

THE SUSTAINABILITY TREATY BETWEEN THE NETHERLANDS AND COSTA RICA: A NEW PERSPECTIVE ON ENVIRONMENTAL AND DEVELOPMENT COOPERATION



Pieter Glasbergen^{1*} and Miriam Miranda²

¹ Utrecht University (Copernicus Institute) and Netherlands Open University, The Netherlands

² Centro International de Politica Economica, Universidad Nacional, Costa Rica

In this article, we analyse a new type of bilateral cooperation aimed at promoting sustainable development. The keystone of this new structure is the sustainability treaty that the Netherlands has arranged with Costa Rica (the statement of intent dates from 1992). This treaty was conceived to assist both countries in their efforts to promote sustainable development through specific measures. The basis for the cooperative effort is a platform of equality, reciprocity and participation. Thus, the treaty fits in with – or may even be seen as a pilot for – a shifting perspective on development cooperation. We conclude that Costa Rica has been engaged in a learning process; this is much less if at all the case in the Netherlands. On the grounds of the analysis, we formulate

several conditions for a new (environmental) development paradigm. Copyright © 2003 John Wiley & Sons, Ltd and ERP Environment.

Received 18 April 2001

Revised 6 June 2001

Accepted 9 July 2001

INTRODUCTION

The relation between a Western donor country and the recipient developing country has traditionally been rather unbalanced. It has been a one-way transfer of both money and morals. For developing countries, this translates as paternalism. Indeed, they have condemned the predominantly Western perspective underlying many international treaties on the environment. For years, the developing world – backed up by international NGOs – has been calling for more equality in the relation. In the early 1990s, that criticism opened up the paradigm to discussion. Gradually, the top-down perception of

* Correspondence to: Professor Dr P. Glasbergen, Disciplinegroep Milieukunde en Omgevingsbeleid, PO Box 80115, Utrecht 3508 TC, The Netherlands. E-mail: p.glasbergen@geog.uu.nl



development cooperation is being replaced by one of cooperative regimes. This new perspective offers some new insight into 'who's in charge' of the development programs – that is, who is responsible for structural change. Rather than seeing development primarily as a technical and economic venture – which can only bear fruit with outside help in a hierarchically conditioned format – it is being seen as a transformation initiated and supported by the society at large.

The old development paradigm told developing countries what they were supposed to do, whereas the new one demonstrates what choices they can make (Stieglitz, 2000). This new paradigm rests on three interrelated principles. First of all, it rests on a *holistic vision* of how to build capacity in a society. The point is not to bet on just one sector but to cultivate a pattern of activity in its full breadth: agriculture, infrastructure, the environment, technology, financing etc. The second principle is to *include society* – embodied in its civil organizations – in the decision-making processes. The accent lies on the need to strengthen the position of these actors and to promote participation of these civil groups in decision-making processes. The third principle is to *empower national jurisdictions*. This comes down to developing the capacity for change within the receiving countries themselves. As a recent analysis by Hein (draft) demonstrates, the World Bank – and to a lesser degree the IMF as well – took this paradigm as its point of departure in the second half of the 1990s.

An early and far-reaching operationalization of this paradigm is the draft version of a *sustainability treaty* that was worked out by the Netherlands during the preparations for the UNCED conference of 1992. It envisioned a form of long-term development cooperation. Although the signatories are governments, it was to be worked out by the societies. The treaty is grounded in the principles of *equality* and *reciprocity*, and the form that its implementation will take was to be hammered out by the *participating civil organizations* in

each of the countries involved. In the case of the Netherlands, the Dutch actors sought other countries to engage in the process of working out the ideas. These partners were supposed to be roughly the same as the Netherlands in terms of the size of the population and/or territory; they were to be politically stable; they would have to be building up their democratic institutions and they should demonstrate a clear commitment to sustainable development and nature conservation. The whole process was intended to be experimental and serve as an example for other countries.

The Netherlands has since signed treaties with three countries (Costa Rica, Benin and Bhutan). The experiment thus spans three continents, which will bring some diversity into the experience. The statements of intent were signed during the UNCED conference, with an eye to the publicity this would generate. Subsequently, the Netherlands has also promoted this type of treaty at international conferences and workshops.

This kind of international environmental agreement is both innovative and challenging. Besides addressing the complex issue of sustainable development, the treaty also places this aim in a wider context than ever before. This type of treaty is expected to supplement and in some cases even offer an alternative to the environmental development treaties currently in force.

Up until now, that expectation has only partially been borne out. The implementation of the treaty is an extremely laborious process, not least in the Netherlands – the country that took the initiative for the treaty. The following sections describe how the treaty has evolved, mainly by analyzing the experiences in Costa Rica. That description keeps referring back to parallel developments in the Netherlands, though. The specification and implementation of this treaty have now reached the point that it is possible to draw some conclusions from an evaluation of the Costa Rican experience thus far. We shall leave it at that, since the treaties with Benin and Bhutan are in a less



advanced stage (van Bochove and Oostdijk, 1999). The findings presented here are based on an analysis of documents – to the extent these were available – and interviews, conducted in both the Netherlands and Costa Rica (the interviewees were representatives of the national executive organization, various tiers of government, the embassy, NGOs, the business community and universities). Furthermore, a focus group – which is a method of collecting information through a structured group discussion – was organized with the NGOs that were involved in Costa Rica.

