

# **Climate change acts non-adoption as potential for renewed expertise and climate activism: the Belgian case**

Amandine Orsini, Loïc Cobut and Maxime Gaborit  
Université Saint-Louis – Bruxelles

## **Abstract**

A substantial literature explains the adoption of climate change acts and their impact on climate policy once adopted. In contrast, we know very little about the processes leading to the non-adoption of climate change acts and the subsequent consequences for climate policymaking. This contribution aims at filling this gap by analysing the non-adoption of the Belgian bill for a climate change law. Proposed in February 2019, the Belgian bill for a climate change law was debated but then rejected very soon after, at the end of March 2019.

Taking the non-adoption of the Belgian bill on climate change as an enlightening case study, this contribution investigates the impact of climate change act non-adoption on climate policies by: (i) questioning how climate change acts are drafted, and the role of academic experts for such a task in a context of climate emergency; (ii) analysing the reception and discussion of the bill on climate action, including within civil society; and (iii) tracing the follow-up actions undertaken in the wake of the bill's non-adoption. The research relies on documentary analysis (climate change act drafts and final text, parliamentary discussions, non-governmental organisations' archives), interviews with key actors and an exploratory questionnaire with climate activists. Although it was not adopted, we argue that the climate change act project has opened new opportunities to rethink expertise and climate mobilisation in Belgium.

## **Key policy insights**

- Even when climate change bills fail, they can still have important political or policy effects in the future by raising awareness for the impacts of climate change.
- When proposing new laws, academic experts should be well informed about the timing and conditions of the political agenda.
- Consultations with civil society on climate change law projects would increase public awareness and pressure for adoption.
- Including other important societal causes related to social, economic, decolonial and gender issues, would be key to broadening the impact of the climate movement.

**Keywords:** Belgian climate governance, climate activism, climate change law, experts, policy cycle, policy stages.

## **Introduction**

A substantial literature explains the emergence of climate change acts (Bailey et al. 2021, this issue; Carter and Childs 2018; Nash and Steurer 2019; Nash 2020; Torney 2017) and their impact on climate policy, once adopted (Matti et al., 2021, this issue; Solorio 2021, this issue). But climate change acts are not always successful and, still, there is no academic literature on climate change act non-adoption. This contribution aims at filling this gap by analysing the non-adoption of the Belgian bill for a climate change law.

On 2 December 2018, 75,000 people took to the streets of Brussels with, as a main demand, the need for a stronger approach to the challenges of climate change. One month later, the Youth for Climate movement, that took its inspiration from Greta Thunberg's Fridays for Future movement, started its weekly strikes across most Belgian cities, with a similar call for action. Between December and January, a momentum for common action was also reached for the

first time among several environmental non-governmental organisations (NGOs) (Coalition Climat, Greenpeace) and less institutionalised movements and actors (Act for Climate Justice, Rise for Climate, Youth for Climate), all active in Belgium. While climate mobilisations were happening globally, those that took place in Belgium were particularly vocal, resonating with the perception of a lack of national climate ambition and governance.

Limited federal climate competence exists in Belgium: climate change is dealt with at various policy levels with the regional level being the most competent (Happaerts, 2015). Such fragmentation creates complexity and jeopardises coherent long-term climate policy (Collard, 2016; European Climate Foundation, 2019; Lejeune, 2010). Despite attempts on the part of concerned authorities to develop more robust cooperation (El Berhoumi & Nennen, 2018), the “axioms of Belgian federalism come before the fight against climate change, so that it is up to this fight to adapt itself to the federal design rather than the other way around” (El Berhoumi & Nennen, 2018: 76, our translation).

Because of such institutional fragmentation, climate governance in Belgium has been weak, relying mostly on external pressures from European and international levels (Misonne, 2018: 12). As explained by Theys (2002: 6): “some situations are just dealt with through crises”. In Belgium, this has been the case for climate change, with the official climate policy changing shape from one crisis to another, such crises usually occurring a couple of weeks before each annual Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), for which Belgium has to report on its actions, or in the wake of European regulations. Among others, the EU Regulation on Governance that entered into effect on 11 December 2018 requires National Energy and Climate Plans to be provided by member states every two years, in order to monitor national progress and steer member states towards the objectives of the 2015 Paris Agreement (European Union, 2020a & 2020b). Belgian national climate governance is therefore embedded in a framework that relies on external motors (Pepermans & Maesele, 2017).

However, between December 2018 and spring 2019 two new circumstances created an opportunity to complement the external motors of Belgian climate policy by way of internal dynamics. The first concerns the dissolution of the federal government, which collapsed on 9 December 2018 due to a disagreement between the Nieuw-Vlaamse Alliantie (N-VA), the Flemish nationalist political party, and all the other governmental political parties, concerning the Global Compact for Safe, Orderly and Regular Migration, a United Nations’ initiative meant to regulate international migration (Faniel & Sägers, 2020). This political crisis opened a way to discuss climate policy initiatives formerly blocked by the N-VA (Lebrun et al. 2019: 47; N-VA 2020). A second circumstance was an academic stimulus. A group of academics had just finished a series of seminars on Belgian climate governance aimed at identifying obstacles and opportunities. In the wake of these seminars, a group of participants decided to draft a proposal for a new law. Just a few days later, the proposal was seized upon by seven political parties and an accordant legislative bill was drafted for presentation to the federal Parliament.

