or knowledge gaps - on the upper sides of this triangle. This vision, which in part derives from the text of Agenda 21, suggests that substantial improvements in the interactions between the civil society (C) and the makers of public policy (P) for SDS may be reached not only by public participation of people and major groups in general in setting priorities and in decision-making relating to

SDS but also, and perhaps more fundamentally, by action to reduce the “science-policy” (S,P) and the “science-civil knowledge” (S,C) gaps as they are represented in box 2.

The focus of these elements found in Agenda 21 is clearly on the progress of science in general and on the need for improvements of science policy and of scientific and technical advisory processes on decision-making in particular. This should be stressed because it is education, and not science, which is most often referred to as a prerequisite to sustainable development. Educating new generations is important but it is only a small part of what is meant by the commitments made in Rio about the reduction of these three gaps. Bridging these would increase the progress of knowledge and the participatory and anticipatory learning capacities in the whole of society, including policy-makers. Much more than by “educating people”, it is by launching a global learning process including a new approach to science that societies can search and find gradually the adequate sustainable development responses to global change and the sustainable development path responding to their needs.

One of the major groups of civil society which should be much more involved in this kind of process is obviously the Scientific and Technical Community. At present, many research scientists choose to observe political debates from the sidelines, which implies a loss of knowledge for the entire society. It is a loss because they could help bringing these gaps and thereby contribute to sustainable development much more than they do at this stage. Though citizens often have a good understanding of problems connected with the environment, human welfare and economic development, their understanding could be improved by processes confronting it more systematically to scientific knowledge and the results of research in natural as well as in social science. When scientists turn to civil society and share their findings, by improving their accessibility, citizens are better equipped to discuss and question political decisions on a more equal footing with politicians. Simultaneously, as citizens usually have less understanding of the choice process between different policy-goals and policy measures to reach these goals, they would also benefit from understanding better the wider perspective that a better understanding of politics can bring in the decision-making process.

At present, on the one hand, much of the foundation for decision-making is only provided by politicians and their staffs, on the other hand, it is not really considered a merit for scientists to contribute to public debate or to the preparation of a political decision. However, good scientists able to work and think in action-oriented ways are really needed in order to improve the relevance of political decisions to the real social, economic and environmental challenges. This type of engagement of the scientific community is very much called for by Agenda 21 (since 1992) and subsequent decisions of the Commission on Sustainable Development of the United Nations. It is thus high time that we develop science policies that can support and encourage it.

An example of processes through which research policies give research scientists a more active role in realizing sustainable development is the brilliant example of co-operation between scientists and politicians in the IPCC [the UN's international committee of climate scientists]. There are intensive debates between the IPCC's participating scientists, in order to ensure that common standpoints are arrived at by accepted scientific procedure. In no way do they relinquish their scientific method, but, by taking a transdisciplinary perspective, they often manage to deliver extremely robust foundations to politicians for their decisions to be based on. In this way scientists can really contribute to a broad learning process as well as to the improvement of the decision-making.

## ***1.4 International Development Targets***

An important commitment made by Governments in 1992 concerns Sustainable Development Strategies (SDS). The text of Chapter 8 of Agenda 21 has defined for the first time this type of strategy, stressing that Governments *should adopt it, based on, inter alia, the implementation of decisions taken at the Conference particularly in respect of Agenda 21*. Five years later, the « Rio+5 » document called *Program for the further implementation of Agenda 21* (see below point 3.1) has considerably refined the framework of this definition (see Box 2.7) while reaffirming this obligation with the time limit of 2002.

### **Box I.3: Definition of and commitment to Sustainable Development Strategy (SDS)**

- ◆ **1992:** *Governments... should adopt a national strategy for sustainable development, based on, inter alia, the implementation of decisions taken at the Conference particularly in respect of Agenda 21. This strategy should build upon and harmonize the various sectoral economic, social and environmental policies and plans that are operating in the country. Its goals should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situations and initiatives (A21; 8.7).*
- ◆ **1997:** *By the year 2002, the formulation and elaboration of national strategies for sustainable development which reflect the contributions and responsibilities of all interested parties should be completed in all countries, with assistance provided as appropriate through international cooperation, taking into account the special needs of the least developed countries.(P21; 24(a)).*

Sources: *Agenda 21* (A21) and the *Program for the further implementation of Agenda 21* (P21)

In a document called 2000, *A Better World for All* published jointly by the United Nations, the International Monetary Fund, the OECD and the World Bank Group<sup>29</sup>, seven mutually reinforcing sustainable development goals are clearly set. They all come from the agreements and resolutions of the global United Nations conferences and summits organized during the nineties. The seventh target is the implementation<sup>30</sup> of above mentioned SDS by 2005 so as to reverse the loss of environmental resources by 2015.

All these targets are related to the eradication of poverty including the seventh one where the text stresses that *the poor depend directly on the environment (agriculture, forestry and fisheries) for their livelihoods and are most likely to be hurt by air and water pollution and unsustainable practices for food production*. The text of 2000, *A Better World for All* stresses that *as poor countries develop, they become more energy-efficient – using the same quantity of energy they can produce more goods and services*. But it also recognizes that *total energy savings from efficiency gains are more than offset by growth in total consumption*. And it

<sup>29</sup> 2000, *A Better World for All ; Progress towards the international development goals*, [www.paris21.org/betterworld](http://www.paris21.org/betterworld)

<sup>30</sup> The document notes that *Despite their commitments at the Rio Earth Summit in 1992, fewer than half of the world's countries have adopted strategies and even fewer are implementing them*.

comments as follows the present development path of the planet: *So if they follow the model of the high-income countries to-day, their total energy use will continue to grow – and with it their emissions of greenhouse gases.*

**Box I.4: International Development Targets (IDT)**

- ◆ *Reduce the proportion of people living in extreme poverty by half between 1990 and 2015*
- ◆ *Enroll all children in primary school by 2015*
- ◆ *Make progress towards gender equality and empowering women, by eliminating gender disparities in primary and secondary education by 2005*
- ◆ *Reduce infant and child mortality rates by two thirds between 1990 and 2015*
- ◆ *Reduce maternal mortality ratios by three quarters between 1990 and 2015*
- ◆ *Provide access for all who need reproductive health services by 2015*
- ◆ *Implement national strategies for sustainable development by 2005 so as to reverse the loss of environmental resources by 2015*

Source: 2000, *A Better World for All; Progress towards the international development goals*, [www.paris21.org/betterworld](http://www.paris21.org/betterworld) page 5

As the wording of this seventh target (reported in Box 4) is still rather vague, the European Union has declared<sup>31</sup> that the “Rio+10” Summit should not only *reaffirm* but also *further elaborate* this seventh target *with the view to protecting the natural resource base of economic and social development and the carrying capacity of the eco-systems*. It has also announced that *The EU will show leadership in the process of De-coupling of economic growth and environmental pressures which is a key challenge*.