The central question we address here is what we can learn from this new approach – which in itself is highly laudable and ambitious – to the way sustainable development is managed. To answer this question, our analysis examines the pros and cons of the paradigm shift – its opportunities and limitations with respect to development and the environment – and identifies the conditions that influence the effectiveness of the new paradigm.

CHARACTERISTICS OF THE SUSTAINABILITY TREATY

The initiative has taken on the character of a bilateral treaty, as recognized by international law. The underlying idea is that when adopted and subsequently ratified by parliament, the treaty would give impetus to a show of commitment by the parties involved. However, there is also an element of coincidence in the choice to pour these fluid intentions into such a firm mold. The statement of intent had been sent to the Directorate for Treaties at the Ministry of Foreign Affairs to be elaborated in greater detail, and it is the nature of that office to think in terms of treaties. This particular treaty is limited in scope, however, and has all the features of an experiment or a pilot project. Its three main characteristics are summarized below.

The treaty should be seen first and foremost as a formal step to initiate a process

of change. The direction that process would take was more or less fixed, while its form, content and actors are only described in general terms (reciprocity, equality, participation). Along with the treaty, a form of social organization, a type of arrangement, is introduced in order to facilitate a process. Reference is made to the Rio Declaration on Environment and Development as well as to Agenda 21; both documents are cited as a source of inspiration (Article ii).

Secondly, only to a limited extent do the substantive aims of the treaty serve as guidelines. This is evident in the way the notion of sustainable development is defined. Instead of a description, the text merely presents a bulleted list of 16 topics. Not only are these topics unequal in scope but they are not even ranked in terms of priority. Some of the topics listed are the following: the promotion of patterns of consumption that protect the ecological basis of development; sustainable management of natural resources; controlling flows of hazardous materials; reducing CO₂ emissions and promoting energy-saving measures; and attention for the environmental impact of international trade.

A third characteristic concerns the structure of accountability. This point has not been worked out in detail either. The text does not go beyond outlining the units in the organizational structure. For instance, a joint committee, consisting of two representatives from each country, would monitor progress, whereby their assessment would be made on the basis of consensus. However, the core tasks of the implementation stage were to be performed by agents of the national mechanisms, which still had to be established in each country. The agents were also expected to promote the participation of various organizations of civil society in the development of the program. These task forces were expected to collaborate closely and to hold regular consultations to monitor progress.

These characteristics gave the treaty both form and function. Though little more than a



rudimentary scaffold, the treaty allowed the participants to start fleshing out the notion of global partnership, which was the keystone of the UNCED conference. The goal of global partnership is premised on the idea that developed and developing countries have a shared interest – grounded in their specific position but nonetheless in common with the rest – in sustainable development. Reflecting that common ground, the treaty takes the shape of a cooperative regime – but one that has been pushed to its limits. In a regime like this, groups from diverse sectors of society are drawn together, despite their contrasting perspectives and conflicting interests. They try to establish a working relationship for the purpose of putting policy into practice. The participants also share responsibility for this program (Lafferty and Meadowcroft, 1996; Meadowcroft, 1998). Granted, any international treaty may be seen as a cooperative regime, in the sense that compliance is voluntary. Nonetheless, when it comes to implementation, the broad-based interactive and communicative features that set this particular treaty apart are often lacking. In a material sense, there is a dependency relation (financially, the developing country is completely dependent upon the donor). Yet the link that is laid between sustainable development, reciprocity, equality and participation puts this treaty in a different political and ideological context. The main challenge faced by the parties to the sustainability treaty was to operationalize that context.

CAPACITY BUILDING

The sustainability treaty can only be seen as a cooperative regime from a specific perspective. As we see it, capacity building is the pivotal concept in the development of such regimes. Capacity building denotes the capacity to create an organizational, procedural and moral framework that allows the parties to move forward on issues of sustainability. Notably,

various OECD publications emphasize the importance of capacity building, which is seen as a means to create the conditions to address problems successfully. In other words, capacity building is a way to identify and resolve problems but also to manage the process in which such activities are carried out (OECD, 1994, p. 9). Those new activities would have to confront the new challenges faced by society, whereby the awareness of the problems has grown faster than the institutional capacity to solve them (OECD, 1994, p. 11). In fact, capacity building is also at the core of Agenda 21, the international environmental program of the UNCED conference (Selman, 1999, pp. 155–156).

Capacity building is a heuristic concept that gives policy analysis a specific focus (Jänicke, 1997). According to Driessen, capacities in cooperative regimes are based on two mechanisms: the process of ‘learning’ through dialog; and the process of ‘exchanging’ or ‘making trade-offs’ through negotiation. In essence, a learning process can turn uncertainty and complexity into manageable commodities; as such, they become amenable to policy intervention. The objective of exchange is to bridge conflicting expectations and interests so that the parties can tackle the problem together (Driessen, 1998, p. 254).