Despite both stimuli, on 28 March 2019 the Belgian federal Parliament rejected the bill for a climate change law, such a law taking the format of a special law. Probably due to this rejection, there has been, so far, too little coverage of the Belgian climate change law proposal in academia (exceptions being Collard, 2019: 7; Deloge, 2019; Lefebve, 2020: 3-4; Rolland and Romainville, 2019). This article aims at filling this gap. Beyond its non-adoption, we argue that the climate change law project opened up new opportunities for expertise and climate mobilisation in Belgium, keeping the climate issue on the political agenda. We do so by adopting not only the usual focus on the formal (political and legal) struggles related to a legislative bill, but also by embracing a perspective centred on informal initiatives on the part of actors operating outside the classical institutional game. The article is structured in three parts. The first part presents the analytical perspective and methods. The second part presents the five stages of the climate change law project, investigating in detail the role of academic

experts and civil society and their interactions throughout the process. The conclusion proposes several policy insights drawn from our case study.

### **Analytical perspective and methods: studying a climate change act non-adoption**

#### *Focusing on interventions of non-state actors in the policy building process*

To investigate the process leading to the non-adoption of the climate change act, we adopt a two-pronged approach. The first relates to the importance of analysing non-institutional actors, their internal diversity, and their impact on politics (for a similar approach see Coen et al. 2020; Vesa et al. 2020). Here, two groups of non-institutionalised actors have indeed appeared particularly active. One specific characteristic of the bill is that it was drafted by academic experts, in particular, lawyers. This resonates with current trends of the increasing role played by experts in formal processes of climate policymaking, especially at the international level (Hughes and Paterson, 2017; De Pryck 2021). Strategies formulated by outsider experts are also visible: while climate scientists are known to push for stronger climate action (see Scientists4Climate in Belgium; Scientists for Future in Germany; or the call issued by a thousand scientists in France see Beigbeder et al. 2020), lawyers are also progressively becoming involved in the environmental field (Mason-Case, 2019). The Belgian climate change law bill presents an excellent opportunity to shed light on the consequences of the involvement of academic experts, beyond traditional science-policy interfaces. Second, another key group of actors in the Belgian case has formed around civil society, and more particularly around climate activists and NGOs, working together for this specific occasion. Research has shown that climate activists are able to produce experimentations known as Temporary Autonomous Zones (TAZ) (Bey 1991). Could these democratic experimentations be used as reinforcing stimuli for the development of climate change acts?

The second prong is to adopt a policy process perspective (Sabatier and Weible, 2014) to reconstruct the detailed chronological development of the climate change law bill and assess the potential for policy change relying on actors and coalitions. This bill is not the result of a clear-cut intention accompanied by a straightforward process. Rather, it follows a progressive path of reflection and discussion on Belgian climate governance and on the potential ways forward, following different stages that we identify and detail below.

#### *Methodological approach: combining qualitative research tools to detail the policy process*

We rely on three methods to trace the identified non-state actors involved in the different stages of the climate change law project. First, we gathered and analysed official and media documents related to the climate change law project in French, Dutch and English (see Annex 1). These documents helped us understand the process leading to the climate change law proposal and its content, and to identify the key actors related to it.

Second, we conducted 20 semi-structured interviews with a selection of these key actors: namely experts who took part in the drafting process, representatives of business federations, officials of political parties, NGO members, and climate activists (see Annex 2). Collecting information from a diversity of sources and actors helped us triangulate data (Flick 2018). In practice, we administered a questionnaire to interviewees, based on a list of open questions on the emergence of the bill, its drafting, presentation and rejection. As a follow-up to some of these interviews, we were allowed to access the online archives of Greenpeace and Act for Climate Justice on the climate mobilisation in March 2019 in Brussels.

Third, in June 2020, we contacted 360 participants of the Brussels climate march on 15 March 2019 to gather information from civil society actors who mobilised at the time the proposed bill was being elaborated and discussed. This was done through an online questionnaire. We obtained the contact details of such participants thanks to the participation of one of us to

another research project that was conducted during the climate march (Quantité critique, 2019). We asked participants about their general involvement in politics, their relation to the climate change law proposal, their political preferences and the modes of actions they considered more relevant to tackling climate change. We received answers from 56 people out of 360. While the resulting sample makes no claim to being representative, it does allow for interesting qualitative insights on climate activism at the time.

Analysis of all this research material enabled us to identify five key stages in the life cycle of the bill, as presented in Figure 1. We thereafter detail these stages and the actors involved in each of them. In contrast to a more traditional process of adopting legislation, the last stage of this cycle, evaluation, analyses the effects of the non-adoption of the bill.