**Box I.5: Indicators for the seventh international development goal**

- ◆ Countries with effective processes for sustainable development
- ◆ Population with access to an improved water source
- ◆ Forest area as a percentage of national surface area
- ◆ Biodiversity : protected land area
- ◆ Energy efficiency: GDP per unit of energy use
- ◆ Carbon dioxide emissions per capita

Source: 2000, *A Better World for All; Progress towards the international development goals*, [www.paris21.org/betterworld](http://www.paris21.org/betterworld) page 25

Six indicators (reported in Box 5) have already been proposed at the international level to measure the progress towards the achievement of this target:

- three of them are *environmental* indicators about forest area, protection of biodiversity and emissions of greenhouse gases.
- the three other indicators are related to other components of sustainable development. The first is an *institutional* indicator regarding the institutions and frameworks established for the guidance of this type of development<sup>32</sup>. The second is an indicator linking the *social* component of development to its environmental component and measuring population having access to water sources. And the third links the environmental

<sup>31</sup> EU Council of Ministers – Environment, 7-8 June 2001, World Summit on Sustainable Development - Council Conclusions, section II.1

<sup>32</sup> The text of 2000, *A Better World for All* stresses, for instance, that *After the 1992 Rio Earth Summit, the Philippines was, for instance, the first country to establish a council for sustainable development with partners from government, civil society and private business.*

component of development to its *economic* component by expressing the GDP per unit of energy use.

Regarding the possibility of agreeing on international goals that these indicators or others could be used to measure, the European Union has also declared<sup>33</sup> that, at the “Rio+10” Summit, *Inter-mediate and sectoral, quantitative and qualitative, targets on environmental and resource productivity to increase eco-efficiency could also be agreed.*

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<sup>33</sup> EU Council of Ministers – Environment, 7-8 June 2001, World Summit on Sustainable Development - Council Conclusions, section II.1

## Annex II: Sustainable Development Frameworks and Laws

*This annex concerns frameworks and examines various translations of Rio sustainable development principles and visions into agreed and legal frameworks. It explores how, during the post-Rio decade, provisions regarding 'public participation' have been simply reaffirmed or even introduced into legal frameworks, giving concrete examples at the global, regional and national levels. The latter is the Belgian Act of 5 May 1997 on the Co-ordination of Federal Sustainable Development Policy.*

### II.1 Global level: United Nations

Progress in the first five years since the 1992 Earth Summit has been assessed in 1997 by a special session of the UN General Assembly sometimes called "Rio+5". The focus of the work has been *to accelerate the implementation of Agenda 21* and to lay down new ground for continuing work on sustainable development at the international level in a document called *Programme for the further implementation of Agenda 21*. This text is presented in the Statement of Commitment made by the International Community in 1997 as a *vehicle* to insure that *in 2002 the comprehensive review of "Rio+10" demonstrates greater progress in achieving sustainable development*. In many areas it is more precise than Agenda 21. Besides the commitment reported in Box 3, two other examples are reported in Box II.1 and II.2 below, further elaborating the notions of *effective participation* and *sustainable development strategies* in ways that integrate them in policy-making frameworks better than previous wording.

#### Box II.1: Effective participation for sustainable development

- ◆ 23. (...) *Growth can foster development only if its benefits are fully shared. It must therefore also be guided by equity, justice and social and environmental considerations. Development, in turn, must involve measures that improve the human condition and the quality of life itself. Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance in all sectors of society, as well as effective participation by civil society, are also an essential part of the necessary foundations for the realization of social and people-centered sustainable development.* (P21;23)

Source: *Programme for the further implementation of Agenda 21* (P21)

The new text adopted in Rio+5 on *effective participation* for sustainable development (Box II.1) is more explicitly dealing with social and environmental concerns, including human rights and fundamental freedoms as well the question of *transparent and accountable governance in all sectors of society, as well as effective participation of civil society* as intrinsic components of sustainable development. This is also stressed in the extended definition of SDS (Box II.2) where the need of a *transparent and participatory process* is connected to the end of insuring *integrated, effective and cost efficient approaches* of sustainable development. The two last sentences of 24(b) (Box II.2) emphasize specifically the need to involve *national legislative assemblies, as well as all actors of civil societies including youth and indigenous people and their communities* and to achieve the mainstreaming of *the full and equal participation of women in all spheres of society*.

**Box II.2: The internationally agreed definition of Sustainable Development Strategies (SDS)**

*24. Sustainable development strategies are important mechanisms for enhancing and linking national capacity so as to bring together priorities in social, economic and environmental policies. Hence, special attention must be given to the fulfillment of commitments in the areas set out below, in the framework of an integrated approach towards development, consisting of mutually reinforcing measures to sustain economic growth, as well as to promote social development and environmental protection. Achieving sustainable development cannot be carried out without greater integration at all policy-making levels and at operational levels, including the lowest administrative levels possible. Economic sectors, such as industry, agriculture, energy, transport and tourism, must take responsibility for the impact of their activities on human well-being and the physical environment. In the context of good governance, properly constructed strategies can enhance prospects for economic growth and employment and at the same time protect the environment. All sectors of society should be involved in their development and implementation, as follows:*

*(a) By the year 2002, the formulation and elaboration of national strategies for sustainable development that reflect the contributions and responsibilities of all interested parties should be completed in all countries, with assistance provided, as appropriate, through international cooperation, taking into account the special needs of the least developed countries. The efforts of developing countries in effectively implementing national strategies should be supported. Countries that already have national strategies should continue their efforts to enhance and effectively implement them. Assessment of progress achieved and exchange of experience among Governments should be promoted. Local Agenda 21s and other local sustainable development programmes, including youth activities, should also be actively encouraged;*