It should be kept in mind that the combination of learning and exchanging can only lead the parties to accept a common program if certain conditions are met. In this connection, Jänicke refers to a systemic opportunity structure (Jänicke, 1997, p. 11). Whereas Driessen identifies the processes that take place, Jänicke sums up a few conditions – in abstract terms – that should be created in the course of those processes. These three sets of conditions may be summarized as follows.

- (i) *Cognitive and informative conditions.* Knowledge must be acquired, disseminated, interpreted and applied in such a manner that a culture becomes imbued with environmental awareness.



- (ii) *Political and institutional conditions.* This means building democratic structures (transparency of the policy process), integrative capacities (the degree of cooperation and consensus) and – as the highest form of institutional capacity – the capacity for strategic action from a long-term perspective.
- (iii) *Economic and technological conditions.* These concern the degree of economic and technological development that corresponds to a more advanced environmental policy – a fact that has been established in many studies.

Together, these conditions constitute a system of specific features characterizing a highly developed cooperative regime. These conditions will only be present in a rudimentary form when the regime gets under way. In fact, one of the regime's main tasks is to create them – in what Garland (1996) calls a *responsibilization strategy*. Naturally, the development of this system is not a linear process, whereby progress is made on each element at more or less the same time and to the same degree. Rather, the design process is dynamic, even chaotic at times. This paper uses this heuristic perspective to analyze the sustainability treaty. From this angle, a review of the process of learning and making trade-offs can shed light on whether – and to what extent – the conditions mentioned above have been reached in that process.

STAGES IN THE DEVELOPMENT OF THE TREATY

As Goodin points out, the greatest impetus for the development of an institutional arrangement comes from the social practices that have evolved in the past. They create specific opportunities and limit the action radius. Indeed, social innovations have a better chance of success if they fit in with existing practices (Goodin, 1996, p. 30). A problem arises when

these practices are too remote from the innovation in question, making it hard to build on past experience. This is what transpired while the treaty was being hammered out in Costa Rica. From the outset, Costa Rica seemed to be a good choice, as it offered good prospects for sustainable development. Costa Rica is a key player in the region: its *per capita* income is among the highest of any developing country, and it has a more or less democratic tradition. Especially with respect to nature management, it is a leader among the developing nations. About five percent of the world's biodiversity lies within its borders, and a quarter of its total land surface is designated as protected nature areas. Clearly, Costa Rica has an interest in sustainable development (PNUD, 1998). Even so, the process of working out the treaty has been beset with problems – precisely because of the lack of fit, about which Goodin warned. The recurrent crises correspond to cycles in the country's political process. Alternating in four-year cycles, one of the two big political parties comes to power. Actually, a change in the administration always implies a shift in the leading positions of the important organizations in civil society. In the politicized culture of Costa Rica, the development of the institutional capacity to implement the treaty is part and parcel of the political process. Of course, the question of fit is also problematic in the Netherlands – due in part to the process of politicization but also to jurisdictional competition between the institutions. We discern three stages in the process of working out the treaty. The first is exploratory: it was at this stage that the first conflict arose. The second is the expansion stage; and, in the wake of a new conflict, the third stage is productive.

The exploration stage

The first stage started with the signing of the statement of intent (1992) and ended when the final version of the treaty was ready (1996). In the interim, the concepts of participation and sustainable development were defined



and ways to apply them were explored. This was also the period in which the leading political party (Unidad Social Cristiana) tried to tighten its grip on the implementation of the treaty. On the one hand, the party tried to gain control of the sectoral representatives; on the other hand, it tried to create an organizational structure that would guarantee them a majority. According to Cortes, the latter tactic reflects an important characteristic of the country's political culture. He refers to it as the politics of social fragmentation of civil society. Through selective cooptation and isolation of societal organizations, the government (i.e. the governing political party) exerts political control over society (Cortes, 1997, p. 33).

The Netherlands brought up the idea that various sectors of civil society – namely, NGOs, the private sector, universities and local authorities – should participate in the process of working out the treaty. To date, this idea has met with little approval. For instance, the Costa Rican government initially invited only a few insignificant private universities to take part in the consultation. Only after putting some pressure on the authorities were the four public universities able to secure a place in the forum. The NGOs were hardly organized at the time. CONAO, a representative organization, was small and had only recently been founded. It was somewhat easier for the private sector to participate; businesses are represented by the chamber of commerce. The local authorities are represented simply through the unions. The delegates take part as individuals, not in the name of any particular constituency. Because there is virtually no tradition of communication across sectors, introducing lines of communication is a tedious process. In this period, the Netherlands provided the financial means to promote the discussion between the sectors on the content and organizational design of the treaty.