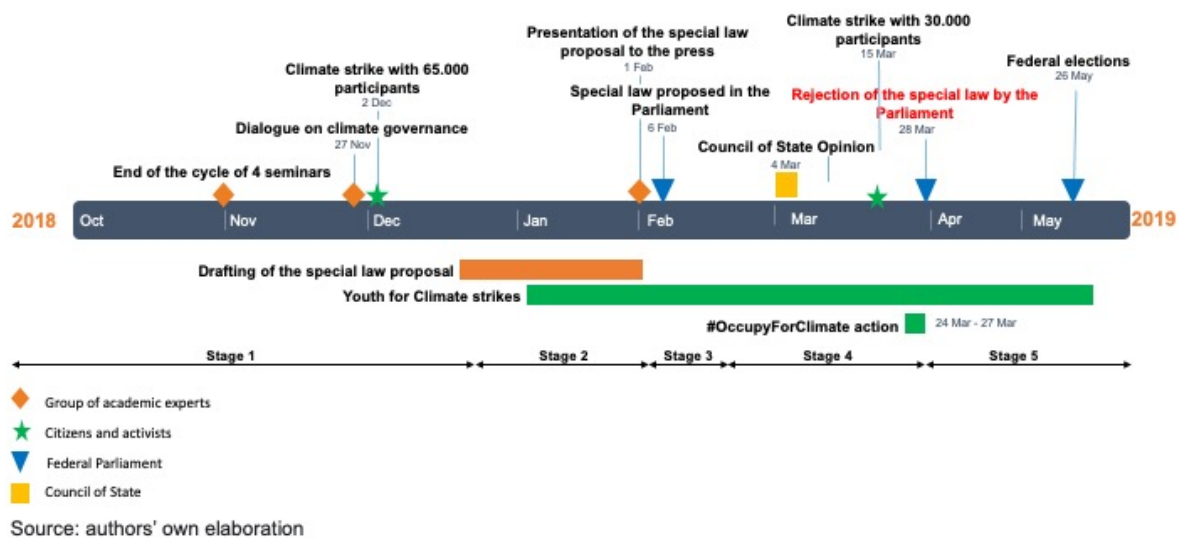


Figure 1: The process leading to the non-adoption of the Belgian climate change law

### The five stages of the climate change law proposal

*Problem emergence as a first stage: the idea of a special climate change law proposal, September 2017 – December 2018*

Most actors interviewed place the origin of the climate change law project in September 2017, when the Université Saint-Louis – Bruxelles signed a contract issued by the Belgian Climate Change Service. The university would organise four specialised research seminars during the academic year 2017/2018, and a final public debate in 2018, on the topic of climate policy governance in Belgium. The Belgian Climate Change Service wanted to open a space for in-depth reflection and debate in which all relevant experts could come together to discuss, understand and eventually suggest ways to overcome the weaknesses of Belgian climate governance. The contract asked experts to identify the key topics to look at in more detail within the seminar series (interview 2; SPF SPSCAE, 2017)<sup>1</sup>.

<sup>1</sup> We randomly allocated a number to each interview for in-text citations.

These seminars<sup>2</sup> explored four dimensions of Belgian climate governance: (i) the constitution and the sharing of competences (April 2018); (ii) state accountability (May 2018); (iii) new frames of governance, participation and dynamics of decision-making processes (September 2018); as well as (iv) climate change laws in Europe and the role of parliaments (October 2018). Each seminar was conducted on a multilingual basis, and hosted several presentations from law experts, who made up the majority, as well as experts from political science and climate science<sup>3</sup>, from within and outside Belgium, on their expertise regarding these topics. Regional and federal public servants, along with NGOs, business representatives and students, were invited as observers. The seminar series worked as a “process of co-creation” (interview 6) or as a “hub” for a reflection on Belgian climate governance (interview 13).

The results of this academic reflection were presented during a public debate on 27 November titled “Dialogue on climate governance”, which was held at the National Library of Belgium and gathering around 250-300 participants (interview 13). On top of confirming the existence of weaknesses in Belgian climate governance, the group of academic experts made three improvement propositions: (i) to amend the constitution; (ii) to adopt a new cooperation agreement between the regions on climate change; and, finally, (iii) to adopt a special climate change law<sup>4</sup> (Misonne, 2018). The idea of such a law project was therefore born (interview 4) as well as the interest in drafting a formal proposal (interview 13).

This first stage resonated with a turning point in the climate movement, without, at this stage, actually converging with this movement. Climate contestations entered a decisive turn following the 2 December landmark demonstration organised by the Coalition Climat and Climate Express, which brought more than 65,000 people onto the streets of Brussels (Fettweis, 2018). The complexity of the Belgian climate movement lies in its internal heterogeneity. While Youth for Climate was born in Flanders, the movement developed mostly in francophone Belgium, where it is supported by several institutionalised organisations, including the Climate Coalition, Inter-Environnement Wallonie and Greenpeace, among others. Beyond this institutionalised dimension, the national movement comprises a wide variety of activist groups. The collective Youth for Climate is at the core of the organisation of weekly strikes that gained visibility at the international level with figures such as Anuna De Wever in Flanders and Adélaïde Charlier in francophone Belgium. Considering Youth for Climate not to be sufficiently radical, other groups diffused stronger anticapitalistic discourses, such as Génération Climat, active throughout Belgium (interviews 18 & 20), or Act for Climate Justice, a francophone coalition of several groups supporting civil disobedience.