*(b) In integrating economic, social and environmental objectives, it is important that a broad package of policy instruments, including regulation, economic instruments, internalization of environmental costs in market prices, environmental and social impact analysis, and information dissemination, be worked out in the light of country-specific conditions to ensure that integrated approaches are effective and cost-efficient. To this end, a transparent and participatory process should be promoted. This will require the involvement of national legislative assemblies, as well as all actors of civil society, including youth and indigenous people and their communities, to complement the efforts of Governments for sustainable development. In particular, the empowerment and the full and equal participation of women in all spheres of society, including participation in the decision-making process, are central to all efforts to achieve such development;*

*(c) The implementation of policies aiming at sustainable development, including those contained in chapter 3 (Combating poverty) and in chapter 29 (Strengthening the role of workers and their trade unions) of Agenda 21, may enhance the opportunities for job creation, thus helping to achieve the fundamental goal of eradicating poverty (p. 21; 24).*

Source: Programme for the further implementation of Agenda 21 (P21)

While the lack of participation of civil society in the World Trade Organization negotiation is the reason for spectacular protest and demonstrations, one generally ignores how much this

principle and these commitments have been applied at the global level in the follow up of Rio. This was the case in general (for instance in negotiations for the Convention on climate change and on biological diversity,...) and in the UN Commission on Sustainable Development in particular (UNCSD)<sup>34</sup>. *At the international level, the UN Commission on Sustainable Development has pioneered the idea of multi-stakeholder dialogues on Sustainable Development themes, an innovation that reflects an accelerating trend in the “real world”*<sup>35</sup>. During its first decade of existence since Rio, this political forum has benefited each year from the active involvement of between 40 and 60 ministers of environment and 200-600 representatives of major groups including the active positive involvement of the industry. This example has been followed by other fora of the UN system.

**Box II.3: Position of the EU in the CSD9 debate regarding public participation<sup>36</sup> (2001)**

26. *The importance of public access to environmental information “held by public authorities including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes” is highlighted in the Rio Principle 10. Building on this Principle the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) was developed and adopted under the auspices of UN/ECE. The Convention was opened for signature in Aarhus, Denmark in 1998 and has been signed by 39 European States, including the EC.*

27. *The Aarhus Convention is the first general international legal instrument for crystallizing the relevant part of Agenda 21 and implementing the Rio Principle 10, thereby providing an important contribution to the development of environmental democracy. The UN Secretary General Kofi Annan has recognized the Convention as being “by far the most impressive elaboration of principle 10 of the Rio-Declaration” and “the most ambitious venture in the area of environmental democracy” so far undertaken under the auspices of the United Nations”. The EU is willing to share its experiences regarding the Aarhus Convention with other countries and regions of the world.(...)*

32. *It is generally acknowledged, that real progress towards sustainable development requires active involvement of major groups and the civil society in general. This recognition is also reflected in various global, legally binding instruments, e.g. art. 23 of the Cartagena Biodiversity Protocol, adopted as the first environmental agreement in the new millennium (Montreal, January 2000). The civil society at large attaches great importance to improving the regulatory framework for participation, access to information and access to justice.*

33. *The European Union recommends that CSD9*  
*- welcomes the decision by UNEP Governing Council at its 21st session to request the executive director to present to the general review of Agenda 21 in the spring 2002 a report on international legal instruments reflecting provisions contained in Principle 10 of the Rio Declaration, including an assessment and evaluation of their actual coverage vis-à-vis Principle 10,*

<sup>34</sup> UNCSD is in charge of the monitoring of the progress on the implementation of Agenda 21 by governments, NGOs and other UN bodies.

<sup>35</sup> OECD/ PAC/COM/NEWS(2001)48 *Towards a Sustainable Future* – page103 – Paris 17 May 2001

<sup>36</sup> Point III, §26 to 32 of the Statement by Ambassador Lars-Göran Engfeldt Head of Delegation of Sweden on behalf of the European Union – 12 March 2001 – Paper on Agenda tem 3 “Information for Decision-making and Participation” initially prepared on the issue of participation by Denmark.



- urges UN Regional Economic Commissions and/or other regional organizations like ASEAN, OAS and OAU to consider ways and means of promoting processes, including with the participation of the civil society, with a view of considering the feasibility and modalities of the development of legal instruments in the field of access to information, public participation in decision-making and access to justice in environmental matters, or the adherence to existing legal instruments such as the Aarhus Convention, taking into account the specific socio-economic and cultural conditions in the different regions,  
- encourages governments and international organizations to include in the regional processes leading up to the 2002 World Summit on Sustainable Development the question of access to information, public participation and access to justice in order to advance the processes mentioned above.

Source: EU position paper in CSD9 on the issue *Information for Decision Making and Participation* 12/03/2001.

As a part of the Multi-Year Program of Work 1998-2002 of the UNCED, *Information for decision-making and participation* was one of the main themes on the agenda of its ninth session (CSD9) in April 2001. The paper quoted in Box II.3 is the position taken by the European Union in the debate of CSD9 related to public participation.

But the hopes of the EU have been disappointed. The decision by the UNEP Governing Council to present to the general review of Agenda 21 in the spring 2002 a report on international legal instruments reflecting provisions contained in Principle 10 of the Rio Declaration (including an assessment and evaluation of their actual coverage vis-à-vis Principle 10) has not been welcomed as such by CSD9. And the call to other UN Regional Commissions and organizations of the World to help promoting the development of legal instruments in the field of access to information, public participation in decision-making and access to justice in environmental matters has only been taken on board under a much reduced form.

The chapeau of Decision 9/4 of CSD9 about Information for Decision-making and Participation appreciates the power of stakeholder participation... but only in cases in which countries wish to take advantage of the opportunities that the new knowledge economy presents. And the Recommendations for activities at the National Level (not even the Regional level) encourage Governments<sup>37</sup> to consider to: (a) *Take measures to ensure access to environmental information, public participation in decision-making and access to judicial and administrative proceedings in environmental matters in order to further Rio Principle 10, taking into full account, Principles 5, 7, and 11 of the Rio Declaration.* This result obtained after tense and long negotiations<sup>38</sup> relativizes explicitly principle 10 by quoting three developmental principles.