The notion of sustainable development has also been under discussion. It still has little meaning for the sectors. Some progress was

made during a meeting attended by representatives of pertinent sectors in the Netherlands (1994). There, the key themes were discussed, the working method was made explicit and provisional agreements were made on how much should be done in Costa Rica, what steps should be taken in the Netherlands and what should be undertaken jointly. For instance, Ecooperation – the Dutch national mechanism – was put in charge of starting up the bilateral projects. A similar organization in Costa Rica was to initiate individual projects through open recruitment. At that point, the definition of sustainable development was still so broad that it covered virtually every aspect of development. Those attending this early meeting said it had been difficult but very useful. It is striking that Costa Rica initially tended to translate sustainability into financial and economic terms. The actors on that side were thinking in terms of projects that could fill a market niche and yield material returns.

Third, the necessary organizational conditions were created to implement the treaty. While the previous government was still in power – a new administration took office in 1994 – a new foundation was put in charge of the treaty. The ruling party knew that it would soon have to transfer the political power to the opposition. Thus, just before the handover, the foundation was granted legal status. The Vice-President of Costa Rica, who had played an important role in the formulation of the treaty, was put in charge of implementing it. The executive director was also a representative of the government. Furthermore, the person who was chosen to represent the municipalities was affiliated with the ruling party. Under Costa Rican law, a foundation has to have five board members with voting rights. In this way, the government ensured itself a majority on the board. The other sectors (NGOs, the business community and the universities) have two votes altogether, rotating among them each year. Thus, despite the inclusion of various sectors of civil society in the organization, the treaty became highly politicized. Actually, this



foundation has never been made operational (see below).

In this period, it became clear to observers in the Netherlands that the Dutch counterpart – the foundation Ecooperation – could turn into a powerful and prestigious forum. Indeed, that is how Ecooperation was also perceived in Costa Rica at the time. The idea was that the forum would play a pivotal role in the implementation of the treaty, which meant that it would also distribute funds. However, the treaty became embroiled in a politicized situation in the Netherlands too. Around 1992, the treaty enjoyed the support of a comfortable majority in parliament. Yet when it was passed in 1995, it just made it through by a narrow margin in the Second House. The Christian Democrats, who had previously supported the treaty, had changed their mind; they were no longer part of the governing coalition. The ‘liberals’ were, though; they had always opposed the treaty and they stuck to that position. The debate revolved around the conceptual underpinning of the treaty. Some feared that ‘reciprocity’ would allow other countries to criticize the internal policy of the Netherlands – and feel justified in doing so by the wording of the treaty. Some also expressed doubt about what ‘equality’ really means when a recipient is still completely dependent upon a donor. The discussion was continued in the First House of Parliament. As the political balance is somewhat different between the two houses, it was only possible to find a majority in favor of passage by rallying the support of the Christian Democrats. Only after a compelling appeal by the President of Costa Rica – he happened to be visiting the Netherlands at the time – in defense of the treaty could the required majority be found.

Comparing the initial political reactions in Costa Rica with those in the Netherlands, we see a striking resemblance but also a striking difference. The similarity lies in the great influence that political cycles have on the process of adopting the treaty. The difference lies in the nature of that influence. In the

Netherlands, the ensuing debate was primarily ideological. It was focused on the underlying principles and was prompted by a fear of losing ground on the question of sovereignty. In Costa Rica, this was not even an issue. There, the question was political; the task was to determine who should have executive power over the treaty. That decision would reflect the influence of the various sectors of civil society that are involved in the cooperative effort. Interestingly, the Netherlands – the country that took the initiative for the treaty – was the last in the league to ratify it. Besides Costa Rica, the countries of Bhutan and Benin passed it before the Netherlands did. In short, the treaty’s launch did not go very smoothly in the Netherlands.

The stage of expansion

The second stage ran from 1994 to 1998 and meant starting all over again. The new government of Costa Rica (Liberación Nacional) repealed all of the agreements previously made within the country with respect to the internal administrative organization for the implementation of the treaty. In place of the previous arrangements, the government established a foundation – Fundecooperación – in which new government representatives were appointed – one as chairman of the board, another as executive director and a politically affiliated person as representative of the municipalities. In contrast to the first period, the civil sectors then resisted efforts to push them into a marginal role. The structure of the new foundation was no different from that of the original arrangements. Nonetheless, the sectors were able to acquire a more influential position for themselves than they had had before.

Little progress was made in working out the treaty between 1992, when the statement of intent was signed, and the end of 1995. Internal political bickering in both countries took up a great deal of time. Eventually, it was possible to work on the expansion of a decision-making mechanism and measures to stimulate civil



organizations to submit proposals for projects. Within Fundecooperación, a technical committee (which was also balanced in composition) was installed to judge the quality of the proposals. If necessary, external consultants could be called in. It would also be possible to lodge an appeal against the committee's decision to reject a proposal. The agreed procedures are as follows: a proposal for a project submitted by a particular sector (an NGO, for instance) is first judged by the sector itself before being sent on to a technical committee, after which it goes to the board of the foundation. In this period, the Netherlands embassy still played the critical role of ultimate decision-making body. Therefore, Fundecooperación could not yet operate as an independent national mechanism; it was still under the control of the Dutch government.