*Problem formulation as a second stage: the drafting of a climate change act proposal, December 2018 - 1 February 2019*

Contrary to the usual procedures pursued when new law is proposed in Belgium, the climate change law bill was the result of an independent, spontaneous and bottom-up process of drafting by academics<sup>5</sup>: “we wanted to do it independently, to do what we wanted, to present what experts considered to be sound (...) to use academic freedom to write what was necessary” (interview 4). Academic experts wanted to build the project independently from any external influence to “give the possibility to have a scientific point of view that is different from the usual political comments on politics” (interview 12).

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<sup>2</sup> All reports from the seminar series are available here: <https://climat.be/politique-climatique/belge/nationale/gouvernance-climatique>.

<sup>3</sup> 10 experts formed the scientific committee running the research seminars.

<sup>4</sup> A special law needs to be adopted by the majority of both the Dutch-speaking and the French-speaking groups in the Chamber of Representatives and in the Senate, and requires that an absolute majority of each group votes in favour. The total number of votes must meet a 2/3 majority (Lejeune, 2010).

<sup>5</sup> Several experts in the climate change law drafting group participated in other law drafting exercises and confirmed law proposals are usually commissioned by the administration.

Not all the experts who participated to the seminar series were involved in the drafting and signing of the climate change law proposal, which took the format of a special law proposal<sup>6</sup>. Certain divergencies did occur within the seminar series' expert group. On the one hand, some participants did not become engaged in the project because they wanted other recommendations to be further explored, such as greater regional implementation, which they considered to be potentially more efficient than a new law. On the other hand, others decided to engage in the bill's drafting especially due to the positive feedback received during the public debate. Among these, only lawyers were signatories (Misonne et al. 2019), as justified by the legal nature of the enterprise.

The process took a rather decisive turn when a final team of eight<sup>7</sup> academics started working intensively on drafting the bill. One of them worked on a first draft over the Christmas holidays and presented it to the project team at the beginning of January. Within just one week, "experts were already working on a 10<sup>th</sup> version" (interview 4). The members of the group had complementary expertise and could therefore understand each other: "we were not agreeing on each comma, but we were on important lines" (interview 4; also interviews 6 & 13).

The drafting process was facilitated by the use of part of the seminar reports for the first drafts. For instance, the idea contained in the law proposal, to create a new independent committee of experts, came from case studies discussed during the seminars on the Netherlands, Denmark, Finland, Sweden, Norway and the UK. The UK example (Averchenkova et al. 2021, this issue) was the dominant one, being the oldest, most established and well performing independent expert group. The "cap and act" approach, stating clear targets that all stakeholders have to implement within a precise time limit (Hilson 2020; Misonne et al., 2020), was also taken from other climate change laws. The UK was again seen as a very constructive precedent for this approach.

While the drafting process was led by experts, these same experts were being pushed by two societal imperatives while drafting the law: the timing of the political agenda; and activists' protests. On the first point, the group of experts wanted to create a relevant proposal, to then be "broadcast" in the political arena. This impacted the timing of the drafting process: "we knew that because of the federal elections in May, we had to wrap-up our proposal towards the end of January" (interview 4).

On the second point, experts decided to echo the actions planned to take place around one important street in Brussels, rue de la Loi, where most governmental institutions are based: "we were doing it for them: young people in the streets (...) we knew they were right" (interview 4). Gradually, the special climate change law issue indeed came to the forefront of the climate movement, namely on 27 January, when Act for Climate Justice organised a blockade on rue de la Loi, claiming "No climate law, No rue de la Loi!". This blockade was organised in the context of the international demonstration on climate change held by Rise for Climate and the Climate Coalition that same day. In addition, on 30 January, the "Wake up your Minister" campaign was launched, at the heart of which Act for Climate Justice activists displayed the phone numbers of several Belgian ministers on posters and stickers in several cities across the country, for citizens to hold them directly accountable (RTBF, 2019).

Just as for the experts, the mobilisation was built on pre-existing discussion spaces for discussion in which the mobilised actors could meet, starting in January 2019. The Cercle Cœur Climat, later renamed "Climate Underground" (interview 11), were meetings organised by the Mycelium network, an activist network working to support social movements "in their common goal and in the diversity of their experimentations, particularly in French-speaking

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<sup>6</sup> 7 of the 10 experts in the scientific committee of the seminar series joined.

<sup>7</sup> 11 signed the law proposal: some research assistants had provided support work and were therefore added to the list of signatories (interview 4).

Belgium”<sup>8</sup>. These meetings created face-to-face interactions within the Belgian climate movement, and an active mailing list was created to review the Belgian climate agenda.

At this point, experts and civil society organisations started to work closely together, pooling their complementary skills. In particular, one meeting held at the end of January allowed the different actors – some of the climate change law proposal experts and civil society organisations – to engage in common discussions (interview 11). One of the main actors in this dialogue process refers to an “alignment of forces” (interview 8) to describe the parallel and reinforcing actions of experts and activists.