As Aarhus convention is an institutional development of considerable importance for sustainable development, many European countries still hope to see it becoming both a catalyst and a model for other Regions of the World. There are indeed not yet a lot of other

<sup>37</sup> With the oncemore unavoided formula *taking into account their priorities and respective national circumstances, with the support of the international community, as appropriate*

<sup>38</sup> N.Gouzée & U. Lenaerts - Débats et Décisions de la CDD sur les thèmes atmosphère, transport, information (y compris indicateurs) et participation - Verslag 9de zitting VN Commissie Duurzame Ontwikkeling – New York 16 – 28 april 2001) Bureau fédéral du Plan - Task Force Développement durable Réf.(01)DS/TFSD/1486/8700/307

examples or experiences with respect to public participation in the elaboration of policies, plans and programs and certainly none at such a large scale.

Accordingly, this has also been expressed in the Council conclusions on the WSSD<sup>39</sup>. Among the proposals to enhance good governance and participation and to strengthen the institutional framework for sustainable development at the global level the EU Council has thus proposed in June 2001 to promote initiatives to establish and improve access to environmental information, public participation in decision-making, and access to judicial and administrative proceedings in environmental matters.

## ***II.2 Regional level: the Economic Commission for Europe (ECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (called “Aarhus Convention”)***

The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, generally known as the Aarhus Convention, was signed on the 25<sup>th</sup> of June 1998 at the Fourth ‘Environment for Europe’ Ministerial Conference in Aarhus (Denmark). Belgium was one of the first 35 countries which signed the convention, including eleven Central and Eastern European countries (CEEC) and four newly independent States (NIS).

The Aarhus Convention is based on three ‘pillars’. Public participation in decision-making is the second ‘pillar’, but *it cannot be effective without access to information, as provided under the first pillar, nor without the possibility of enforcement, through access to justice under the third pillar.*<sup>40</sup>

In spite of the fact that ‘public participation’ is not defined in article 2 of the Convention (the article about definitions) one can read that ‘the public’ *means one of more natural or legal persons, and, in accordance with national legislation of practice, their associations, organizations or groups.*

Three articles of the Convention are related to the second ‘pillar’:

- Article 6. Public participation in decisions on specific activities
- Article 7. Public participation concerning plans, programs and policies relating to the environment
- Article 8. Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments

Article 7 of the Aarhus Convention is of key importance within the context of this paper. We therefore provide its text in Box II.4 and an analysis of this article in Table 1, also based on the Implementation Guide of the Convention.

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<sup>39</sup> EU Council of Ministers – Environment, 7-8 June 2001, World Summit on Sustainable Development - Council Conclusions, section IV

<sup>40</sup> Many of these comments are provided in ‘The Aarhus Convention: an implementation guide’ (in ‘How to use this guide’) by UNECE (2000). *The Implementation Guide to the Aarhus Convention provides both a general overview and a detailed article-by-article analysis of the Convention.* This guide firmly describes the prerequisite for participation.

**Box II.4: Public participation concerning plans, programs and policies relating to the environment**

*Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparations of plans and programs relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavor to provide opportunities for public participation in the preparation of policies relating to the environment.*

Source: Article 7 of the Aarhus Convention

The introduction of ‘strategic environmental assessment’ (SEA) is given as an example of the implementation of article 7 of the Aarhus Convention. *SEA is clearly relevant for the integration of environmental concerns into broad national sectoral policies (especially energy, transport, agriculture, forestry, tourism etc.) and regional and local development plans (land-use plans, urban development plan etc.).*<sup>41</sup> According to the explanation of this guide, there is generally a difference between ‘plans and programs’ on the one hand and ‘policies’ on the other hand:

- the word *policy* is not defined in the Convention but its broad meaning is “principle, plan or course of action”<sup>42</sup>. According to the guide of the Convention, *Policies are set apart from plans and programs under the Convention, in recognition that they are typically less concrete than plans and programs.*<sup>43</sup> The last sentence of article 7 can also be considered in the light of article 3 paragraph 7 which commits the Party to *promote the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.*

- regarding *plans and programs*, the guide stresses that they refer to those *relating to the environment* and not only those affecting the environment. It may thus include land-use and regional development strategies and sectoral planning in most sectors and at all levels of governments or all government initiatives to achieve particular policy goals relating to the environment. The provisions of article 6 (the article dealing with public participation in decisions on specific activities) paragraphs 3, 4 and 8 which are also referred to in article 7 are related to ‘plans and programs’ and not to ‘policies’. They concern time-frames (§3), early consultation in the process (§4) and due account of the outcome of the public participation to be taken in the decision (§8).

The one before last sentence of this article might lead to misunderstandings in introducing the concept of the public *which may participate*. The interpretation proposed by the guide interprets it firmly in a different way as a provision placing a *responsibility on the public authorities to make efforts to identify interested members of the public* and to be *as inclusive as possible*. *In any case the strategy for identification of the public should be transparent and accessible.*

<sup>41</sup> ‘The Aarhus Convention: an implementation guide’ page 115

<sup>42</sup> Webster’s New World Dictionary quoted by ‘The Aarhus Convention: an implementation guide’ page 118

<sup>43</sup> ‘The Aarhus Convention: an implementation guide’ page 118

Table 3.1 – The Aarhus Convention – Provisions, Obligations and Implementation elements of Article 7  
(UNECE, 2000)

<b>Provision</b>	<b>Obligation</b>	<b>Implementation elements</b>
First sentence	Requires parties to provide public participation during preparation of plans and programmes relating to the environment	<ul style="list-style-type: none"> <li>- Transparent and fair framework (the public must have opportunities to participate effectively)</li> <li>- Necessary information provided</li> </ul>
Second sentence	Incorporates article 6, paragraphs 3, 4 and 8	(see hereunder)
{ Article 6, paragraph 3 }	Sets time-frames for public participation procedures	<ul style="list-style-type: none"> <li>- Specific time limits must be established</li> <li>- Must provide enough time for notification, preparation and effective participation by the public</li> </ul>
{ Article 6, paragraph 4 }	Requires public participation to take place early in process	<ul style="list-style-type: none"> <li>- Options are open (changing the position of public authority is still possible)</li> <li>- Public participation may not be pro forma</li> </ul>
{ Article 6, paragraph 8 }	Parties must ensure that the plan or programme takes due account of public participation	-
Third sentence	Requires the relevant public authority to identify the participating public	- Responsibility placed on the public authorities taking into account the objectives of the Convention
Fourth sentence	Public participation in preparation of policies relating to the environment	<ul style="list-style-type: none"> <li>- To the extent appropriate (also depending on history and culture)</li> <li>- Endeavour to provide participation opportunities</li> </ul>