Not many projects were actually carried out during this period: 52 in total. Most were studies in which Dutch and Costa Rican universities collaborated. They generally had the technical knowledge to write good proposals. According to the embassy, however, the majority of the proposals did not meet the minimum requirements.

Among the proposals that were approved, one is a study of indicators of sustainability in the Netherlands and Costa Rica; another is a study of historical patterns of development in both countries. The latter project included a discussion with leading individuals in Costa Rican society. The purpose was to generate scenarios for development in the future. An effort was made to formulate objectives and propose measures that the society at large would be likely to support.

The first projects reinforced the idea among Costa Ricans that sustainable development was within reach. People still saw some impediments, however: the thematic framework for the selection of projects did not offer much guidance; not enough people had sufficient technical knowledge to write good proposals and the procedures for approval of a project by the Dutch embassy were too lengthy. Actually,

various sectors expressed some doubt that the embassy knew enough about the issue to pass judgment on the proposals.

The development of the treaty was significantly disrupted during this period by a crisis within CONAO, the body representing the NGOs. Several NGOs had gradually built up such a powerful position within the organization that it could no longer be considered a true representation of the field. Just like the earlier situation, when political interests tried to get the treaty in their grasp, the NGO sector was confronted with power plays too. A small number of actors tended to keep the available information to themselves. The Dutch embassy eventually put pressure on the parties to make a new start. CONAO was reorganized and was given an appropriate legal status. The organization then served as the national platform of regional councils that together represent 160 NGOs. The result – a stable national mechanism for coordinating NGOs – was a milestone in the history of Costa Rica (Seliaerts, 1999, p. 89).

Near the end of the period considered here, there was increased institutional capacity for implementation of the treaty in Costa Rica. Up until then, however, little more had been accomplished than to put up the scaffolding. The task ahead was to work out the philosophy underpinning the policy implicit in the treaty. With respect to Costa Rica, the Netherlands is still a classic donor country. Even though the Dutch are engaged in dialog with Costa Ricans, the donor is still acting mainly in a corrective mode. Specifically, the Dutch counterpart applies its own criteria when judging the proposals. Originally, the intention was to evaluate the projects jointly on the grounds of criteria to be agreed upon; little has come of that idea, however (van Schaik, 1995). The notion of sustainable development has been clarified, though. Besides its financial and economic dimension, it has been recognized that the social dimension – the need for the sectors of civil society to cooperate – is inherent in



the concept. People have come to realize that not all of the benefits will show up on the balance sheet. They see that organizational skills and cooperation are needed to attain those qualitative benefits. On the initiative of the Dutch embassy, and certainly with the support of relevant actors, the efforts to achieve sustainable development were to be focused on three themes. These are agriculture and forestry, clean technology and sustainable tourism. Furthermore, it was agreed that the Dutch embassy would be less closely involved. Fundecooperación seemed poised to serve as an independent national mechanism.

The above discussion reveals the crucial role played by the Dutch embassy during this period. In contrast, the national mechanism of the Netherlands – Ecooperation – had been pushed into the background. As pointed out earlier, Ecooperation was originally supposed to serve as a key national mechanism. It was also supposed to play a role in the distribution of whatever financial means were available. This intention is also expressed in its structure; it consists of working groups in which various sectors of society are represented. However, for various reasons, Ecooperation gradually slipped into a state of crisis.

Early on, tension emerged between Ecooperation and the Ministry of Development Cooperation. Even though Ecooperation was assigned an innovative role, it was not given the necessary resources or the authority to spend money. Ecooperation is a proponent of participatory policy. However, that approach conflicts with the traditional mode of policy implementation, which runs through governmental and diplomatic channels. That incompatibility was the source of a great deal of confusion and irritation. The upshot is that the responsibility to perform a given task was assigned to parties who had to operate within a classic bureaucratic framework of accountability.

In hindsight, it is clear that the Netherlands Ministry of Development Cooperation had too little confidence in a mechanism

for governance at a distance. The ministry preferred to remain in control; one reason was to avoid running any risks when the time comes for an external assessment of its development policy. Moreover, within the ministry (DGIS, Directorate-General of International Development Cooperation), responsibility for the sustainable development treaties is spread over several offices. They do not even have access to a central archiving system; documentation is not readily accessible, either by topic or by project.

To complicate the situation, the embassies in the recipient countries were supposed to play a crucial role. They serve as the first point of contact and as an outpost in the field, and to some extent they conduct policy of their own accord. Thus, the institutional capacity to implement the treaties is underdeveloped in the Netherlands. We see a ministry that is grappling with the core ideas of a treaty; while the ministry endorses these concepts, it has not given their implications sufficient thought. In fact, it has been hard for the ministry to let go of its traditional and strongly conditioned policy on development.

This also shows up in the ways that support could be mobilized for the treaty in Dutch society. The professional domain of development cooperation is a relatively closed sector. People working in that field have no experience in cultivating relations with the surrounding society (van Bochove and Oostdijk, 1999). Territorial competition and infighting within the sector have also prevented its integration with other domains. The field of development cooperation simply does not know how to reach out to the environmental movement and the business community, and these areas have to be involved in the activities if the treaties are to stand any chance of success. Thus, Ecooperation was bound to become increasingly marginalized in the process. As yet, the Netherlands shows no signs of a strong mobilization of the sectors of civil society. This has had far-reaching consequences for the development of



one of the basic principles of the treaty, namely reciprocity. We shall return to this point later.