*Agenda-setting as a third stage: presentation of the climate change law proposal by political parties to the Parliament, 1 February 2019 - 12 February 2019*

To align with the political cycle, on 1 February 2019, the group of experts organised a press conference at the Université Saint-Louis – Bruxelles to present the first draft of their proposed bill. From then on, the politicisation of the proposal followed quite quickly. The ecologist political parties (Ecolo and Groen) embraced the law proposal on 3 February and presented it to the Parliament on 4 February. After the presentation, all francophone political parties and the left-wing Flemish political parties (Groen and Socialistische Partij Anders) also came out in support of the project (Chambre des Représentants de Belgique, 2019a). Those who opposed were the right-wing Flemish political parties, who thought that the proposal would lead to the creation of additional institutions, such as an independent expert committee, an evolution they disliked, especially if built at the federal level and not at the regional level. They also saw the implementation of the law to be costly (Chambre des représentants de Belgique, 2019b).

Overall, reluctant political parties presented different understandings of the climate issue. The N-VA had created its own concept of “eco-realism” in 2019, recognising that the climate issue could be solved with technological solutions through a growing economy without any climate targets (N-VA, 2020). “Eco-realism” mirrors Lamb and colleagues’ category of “discourse of climate delay” that claims that “disruptive change is not necessary” and instead “push(es) non-transformative solutions” and “rel(ies) on technological optimism” (Lamb et al., 2020: 2).

Yet, as seven political parties endorsed the law project, the project was sent immediately to the Council of State for the required review procedure on 7 February. At this stage, one difficulty not anticipated by academic experts was that the law proposal project had to be accompanied by a detailed explanatory memorandum to be reviewed by the Council of State. As explained by one expert: “we had no idea the explanatory memorandum would be needed so soon (...) therefore, what political parties (introducing the project law to the Parliament) did was to recycle some text they had to support the thing” (interview 4). Political parties were less informed and equipped to defend the project. Experts therefore communicated their own explanatory memorandum to the Parliament on 10 February (interviews 13 & 4).

After the bill was adopted, the experts supporting the project were invited for a hearing in front of the Parliament on 12 February. Their defence of the project was mainly built around the limits of Belgian climate governance. Yet, one decisive asset of the proposal for policy makers was its links to civil society actions. The Ecolo group stated that the proposal was “original, because it revolves around the mobilization of tens of thousands of young people, families, NGOs, trade unions, and all those who are calling for a more ambitious climate policy in the short term” (Chambre des représentants de Belgique, 2019b, p.21). Political parties less enthusiastic about the law project, such as the Christen-Democratisch en Vlaams (CD&V) or Mouvement Réformateur (MR), mentioned these social dynamics as well: “we are all extremely attentive to the calls of the population and more specifically of young people. In a way, you

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<sup>8</sup> Our translation, from [www.mycelium.cc](http://www.mycelium.cc).

respond to these calls with a concrete proposal, which we can only welcome" (MR p.36; see also CD&V, p.43). Yet, other political groups, such as the N-VA, confirmed their opposition to the proposal despite its resonance within civil society (p. 46). Overall, the audition revealed the difficulties of translating the law project into a political object.

For stage 3, civil society catalysed the climate change law proposal adoption: "it is rather rare, in the end, that a proposal like this one that you effectively present during a press conference has a certain success. There was obviously a context that, in parallel, a social movement, not connected, echoed the proposal, even if we did not want to instrumentalise such a proposal" (interview 14). At this stage, the project had somehow escaped from its creators: "after that we were just bystanders" (interview 4).

*Decision-making as a fourth stage: Council of State opinion, rejection and public mobilisations, 13 February 2019 – 28 March 2019*

On 4 March, the Council of State released its opinion on the proposed bill, essentially calling to mind the specificities of the Belgian federal system. The Council did indeed stress that Belgian climate policy could be better coordinated between the regions, communities and the federal State. Notwithstanding, new climate objectives could also be adopted at the federal level. What made this Council of State's opinion particularly interesting was that it proposed different ways to render the proposal acceptable for the legal system (Conseil d'État, 2019, p.32). This suggests that the Council was somewhat concerned about the importance of the climate change issue (interview 4).

One of the proposed ways to facilitate acceptance was that the directing principle of the special law proposal had to find support in the Belgian Constitution, which would require the amendment to its Article 7bis (Conseil d'État, 2019). Article 7bis already makes it mandatory to follow "the objectives of a sustainable development" through transversal politics across the Belgian state, linguistic communities and regions (Gouzée et al. 2019). The Council proposed to amend Article 7bis with "precise binding climate objectives" or alternatively, for it to precisely mention that "the state, communities and regions have to respect binding climate objectives defined in a special majority law or a simple majority law" (Conseil d'État, 2019, p.32; on Article 7bis see Gouzée et al. 2019 & Huyberechts 2019)<sup>9</sup>. The proposal to revise and broaden Article 7bis is at the centre of a longstanding debate that started as early as 2003 and was formalised in the Constitution in 2007 (Gouzée et al., 2019). If presented as a potential solution, it required a two-thirds majority vote in Parliament, and thus needed to convince the Flemish political parties hostile to the law. Moreover, several actors that initially supported the special law were opposed to a revision of Article 7bis because they saw it as an open door to make other constitutional changes. The revision of Article 7bis went beyond the issue of climate ambition to include important questions about the way the Belgian government is structured.