## ***II.3. National level: The Belgian Act of 5 May 1997 on the Co-ordination of Federal Sustainable Development Policy***

### ***II.3.1. Political negotiations***

In Belgium like anywhere else, the Rio Conference of 1992 has exerted some influence on the policy-making. The first steps towards environmental strategies for sustainable development were taken by the Regions, which had received the responsibility for most of the environmental policies at the end of the eighties. In 1994, the Walloon parliament voted a Decree on Environmental Planning and Sustainable Development. In 1995 the Flemish parliament voted a Decree on general provisions for environmental policy. Both only concerned the environmental policy of the regions, but they influenced in a substantial way the federal legislation.

At the federal level, a governmental declaration expressed for the first time in 1995 a new direction of the responsibilities regarding sustainable development. It provided in particular the following decision: *In accordance with the commitments entered into by our country (...), the Government will prepare a federal plan for sustainable development which involves the various departments (...); this approach does imply a vertical (between international, federal and regional levels) as well as a horizontal (interdepartmental, intersectorial) integration, and the reinforcement of the logistic and scientific means of the administrations and the consultative bodies (...).*

It was clear - and it is inherent in any sustainable development policy – that, on the one hand, the government and the administration were urged to build-up effective capacity for the preparation of necessary policy and measures, and, on the other hand, it was necessary to reinforce the advisory body. Shortly after the constitution of the Government, in August 1995, the cabinet of the Secretary of State charged with Environment got down to work.

Although the governmental declaration does not mention a legal instrument, ambitious objectives were formulated regarding the organisational approach. The goal was to achieve coordination as well as an integration of the federal administration, while also reinforcing the Belgian consultative body for sustainable development (which had interestingly been established just after Rio but had never really been consulted on a real sustainable development policy through lack of organ within the executive to elaborate such a policy).

In the first texts, three axes of this co-ordination and structural strategic approach were released:

1. Elaboration of a planning process of sustainable development
2. Establishment of a specialised institute on sustainable development
3. Reinforcement of the Federal Council for Sustainable Development

From the very start of the negotiations within the government, divergences appeared between the political parties in the government. While various currents within these parties moderated these divergencies, in the broad outline, the socialist parties leaned mostly towards the creation of a public authority to launch an all-round public decision-making process on sustainable development, while the christian-democrats only wanted to reinforce and stimulate further the advisory body created by the same coalition in 1993.

This dissension made it difficult to reach an agreement on the installation of a structural device equipped with sufficient means along the above three axes. The Institute for Sustainable Development was a still-born child because of both lack of means from the outset and fears of the most conservative parts of the government to create too big a potential for change. The negotiations thus trailed around the question of a 'driving force' for the design of sustainable development policy and measures. The expression of 'driving force' was used for a while in these discussions to avoid having to take options on its format while making nevertheless progress in the drafting of a legal instrument.

After a while it was clear to the negotiators that three conditions should be met so that the 'driving force' would be capable to fulfil its task:

- It was to be a place of synthesis, where on the basis of data, forecasts and measurements provided by the National Institute of Statistics, the Federal Planning Bureau and the various federal administrations, one could write proposals. Its role would not only be to interlink the information provided by the different administrations and institutions, what was necessary was a "capacity" able to melt the whole into coherent texts.
- It was to be a forum, a point of contact between the departments and with the Regions and the Communities<sup>44</sup> in Belgium.
- It was to have the personnel and the means necessary to be able to initiate, stimulate and accompany a policy for sustainable development.

After 18 months of preliminary work (and exhausting negotiations), a government bill was submitted to the House of Representatives on December 12, 1996. After some general considerations (Chapter I), the bill dealt successively with objectives (chapters II and III), the way in which the achievements will be concerted (chapter IV) and the responsibility for the orientation and coordination of the federal policy as regards sustainable development. The act was signed into law on May 5, 1997.

However a budget proposal for 1998, which had envisaged a contribution of 0,1% of the resources of all the departments in order to finance all the (new) tasks regarding sustainable development entrusted by this new act to the Federal Planning Bureau and the Federal Council for Sustainable Development, was blocked because of the fact that no agreement within the government had been reached at that time. The amount needed was nonetheless rather moderate for such an ambitious task. Including the already existing means (the ones already planned for the FCSO), a total of 100 million (no more than 2,5 million EURO) was requested to coordinate and to integrate all the policy initiatives for sustainable development. In the end, the different departments were expected to (re)buildup their capacity in a way which would allow them to fulfill their obligations under the new act.

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<sup>44</sup> In recent years, Belgium has rapidly evolved, via four sets of institutional reforms (in 1970, 1980, 1988-89 and 1993) into an efficient federal structure. The first article of the Belgian Constitution now states: "Belgium is a federal State which consists of communities and regions". The redistribution followed two broad lines. The first concerns language issues and, more broadly, everything relating to culture. It gave rise to the Communities, a concept which refers to the persons. The second main line of the State reform is historically inspired by economic concerns, expressed by Regions which wanted to have more autonomous power. Reconciling regional and cultural identity and federal structure is not an easy task, but it does have the advantage of bringing the decision-making process closer to the people. The result is a more sharply defined political structure and greater emphasis on the quality of life. (source: [http://www.fgov.be/nl\\_index.htm](http://www.fgov.be/nl_index.htm))

### ***II.3.2. The Act of May 5, 1997***

At the beginning of 1997, the federal State Secretary for the Environment thus introduced a bill to stimulate general capacity building, to organise consultation and co-operation between federal ministries, to initiate an active and constructive dialogue with the three regions and communities and to organize the consultation of civil society regarding sustainable development.

As a tool to achieve these goals, it proposed to institute a planning and reporting process including the means to develop a federal plan for sustainable development. This involves the collaboration of all departments with a view to developing wide-ranging policy and *measures at the federal level to implement the objective of sustainable development* structured along the lines of Agenda 21 and based on the international commitments to which Belgium has subscribed.