The productive stage

History seemed to repeat itself when a new administration came to power in Costa Rica in 1998. The new ruling party was once again the Unidad Social Cristiana, and both the chairman and the executive director of Fundecooperación were asked to step down. Who should replace the chairman but the former vice-president of the country. He had been the chairman of the original foundation – which incidentally had never become operational. A new executive director was also installed. Thus, once again, this was an attempt to tighten the grip on Fundecooperación by way of politically aligned relations. The new functionaries marginalized the staff of Fundecooperación and formed a new technical committee. The same committee was also supposed to hear appeals. At that point, the Dutch embassy had to intervene once more. This time, the purpose was to demonstrate what the treaty was designed to accomplish: to channel the cooperation between societies. Consequently, a change of administration does not necessarily call for a transition of power-holders within the national mechanism. The embassy also had to make it clear that an assessment committee cannot serve as an appeals committee at the same time. Moreover, it was pointed out that an institute such as Fundecooperación must have a professional staff, including a financial controller. After a delay of nearly a year, Fundecooperación was able to pick up where it had left off. Although its institutional conditions were more transparent, it had to operate under new political leadership. This marked the beginning of a productive period. From early 1999 on, 62 new projects were started up on the three themes. At that point, the embassy's role was to audit Fundecooperación's activities at the end of a project. Some critical comments were warranted. A few of the proposals that had not been approved

when the embassy was closely supervising the procedures reappeared at that time. Although it was not explicitly stated, a new mechanism of redistributive justice was at work; ways were being sought to allocate projects to sectors according to some criteria of fairness. A monitoring system had yet to be worked out for the projects, which means that in some cases the reported progress may have been questionable. Notwithstanding these remarks, all of the sectors involved – including the experts who were standing more or less on the sidelines and may be assumed to make a good assessment – believed that the situation was now manageable. They felt that the parties had risen to the occasion. The Costa Rican counterpart had built up an institutional capacity that was mature enough to manage a process of change as complex as the one they were facing. The constituencies of the sectors are well organized. The projects were considered to be crucial to the overall effort to attain sustainable development. Some important initiatives have been taken to promote agro-biodiversity. One involves improving the agricultural production methods to bring them up to the standards set forth in the Max Havelaar agreements. Another involves engaging the local population in eco-tourism and in the management of designated nature preserves. Yet others include the introduction of environmental technology in small-scale production processes, recycling, raising energy efficiency and so on. The more operational applications of the notion of sustainable development are also reflected in the projects. This is aptly illustrated in the following three situations.

- (i) One application revolves around the provision of efficient services, specifically in the field of utilities. A project that falls into this category involves collection and processing of domestic waste by a local organization (previously, this was done by a foreign firm). Because the organization can operate at lower cost, it can



deliver more domestic waste to the processing installation. The operations take recycling into account by providing separated collection of different kinds of waste material. Information about this project is presented in the schools.

- (ii) Another application takes the cultural heritage as its point of departure. A project that falls into this category is run by an organization of 18 families who manufacture and sell traditional local products in the tourism market. Since it got going, the project has grown to the point that it accounts for 15 percent of their household income. They are now thinking about the options for export.
- (iii) The third application is grounded in the structure of society. One project is geared to an agrarian area with 400 widely dispersed farms. The project has set up a communication structure consisting of various committees to deal with, among other things, improving the structure of the agricultural sector under ecological conditions. Previously, there had only been contact among the men, and then only sporadically. Now, there is a communication structure in which whole families are involved.

At this point, Fundecooperación made various efforts to inform the people of Costa Rica about its activities. The information was broadly disseminated, for instance by way of spot announcements on television. In its last budget, the Costa Rican government for the first time made a limited financial contribution to the organizational costs of Fundecooperación. Originally, each country was expected to pay its own way. Up to then, however, Costa Rica had been unwilling or unable to do so. Thus, this represents a first step toward self-sufficiency, albeit a modest one.

In this period, the Dutch national mechanism virtually disappeared from the scene in Costa Rica. Although it was primarily intended to support bilateral projects, no initiatives

along those lines had been taken there. The prevailing idea in all sectors in Costa Rica is that the Netherlands counterpart has not made any attempts to inform the Dutch population about this cooperative arrangement. In a more general sense, the sectors in Costa Rica feel that their achievements are getting too little exposure in the Netherlands. Efforts on the part of Costa Rican NGOs to establish contacts with Dutch NGOs have not been successful. One of the leaders of CONAO put it like this in an interview: 'The first one got pregnant and quit; the second changed jobs; and the third is incapable of communicating'. Nor has the private sector in Costa Rica had any better luck. They have not been able to make any contacts with the business community in the Netherlands with respect to the theme of sustainable development. As a representative of the chamber of commerce observed, 'The Dutch are not interested'. The national organization in the Netherlands has not been able to drum up interest in the treaty among the organizations of civil society. The conclusion drawn in Costa Rica is that the Dutch sectors (NGOs, universities, the private sector and local authorities) do not venture outside the confines of their own sector. Moreover, they conclude that – in contrast to the current situation in Costa Rica – the Dutch sectors have not learned to work together.