In this context, different civil society organisations still saw an opportunity to politicise the debate and show the determination of civil society to move Belgian climate governance forward. Despite their diversity, at this moment, they were all enthusiastic about the possibility of achieving concrete progress by amending Article 7bis. The importance of saving the climate change law bill was evident during the climate strike of 15 March. While it was an international mobilisation day organised well in advance, it eventually took place in the heat of the controversy on the Belgian climate change law. Based on an indicative questionnaire sent to several participants from the event, it is possible that the climate change law contributed to mobilisation, even though there is a diversity of positioning. The climate change law project did appear as one of the reasons for mobilisation: to the question "was the vote on this law

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<sup>9</sup> Experts in constitutional law had anticipated this problem but thought it could be overcome and decided to go for the fastest solution, a special law, despite the risks.



one of the reasons for your mobilization on March 15?", 42% answered that this was the case. Furthermore, when asked "did you know about the climate change law at the time of the climate protest?" 82% answered affirmatively.

Respondents who mentioned the law project all supported it – "it is necessary!", "it is a good initiative", "we must continue to push the Belgian state to face up to its responsibilities", with some however regretting its lack of ambition – "it is largely insufficient, it is nevertheless a necessary first step", "it could be much more demanding", "it is necessary and still too unambitious" or "it is not enough, but it is a start". When asked about their recommendations for action, respondents leaned towards more substantive rather than procedural policies. Instead of a new law, they favoured more concrete measures such as giving priority to local production, reducing the use of cars and trucks, promoting teleworking, or stopping urban sprawl. On this aspect, they echoed the experts who did not want to engage on a federal act, but rather on regional or local implementation of climate objectives. While the law project appears as one reason, among others, to mobilise, the demands of climate marchers were only partially supportive of the project. Several marchers joined an already existing action for a climate change act, while bringing nuance to the expert claims.

Different opinions on which action was needed were also sensitive across the organisations forming the Belgian climate movement. In the aftermath of the State Council's decision, several actors in the movement decided to increase the pressure. During the week of 13 and 19 March, Greenpeace activists contacted less institutionalised organisations, first and foremost Act for Climate Justice, to organise a mass civil disobedience action, Occupy for Climate (interview 1). For activists, common action made sense in light of the different specialisations of the different groups. While Greenpeace was able to carry out shock actions thanks to highly trained and prepared activists, Act for Climate Justice knew how to activate its networks and how to bring together, when needed, hundreds of activists who were even prepared to be arrested, if it came to that (interview 1). The Climate Coalition did not have a central position, but its agreement with the mobilisation was deemed necessary (interview 10). Indeed, Act for Climate Justice wanted to convince more institutionalised organisations, such as the Climate Coalition, to change their positions and agree to actively support direct-action modes (interviews 3 & 10). Thus, for activist organisations, the mobilisation goal was of different nature. For the Climate Coalition, the passing of the law was key (interview 16), whereas for the more radical movements, the mobilisation around the law was above all an opportunity to radicalise institutionalised organisations (interview 10).

In the week beginning 18 March, a dozen activists, most of them involved in Act for Climate Justice, arrived at the Greenpeace offices, discussed and agreed to block rue de la Loi (interviews 1, 10 & 19). For most of those interviewed, this action involving institutionalised and less institutionalised civil society actors was the first joint action (interviews 1, 5 & 10). Everything was then organised in the three days between Thursday 21 and Sunday 24 March (interviews 1 & 3). Material constraints, linked in particular to the presence of minors among activists and of personalities who did not wish to be arrested, were taken into consideration (interview 1). Activists used their different expertise to develop the action by: keeping in touch with important personalities and the police, mobilising large numbers of people, keeping the action secret until the last moment, communicating through different ways including activist networks such as the webmedia "Tout va bien" and mainstream media, and coordinating the action via shared files (Greenpeace archives, 2019).

On mobilisation day, participants were informed a few hours before the start of the action that they had to be there at 6 pm. Several hundred people were present in front of the Parliament to block the rue de la Loi. They stayed there until late in the evening before moving further away. After some discussion, the main organisers of the mobilisation decided to accept moving a few hundred meters away, to spare the youngest and the public figures from being arrested. They slept on the rue de la Loi, but were, the day after, asked to leave, and settled in place du

Trône for one more night. One of the objectives of this action was to mediate the debates in the Council of State in order to put pressure on reluctant political parties. From this point of view, the action was a success, with all major Belgian newspapers (five articles in *La Libre Belgique*, five in *Le Soir*, three in *Het Laatste Nieuws* and six in *De Standaard*, see the supplementary material) covering the news.

In addition, while at first it looked like a unitary movement, Occupy for Climate is a good illustration of the heterogeneous dynamics at work within the climate movement. While all organisations, including the Climate Coalition, Greenpeace, Act for Climate Justice, and more independent activists and public figures, such as Félicien Bogaerts (a popular Belgian YouTuber), participated in the action (interviews 3, 7 & 10), a closer look at the motivations of each of these actors during our interviews revealed divergent conceptions surrounding the proposed law, the movement and its objectives, the political process in general, and the strategic consequences. The apparent consensus around Occupy for Climate masks very different agendas, depending on the ideological and organisational sensibilities of its organisers (interview 10). As noted by one activist: “the claims of the climate movement, in general, were really blurred between young people who were saying they wanted to save the climate and the climate coalition that had superfluous claims” (interview 14). For many activists, thus, the special law was not, in itself, a goal: “we have always taken the climate change law with a certain distance, realizing that it was far from being a panacea and that it was just a first institutional step to eventually start considering other claims” (interview 7). Thus, while most institutional actors saw the law as an important step forward, several activists saw the movement as rather an opportunity to massify mobilisation and radicalise institutional action beyond the climate change law proposal. Divisions also seemed to reflect an old and persistent tension in the environmental movement (Rootes 2004, Giugni and Grasso 2015) between environmentalism, which mostly puts lobbying at its heart, and political ecology, which relies on direct action and demands radical change. As one activist representing the political ecology stream puts it: “it is necessary to radicalize the organizations and to do it, it is necessary to take advantage of the new social movements that are built outside of them to make it progress the radicalization of organizations. If they do not radicalize, they risk missing the appointment with history” (interview 14).