The Belgian Act of 5 May 1997 *on the Co-ordination of Federal Sustainable Development Policy* was adopted in May 1997 and provided for the elaboration, implementation and monitoring of a planned and integrated policy aimed at sustainable development at the federal level. In short, one can thus say that this Act is in line with the international commitments signed by Belgium and in accordance with the respective competencies of the different political levels in Belgium. It provides for four new types of sustainable development instruments.

#### ***Biennial Federal Reports on Sustainable Development***

Every two years, a *Federal Report on Sustainable Development* is published by a public agency called the Federal Planning Bureau (FPB) and established in the FPB by the Task Force on Sustainable Development (TFSD). The Report analyses and assesses the existing situation and policies in Belgium in relation to the relevant international processes and commitments. It presents different scenarios and policy options which constitute a basis for public debate and political decision-making regarding sustainable development. It was published for the first time in September 1999 and brought methodological support and scientific expertise to the Interdepartmental Commission for Sustainable Development (ICSD) for the carrying out of the draft Plan and amended Plan.

#### ***Quadrennial Federal Plans for Sustainable Development***

Based on the findings of the Report, a *Federal Plan for Sustainable Development* has to be decided once every four years by the federal government. Every four years, a draft Plan is thus to be developed by the Interdepartmental Commission for Sustainable Development (ICSD). This draft Plan is to be submitted to an extensive public consultation, amended as necessary and finally submitted to the Council of Ministers for political approval.

The ICSD is an entirely new body created by the Act of 5 May 1997. It is composed of representatives of all Federal ministries and placed under the chairmanship of the Secretary of State for Sustainable Development. The creation of that plan follows a rather particular process under the responsibility of the Interdepartmental Commission for Sustainable Development (ICSD):

- ◆ the ICSD is entrusted by the law to publish a preliminary draft of the Plan.
- ◆ the ICSD must organize a broad consultation of the public on this preliminary draft
- ◆ the ICSD must take into account the results of this consultation in the draft plan which is submitted by the ICSD to Government for finalisation/approval

The Plan is designed to *promote the effectiveness and internal coherence of government policy* with respect to sustainable development. The Federal Plan features both normative and indicative planning. It does not have regulatory force but rather indicates the main guidelines of the sustainable development policy which the Federal Government intends to carry out.

### ***Federal Council for Sustainable Development***

A key-actor of this consultation process is the Federal Council for Sustainable Development (FCSD). This official advisory body, composed of representatives of the major social groups and stakeholders, was created in the spirit of Rio to advise the Federal Government on the draft sustainable development plans as well as other proposals for legislation regarding sustainable development.

The third important actor is the Federal Council for Sustainable Development. This council is an advisory body for the federal government regarding policy related to sustainable development. In addition, the Council is conceived as a forum for exchanging ideas, as an initiator of research and an instrument for raising the consciousness of the general public. The council is composed of representatives of civil society as shown in Box 10.

#### **Box 10: Composition of the Federal Council for Sustainable Development of Belgium**

- 6 representatives of environmental NGOs;
- 6 representatives of NGOs working in the field of development-co-operation;
- 6 representatives of employees' organizations;
- 2 representatives of consumer organizations;
- 6 representatives of employers' organizations;
- 2 representatives of the energy producers;
- 6 representatives of the scientific world (universities).

All members of the federal government and all governments of the regions and communities can send a representative with the status of observer. The Federal Council can by authority of the law, convoke people from the different ministries when they want to be informed. As mentioned earlier the Act of 1997 asks the Federal Council to give a motivated advice on the preliminary draft of the Federal Plan. The act prescribes that the federal government has to motivate every divergence of the final plan regarding the advice given by the Federal Council. In this way, the act indicates the importance that is given to the opinion of civil society in the context of the Federal Plan.



## *Yearly Reports of the Federal Administrations*

The role of the ICSD is not limited to the preparation of the Plan. It is also responsible for its implementation and follow-up. Every year, the federal administration (through the federal members of the ICSD) reports to the ICSD on progress in the implementation of the Federal Plan for Sustainable Development and on the progress of the sustainable development policy in their department and other public institutions for which their minister is responsible. The Commission has to co-ordinate these annual reports and can negotiate protocols of co-operation with the different federal administrations to streamline the information wanted from them and the methodology to use in order to facilitate the tasks of its members.

### ***II.3.3. Public participation***

The public participation process is clearly defined in the Act of May 5, 1997, and in a Royal Decree for the implementation of article 4 § 2 of the Act. In Table 2, the objectives and implementation elements of the Aarhus Convention regarding public participation in planning and programming are compared to the implementation via the Belgian legal framework.<sup>45</sup> This comparison shows that the Belgian legal framework fulfills the prerequisites of public participation as referred to in the Convention and within the above recalled definitions and commitment of Sustainable Development Strategy (SDS) of Chapter 8 of Agenda 21 and its follow-up (see Boxes 3, 6 and 7).

Furthermore it must be emphasized that the major groups – as described in the preamble to section 3 of Agenda 21 (summarized in section 1.2 of this paper) as well as in Box 10 - are playing an important role in Belgium. Non Governmental Organisations are voicing the concerns (environment, labour, development cooperation, consumption, etc.) of citizens. They are members of a lot of advisory bodies giving their advice on the plan, including the Federal Council for Sustainable Development.

An important element of the weight of the consultation in the Act of May 5 1997, is the above mentioned provision of article 4 regarding public participation. The FCSD is not only invited to give a motivated advice on the preliminary draft of the Federal Plan. The act also prescribes that the federal government has to motivate divergences between the final plan and this advice given by the Federal Council. This implies that after the adoption of the plan, the government must still make the effort to state all the reasons why certain elements of the outcome of the public participation are not taken into account in the definitive version of the federal plan on sustainable development.

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<sup>45</sup> Notice that there is no comparison for the last sentence of article 7 in Aarhus Convention on policies, because this not the subject of this paper.