The most recent development complicates the issue even further. A conflict has arisen between the Netherlands Ministry of Development Cooperation, which wants to terminate the treaty, and the Netherlands Ministry of the Environment, which is inclined to continue it. This divergence is closely linked to a critical review of development policy. The new minister of development cooperation wanted a more focused policy: she wanted it geared to the poorest countries and to a limited number of sectors within those countries, and she wanted to work with governmental authorities. Priority is no longer given to integrated social community building from the perspective of sustainable development (Jorritsma,



2000). Once again, it seems that the agenda has been set by 'coincidence'. A new political cycle with a new minister who introduces a new philosophy to underpin her policy is determining the decision-making about a cooperative arrangement that was meant to be structural. Actually, the possibility of deciding to terminate the treaty was disconnected from the effects of such a decision. In fact, the focal point of the policy review is no longer the results of political choices but the substance of those issues – the broader vision of development policy (including that on the environment). One small detail – though perhaps not minor in importance – is the fact that the treaty was created under the ministerial responsibility of the current Minister of the Environment, who at the time was in charge of the Ministry of Development Cooperation.

ASSESSMENT OF THE RESULTS

The treaty between the Netherlands and Costa Rica was hammered out in the heady days of the UNCED conference. The lofty ideals prevailing there might explain why the implications were not carefully scrutinized. The process of building an institutional capacity for the intended form of cooperation on environmental and development issues is a gradual learning process. This is true for developing and developed countries alike. The parties have shown that they can learn by trial and error but especially by undertaking activities. In the wake of the inevitable conflicts, the participative structure that the Netherlands had insisted upon did lead to progress in Costa Rica on all of the conditions formulated by Jänicke. The accountability structure has been made more transparent. After being placed under financial curatorship for a while, Costa Rica's national mechanism started to operate more independently. It has become evident that collaboration between societies calls for conditions unlike those befitting a collaborative agreement between governments. The

sectors of civil society have come to appreciate the need to take responsibility for project proposals that emanate from their own circles. They have also come to acknowledge the importance of participation by the sectors. The balance of power is now more evenly distributed. Partly as an effect of the treaty, a large number of NGOs have joined forces in an organization. In the private sector, the issue of sustainable development has been placed on the agenda. The Chamber of Commerce has strengthened the position of its committee on environmental issues. Now, the sectors recognize that together they can also wield a significant amount of power. Fundecooperación's legitimacy as a national mechanism has been reinforced. The same applies to the sectors it represents – they too have gained credibility among their constituencies. The sectors have developed the professional capacity to formulate project proposals that are technically acceptable. Together, they take a unified stance in order to get their message across to a wider audience: and their message is that activities to promote sustainable development are important. Members of the sectors have learned that mutual cooperation is a critical element in that effort. The projects are partly intended to promote the mobilization of actors around concrete activities. In short, key figures from various sectors of Costa Rican society now have a good idea of what it might take to achieve a sustainable society (the cognitive and informational condition). Furthermore, they now have a sense of the role that dialog, participation and cooperation among the organizations of civil society can play in moving toward that goal (the political and institutional condition). Moreover, it should be kept in mind that Costa Rica is one of the 'richest' countries in the developing world. When people feel economically secure, they are more willing to consider the qualitative issues of development (the economic and technological condition). Although this level of attainment is still precarious and some gaps still exist – specifically, the parties themselves see that their strategic



planning is still underdeveloped – this good track record underscores the practical opportunities to move forward with a new paradigm of development and the environment. Interestingly, the available financial means have hardly been an impediment. *De facto*, even funds that were available were hard to spend. As these results show, most of the expectations underlying the treaty, by far, have been met in Costa Rica. Yet while the number of activities around sustainable development issues has been rising there, the pace of activity has been tapering off in the Netherlands. Furthermore, the bilateral projects that the Netherlands was hoping to undertake never got off the ground, with the exception of a few projects that were (for the most part) studies. The principle of reciprocity has thus not been made operational. In the end, this notion proves to be highly problematic.

THE NOTION OF RECIPROCITY

The Netherlands has not developed the appropriate structure or taken the initiative to mobilize sectors of civil society. The absence of the institutional capacity necessary to give substance to the notion of reciprocity may be traced to several characteristics of the Dutch counterpart. One may be summed up as a territorial dispute: the reluctance to recognize the competence of the Costa Rican counterpart to take on certain tasks. Another concerns the level of experience with the participation of various groups in society. A third characteristic is conceptual in nature; this is the point we expand upon here.