Despite these actions, on 28 March, the Parliament rejected the proposal to amend Article 7bis. The issue was placed on the agenda for the next federal legislature.

#### *Evaluation as a fifth stage - lessons learned from the experience*

The last stage of a policy process is usually the evaluation stage. Here we concentrate on the effects of the non-adoption of the law. The academic experts interviewed were asked about the lessons learned. Overall, their evaluation is positive: the inclusion of the revision of Article 7bis on the agenda of the next legislature already counts as a success. However, Belgium would need to choose to keep climate change as a priority in a political agenda dominated by the COVID-19 pandemic. In any case, one expert mentioned the will to potentially come back with a new bill within the new government: “we had a very good team. Everybody would be ready to pick-up again. We are willing to walk an additional mile without a second reflection” (interview 4), even if others were less optimistic about their ability to find the time and energy to invest again in a future process.

Despite this success, if experts had the ability to go back in time and change the climate change law proposal process, they would release such a proposal only together with the explanatory memorandum (interview 13). Moreover, they would not present it first to the press, but to political parties. Indeed, some academic experts suspect some political parties to have taken a position on the law proposal based on the press conference outputs, without reading the full project itself. A comprehensive learning process that includes politicians and other

stakeholders would have been key for creating consensus around the proposal (see also Karlsson 2021, this issue).

For many climate activists, the non-adoption of the climate change law bill was prone to questioning. One event remains in their minds: climate activists were aware that their social positioning (mostly well-off, from white, middle class) played a role in downplaying the importance of the anti-racist march to the general public, an event that had been planned for 24 Sunday March, the very day of their climate action (interviews 3, 5, 9 & 10). This led many activists to express their will to connect climate change to other social movements. Debates took place within several climate organisations, especially Act for Climate Justice. Among others, some female activists felt marginalised during Occupy for Climate, even though they had played an essential role in organising the action (interview 5). Such reflection is still ongoing, including at the Belgian Climate Justice Camp in September 2020, an annual event where actors from different social and ecological movements meet to discuss topics such as anti-racism and gender and their connection to climate change (interview 11). Similar dynamics have been reported internationally by Della Porta and Parks (2014) who have observed that the climate movement has been going through a “period of re-framing”. More precisely, such re-framing took hold in “the more radical stream of the movement [which seeks] to broaden its action repertoire and link with other movements” (Della Porta and Parks 2014: 27). However, “whether this frame can take hold in the more moderate part of the movement remains to be seen” (Della Porta and Parks 2014: 27). This mirrors the Belgian context where it also remains unclear if and how more institutionalised actors will follow the dynamic generated by several climate activists.

Another lesson learned by activists is the importance of limiting divisions between the francophone and Flemish communities, as the francophone community has been more active in support of climate change policies (El Behroumi & Nennen, 2018). Activists are aware that differences between communities exist and risk growing stronger. This observation gives rise to different response strategies. Organisations such as the Climate Coalition note the importance of dialogue across communities to avoid falling back into the same trap. This requires a transformation of their discourse, which is necessary to echo the concerns of all, including actors who are more conservative or less sensitive to ecological issues (interview 10). This is not the case for organisations that are more oriented towards civil disobedience, for which awareness of the climate emergency does not allow space for more moderate discourse. These activists consider it counterproductive to continue intervening in the Flemish media (interview 3). This does not mean, however, that activists wish to focus climate action only in the francophone public sphere, which is more inclined to engage in climate policies. The challenge is rather to establish links with the Flemish activists, in the field (interview 11). The respondents to our questionnaire cite the community divide as one element that explains why the climate change law proposal failed and why other types of climate action, at the regional level, could be adopted more. For these 15 March demonstrators, communication difficulties between the communities complicate the situation: “three regions and three different visions”.

The second blockage identified by respondents is the influence of big business: the blockage is “probably financial; and due to lobbyists”, related to “the profit of certain companies at the boots of their unscrupulous shareholders”, with “the economic interests (present), as ever, for everything”. These elements were confirmed by experts. Some actors from the Belgian political system such as right-wing political parties or business actors argue that climate governance is already increasingly being dealt with at the EU level, which dilutes the need to strengthen national climate governance (interview 17). In Flanders, the belief that a low level of climate ambition could protect Flemish industries remains (interviews 16 & 17).