Table 3.2 – Public participation within the Belgian legal framework for reporting and planning:  
compared to the Aarhus Convention, in particular Article 7

<b>Obligation</b>	<b>Implementation elements</b>	<b>Act of May 5, 1997 (art. 3 – 6)</b>
Requires parties to provide public participation during preparation of plans and programmes relating to the environment	<ul style="list-style-type: none"> <li>- Transparent and fair framework (the public must have opportunities to participate effectively)</li> <li>- Necessary information provided</li> </ul>	<ul style="list-style-type: none"> <li>- Chapter II – Federal Plan for Sustainable Development</li> <li>- Art. 3 concerning the content of the plan</li> </ul>
Incorporates article 6, Paragraphs 3, 4 and 8		
Sets time-frames for public participation procedures	<ul style="list-style-type: none"> <li>- Specific time limits must be established</li> <li>- Must provide enough time for notification, preparation and effective participation by the public</li> </ul>	<ul style="list-style-type: none"> <li>- Art. 4 on public participation and 6 on the planning circle</li> <li>- Art. 4 § 2 on public participation supplies a Royal Decree setting time-frames</li> </ul>
Requires public participation to take place early in process	<ul style="list-style-type: none"> <li>- Options are open (changing the position of public authority is still possible)</li> <li>- Public participation may not be pro forma</li> </ul>	<ul style="list-style-type: none"> <li>- Public consultation is on the preliminary draft of the federal plan (art. 4 § 1 and § 2)</li> <li>- Remarks and advices are taken into account before presenting a draft of the federal plan to the Council of Ministers (art. 4 § 4)</li> </ul>
Parties must ensure that the plan or programme takes due account of public participation		<ul style="list-style-type: none"> <li>- Remarks and advices are taken into account before presenting a draft of the federal plan to the Council of Ministers (art. 4 § 4)</li> </ul>
Requires the relevant public authority to identify the participating public	<ul style="list-style-type: none"> <li>- Responsibility placed on the public authorities taking into account the objectives of the Convention</li> </ul>	<ul style="list-style-type: none"> <li>- Art. 4 § 2 on public participation supplies a Royal Decree setting the measures taken to consult the public</li> </ul>

# **Annex III: Belgian Act of 5 May 1997 on the Co-ordination of Federal Sustainable Development Policy as amended by the Act of 30 December 2001**

## ***CHAPTER I: General provisions***

### ***Article 1***

This act governs a matter referred to in Article 78 of the Constitution.

### ***Article 2***

For the application of this Act, one should understand under:

1° *Sustainable development*: development aimed at meeting the needs of the present, without compromising the ability of future generations to meet their own needs and the realisation of which requires a process of change, in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are made consistent with future as well as present needs;

2° *Agenda 21*: the action plan, adopted at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), that deals with current, urgent problems and also aims at preparing the world for the challenges of the 21<sup>st</sup> century;

3° *Minister*: the Minister or Secretary of State in charge of the environment;

4° *Council*: the Federal Council for Sustainable Development;

5° *Commission*: the Interdepartmental Commission on Sustainable Development;

6° *Federal Planning Bureau*: the Federal Planning Bureau, established by the Act of 21 December 1994 containing social and miscellaneous provisions.

## ***CHAPTER II: Federal Plan for Sustainable Development***

### ***Article 3***

A federal plan for sustainable development, hereinafter referred to as "the plan", shall be established every four years, based on the federal report referred to in Article 7.

This plan, structured according to the format of Agenda 21, shall determine the measures to be taken at federal level with a view to the realisation of the objectives of sustainable development. It shall aim at enhancing the effectiveness and internal cohesion of sustainable development policy. It shall take into account potential long-term developments.

The plan shall also contain an action plan laying down provisions for its implementation. This shall cover at least the following items regarding sustainable development:

1° the quality of the various components of society aimed at in the period concerned;

2° the indication of the areas in which the quality of society or of one or several of its components requires particular measures;

- 3° the cohesion between the various parts;
- 4° the measures, the means and the time frames proposed for achieving the objectives, as well as the priorities to be observed;
- 5° the financial, economic, social and ecological consequences reasonably to be expected as a result of the policy aimed at sustainable development that is to be implemented.

#### ***Article 4***

§1 The preliminary draft plan shall be prepared by the Federal Planning Bureau on the basis of the guidelines given by the Commission.

The Commission shall submit the preliminary draft plan simultaneously to the Legislative Chambers, the Council and the Governments of the Regions and the Communities.

§2. The King shall lay down measures with a view to giving the preliminary draft plan the widest possible publicity and consulting the population about its provisions.

§3. Within ninety days following the communication of the preliminary draft plan, the Council shall give its reasoned opinion on the preliminary draft plan.

§4. Within sixty days from the expiration of the period referred to in paragraph 3, the Commission shall examine the opinions expressed and elaborate the draft plan. It shall communicate the draft plan to the Council of Ministers, together with the opinions expressed.

#### ***Article 5***

§1. The King shall lay down the plan by decree deliberated in the Council of Ministers. He shall state the reasons for deviating from the Council's opinion. The plan shall be published by way of excerpts in the Belgian Official Gazette.

§2. The plan shall be communicated to the Legislative Chambers, the Council, the governments of the Regions and Communities, and to all official international organisations which were established as a result of or were associated with the Rio Conference, in which our country participates.

§3. The King shall lay down measures aimed at giving the plan the widest possible publicity.

#### ***Article 6***

A plan shall be laid down for the first time at the latest thirty months following the entry into force of this Act. Each subsequent plan shall be laid down no later than three months before the period of validity of the current plan expires.

### ***CHAPTER III: Federal Report on Sustainable Development***

#### ***Article 7***

Every two years, the Federal Planning Bureau shall draw up a federal report on sustainable development, hereinafter referred to as "the report".

The report shall contain, within the context of sustainable development:

- 1° a description, an analysis and an assessment of the existing situation in Belgium having regard to international developments;

2° a description, an analysis and an assessment of the policy on sustainable development conducted so far;

3° a description of the development expected in case of unchanged policy and in case of a change in policy, according to a number of relevant scenarios.

### ***Article 8***

The report shall be communicated to the Commission and to the Minister, who shall transmit it to the Council of Ministers, to the Legislative Chambers, to the Council and to the governments of the Regions and the Communities, and to all official international organizations which were established as a result of or were associated with the Rio Conference, in which our country participates. The Minister shall establish the list of other recipients and take measure to give the report the widest possible publicity.

### ***Article 9***

A report will be drawn up for the first time no later than eighteen months following the entry into force of this Act.

## ***CHAPTER IV: Federal Council for Sustainable Development.***

### ***Article 10***

A Federal Council for Sustainable Development is hereby established.