## **Conclusion**

The succession of events that took place from November 2018 to March 2019 in Belgium highlights how a climate change law proposal can offer an interesting setting to understand key dimensions of national climate governance, such as the potential of academic experts and civil society for policy change. Our first policy insight is that, despite the non-adoption, several positive side effects of the process emerged: (i) it forced political parties to adopt a stance on environmental issues and Belgian climate governance; (ii) it created synergies among environmental movements and groups; (iii) it opened up new ways for academics to be involved in policy by spontaneously presenting new laws; and (iv) it created new climate activism dynamics that could engage with other climate action projects, such as for regional or local implementation. However, despite the fruitful debates and interactions that the proposal triggered, the intended institutional changes failed to be met at the federal level. In a context of climate emergency and urgently needed transitions, this raises questions about the window of opportunity that institutional changes represent, next to cultural, social or technological changes. More than that, it questions the transformative capacity of experts and civil society with regards not only to environmental issues, but also to national governance choices (Loorbach et al., 2017).

The experts' process that supported the drafting and presentation of the project law proposal explains part of its strengths and part of its weaknesses. Regarding strengths, the project could be drafted quickly, and be very detailed in its different provisions. Regarding weaknesses, some considered the project to be overambitious in terms of the institutions it planned to create at the federal level, demonstrating a certain lack of political realism. When proposing new laws, academic experts should be well informed about the timing and conditions of the political agenda.

Another policy-relevant research finding concerns the importance of exploiting the synergies between civil society and experts. More concretely, in Belgium, more spaces could have been set up for detailed discussion and engagements with civil society actors across communities. This could have helped transform a current conception of expertise that remains partitioned in academic spheres, by exploring alternative knowledge, experience and practices (Callon et al., 2001; Barbier et al., 2013). Building continuity through these forms of expertise, rather than keeping them separate, might help soften the boundary between science and politics, and increase public support. This is where experts from academia might find their transformative capacity to be more effective, in seeking to lead a substantial evolution of science, politics and society. This would also build on the transformative potential of actors usually pictured as radicals (especially climate activists) (Brisbois, 2020). It seems that a mixed process, that enshrines consultations that include citizens and climate activists, could be transformative.

Yet another policy-relevant research finding is for the climate movement – be it in Belgium or in other countries – to better include other societal causes in its demands. Indeed, the main emancipatory struggles of our time – that are certainly economic but also social, decolonial and gender-related – have to be included in the conception of climate policies (Charbonnier, 2020). Such a process of hybridisation (Heaney and Rojas, 2014) of the climate movement might be needed to further deploy ecological awareness and to convince players that climate measures can be positive for the economy, while advancing crucial societal struggles. The questions of how, if and why those struggles converge would certainly provide fertile ground for future research. On this point, further research could also be developed on what stands behind the pragmatic consensus in the Belgian climate movement, and, more precisely, different conceptions of: (i) the goals that the movement should aim to achieve, and (ii) the strategies that should be used in order to achieve these goals. This could shed a new and important light on different ways in which civil society organisations politicise the climate debate.

To conclude, the new federal government of Belgium, formed in September 2020 after months of negotiations, stands in continuity with our analysis of Belgian climate governance. It

announced its will to improve the coordination between the state, the communities and the regions, however, it did not mention the precise structure in which this coordination will take place (Magnette and De Croo, 2020). It is therefore not yet clear whether the climate change law proposal will be taken up again soon by the Belgian government. Our research suggests, however, that grounds now exist for new climate collective dynamics to emerge in Belgium.

### Supplementary material - Press articles

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### Annex 1 - List of interviews

1. Luc Lavrysen, Universiteit Gent (UGent), academic expert, 8 June 2020.
2. Louis Triaille, academic expert, Université Saint-Louis – Bruxelles (USL-B), 11 June 2020.
3. Mathias El Berhoumi, academic expert, USL-B, 12 June 2020.
4. Delphine Misonne, academic expert, USL-B, 15 June 2020.
5. Olivier van der maren, Federation of Enterprises of Belgium (FEB), 17 June 2020.
6. Benjamin Denis, academic expert, USL-B and European Trade Union Confederation, 18 June 2020.
7. Félicien Bogaerts, environmental activist, 18 June 2020.
8. Nicolas Van Nuffel, Climate Coalition, 18 June 2020.
9. Michel De Maedg, MR deputy, 19 June 2020 (written responses).
10. Jean-Marc Nollet, Ecolo deputy, 20 June 2020.
11. Johan Verhoeven, Réseau ADES and Act for Climate Justice activist, 22 June 2020.
12. Piero Amand, Génération Climat, 24 June 2020.
13. Amaury Ghijselings, Greenpeace activist, 24 June 2020.
14. Brieuc Wathélet, spokesman for Tam Tam, 25 June 2020.
15. Thomas Benoussaid, Logistic manager for Occupy for Climate, 25 June 2020.
16. Jérôme Van Ruychevelt, "Tout va bien" reporter, 30 June 2020.
17. Julien Didier, Mycelium coordinator, 1 July 2020.
18. Clarisse Van Tichelen, Act for Climate Justice activist, 2 July 2020.
19. Carole Billiet, academic expert, UGent, 10 July 2020.
20. Youna Marette, Génération Climat, Youth for Climate and Extinction Rebellion activist, 11 July 2020.

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