### ***Article 11***

§1. Without prejudice to its other missions as laid down in this act, the Council shall be charged with:

- a) expressing an opinion on all measures concerning federal policy on sustainable development, taken or envisaged by the federal authorities, in particular for the implementation of Belgium's international commitments;
- b) providing a forum for exchange of views on sustainable development;
- c) proposing research in all fields related to sustainable development;
- d) promoting the widest possible co-operation of public and private organisations as well as citizens in order to realise these objectives.

§2. The Council shall perform the missions referred to paragraph 1 on its own initiative, or at the request of any Minister or Secretary of State, of the Chamber of Deputies or of the Senate.

§3. It may have recourse to the federal administrations and public institutions in discharging its duties. The Council may request the advice of any person, the collaboration of whom is deemed expedient for examining certain questions.

§4. The Council shall give its opinion within three months after having been requested to do so. In case of urgency, the requesting party may prescribe a shorter period. This period, however, shall not be shorter than two weeks.

§5. The Council shall draw up an annual report of its activities. This report shall be transmitted to the Council of Ministers, to the Legislative Chambers and to the parliaments and governments of the Communities and Regions.

§6. The government shall state its reasons for any deviation from the Council's opinion.

## *Article 12*

§1. The Council shall consist of:

- a) an honorary chairperson;
- b) a chairperson;
- c) three vice-chairpersons;
- d) six members representing non-governmental organisations competent for the protection of the environment, selected from a double list of candidates, half of whom shall be nominated by the regional federations and the other half by international organisations represented in Belgium;
- e) six members representing non-governmental organisations competent for development co-operation, selected from a double list of candidates nominated by the federations recognised as representative by the King;
- f) two members representing non-governmental organisations defending the interests of the consumers, selected from a double list of candidates nominated by the representative organisations for consumer protection represented in the Consumer Protection Council;
- g) six members belonging to the representative workers' organisations, selected from a double list of candidates nominated by the organisations represented in the Central Economic Council;
- h) six members belonging to the representative employers' organisations, selected from a double list of candidates nominated by the organisations represented in the Central Economic Council, that are representative of industry, commerce, agriculture and the trades;
- i) two members representing the energy producers, selected from a double list of candidates nominated by the representative organisations represented in the Supervisory Committee for Electricity and Gas;
- j) six members belonging to the scientific community, nominated jointly by the Minister or Secretary of State competent for the environment, the Minister or Secretary of State competent for development co-operation and the Minister or Secretary of State competent for science policy;
- k) one representative from each Minister or Secretary of State;
- l) each Region and each Community shall be invited to designate one representative.

§2. The members referred to in paragraph 1, a) to j) shall be appointed by the King for a renewable four-year term, by royal decree deliberated in the Council of Ministers.

§3. The members referred to in paragraph 1, k) and l) shall have an advisory vote.

§4. The Bureau of the Council shall consist of the members referred to in paragraph 1, a) the honorary chairperson, b) the chairperson, and c) the three vice-chairpersons.

## *Article 13*

The Council shall establish its rules of procedure. These rules shall in particular lay down provisions regarding:

- 1° the bodies through which the Council discharges its duties;
- 2° the way of convening and deliberating;
- 3° the publication of the proceedings;
- 4° the periodicity of the meetings.

These rules shall be subject to the King's approval.

#### ***Article 14***

The Council shall have a permanent secretariat, which includes staff with an administrative training as well as staff with a scientific training. This secretariat shall work under the guidance of the Bureau. The staff shall be recruited by the Bureau.

Furthermore, the government, with the consent of the Council, may place specialised staff, on a statutory or contractual basis, at the disposal of the Council, in order to support the Council's secretariat and facilitate co-operation between the Council and federal administrative authorities.

#### ***Article 15***

The Council shall have a working budget at its disposal from the federal government budget, charged in equal parts to the appropriations for Social Affairs, Public Health and Environment, the appropriations for the Prime Minister's Services, and the appropriations for Development Co-operation.

### ***CHAPTER V: Interdepartmental Commission on Sustainable Development***

#### ***Article 16***

Under the responsibility of the Minister, an Interdepartmental Commission on Sustainable Development is hereby established, consisting of a representative from each member of the federal Government, as well as a representative of the Federal Planning Bureau. Each Regional government and each Community government shall also be invited to appoint a representative to the Commission.

Except for the members appointed by the respective governments of the Regions and Communities, the members of the Commission shall be appointed by royal decree deliberated in the Council of Ministers. They shall be appointed for a four-year term and their mandate shall be renewable.

The representatives of the federal Government shall report each year on the policy related to sustainable development and the implementation of the plan in the federal departments and public institutions they represent.

The Minister or his representative shall *ex officio* act as Chairperson of the Commission. The representatives of the Minister or Secretary of State in charge of development co-operation and of the Minister or Secretary of State in charge of science policy shall *ex officio* act as Vice-Chairpersons of the Commission. The secretariat shall be ensured by the representative of the Federal Planning Bureau. Together these representatives shall form the Bureau.

By means of a decree deliberated in the Council of Ministers, the King shall determine the general rules for the organisation and functioning of the Commission, including the rules governing its cooperation with the Federal Planning Bureau.

#### ***Article 17***

Without prejudice to its other duties referred to in this act, the Commission shall be in charge of:

1° providing guidance to the Federal Planning Bureau with respect to its missions referred to in this Act and supervising their due performance;

2° defining the missions of the federal administrations and public institutions, by means of a co-operation protocol at least containing provisions on the methodological terms of reference, general directives and implementation deadlines for performing the assignments;

3° co-ordinating the annual reports by the representatives of the federal Government on the policy regarding sustainable development and on the implementation of the plan in each federal administration and public institution.

By means decree deliberated in the Council of Ministers, the King may entrust the Commission with any other tasks related to sustainable development.

### ***Article 18***

The Commission may entrust the performance of specific tasks to one or several of its members and may establish task forces.

The Commission may request the assistance of external experts.

### ***Article 19***

Before 31 March of each year, the Commission shall draw up a report on its activities of the preceding year. This report shall be transmitted to all the members of the federal Government, to the Legislative Chambers and to the Council.

## ***CHAPTER VI***

[Amendments and repeals of earlier legislation not included in this translation]

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