From the moment the treaty was conceived, the notion of reciprocity has been a bone of contention. This much is clear from the political discussion surrounding the ratification of the treaty. Reciprocity is a political and ideological concept. It denotes that the point of departure for the pursuit of sustainable development should be the mutual dependency between developed and developing nations. However,

the nature of that relationship remains undefined. Moreover, the notion of equality has also been given a prominent position alongside reciprocity. The question that then arises is what the dependent but equal partners can mean to each other in situations that are completely different. They present entirely different kinds of problem and emerge in a social structure and a culture that are totally different. That question can be operationalized in various ways – so much has become clear in the course of the process. Four of the most salient ways are the following.

- (i) Mutual assessment of each other's sustainability issues. However, this is difficult when one country is completely dependent upon the other financially. Moreover, in hindsight, Dutch politicians were definitely not in favor of such a procedure.
- (ii) Engaging in the same types of activity or project in both countries. However, the issue of sustainability differs too widely between the countries. The opportunities for parallel activities are limited.
- (iii) Adopting a common international standpoint on global environmental issues. An attempt to do so was made with respect to the theme of climate change. For instance, speaking as a signatory to the treaty, Bhutan's minister of the environment presented a joint standpoint during the international conference on the biodiversity treaty (1998). This too is a difficult point, though. The aim of Costa Rica's policy is to create markets for CO₂. However, for the time being, the European Union is against that position.
- (iv) Facilitating communication between similar organizations in civil society (between NGOs and NGOs etc.). With the exception of the universities, however, this effort did not get off the ground due to lack of interest in the Netherlands.

In the course of working out the treaty, the notion of reciprocity was continually being



reinterpreted. The meanings ran the gamut from taking a critical look at one another via seeking parallels and complementarities in actions to taking a unified stance in international settings. Each of these meanings is problematic in its own way, however. This is also true of the operationalization that is probably the only attainable one, namely reciprocity in a communicative sense, with the aim of engaging in ongoing dialog. Yet even in this sense, the notion remains problematic, though for different reasons. In this case, it would be possible to develop a methodology that leaves room for questions of principle and contradictions. That has not happened, though. Ultimately, the notion seems to have been narrowed down to a bleak market philosophy. 'Reciprocity manifests itself through the market', as the directors of Fundecooperación now say. 'The Netherlands can take advantage of the organic farm produce from Costa Rica; the Internet now carries reliable information on biodiversity in Costa Rica; and Costa Rica can purchase environmental technology in the Netherlands.' 'Reciprocity is a dream', according to another key player (CONAO). However, one question just does not go away: one wonders whether more could have been achieved.

THE TREATY IN LIGHT OF THE NEW PARADIGM OF DEVELOPMENT AND THE ENVIRONMENT

Environmental development should be seen as a complex whole consisting of endogenous processes that may be influenced somewhat by external incentives. In Costa Rica, it is clear that development is under way on the institutional capacity to tackle sustainability issues. By now, there is widespread appreciation of the value of cooperation across the sectors of civil society. For the first time in the history of Costa Rica, the government has created opportunities for representatives of the country's social organizations to take part in the development of national policy (Cortes,

1997, p. 47). In that sense, there is a learning process going on. In the Netherlands, in contrast, a learning process never took place. In the course of time, it seems that the impetus to mobilize societal organizations around the theme of sustainable development has actually diminished. A number of strategic factors may be identified in the case presented here. It seems that the following factors have had a far-reaching impact on the viability of the new environmental and development paradigm.

- (i) First of all, it is imperative to design an effective consciousness-raising strategy for the notion of sustainable development. It should be placed partly – perhaps even primarily – under the supervision of individuals in relevant sectors of society. It must not be assumed that the notion of sustainable development is already clearly defined.
- (ii) Second, it may not be assumed that a coordinated institutional structure is already in place, or that one might develop spontaneously. The implications of capacity building – which is in fact the objective of the treaty – for the organization of the program should be made explicit beforehand. It should also be made clear that political cycles cannot disrupt the process. Development cooperation along these lines thus requires certainty at the outset about a strategy for the development of institutional capacities.
- (iii) Third, this strategy should not only deal with the coordinating national mechanism. It should also address the development of capacity within the various sectors of civil society. Participation is a new phenomenon, and it also affects the internal organization at the sectoral level. One strategy that might be meaningful in this case is to allow the countries in question to exchange staff members. Such a possibility was not built into the treaty between the Netherlands and Costa Rica.



(iv) The fourth and last point is that it is imperative to provide support for strategic thinking and the development of strategic policy. A program is more than a collection of projects, each one with its own merits. It should be clear that the selection of projects will take place after the policy strategy is set, and not the other way round. However, providing this kind of support, as well as designing a monitoring system, would require training in policy development skills.

One conclusion that we may draw is that a treaty of this type is a problem for the developed and the developing country alike. It is the notion of reciprocity in particular that complicates the sustainability treaty. The developing nation – in view of its financial dependency – will always be somewhat reserved in its dealings with the developed country. Far-reaching criticism from the recipient country would be confusing to the donor country and put the cooperation in jeopardy. The effects of a deep dependency in material terms cannot be politically or ideologically masked by the donor. The treaty between the Netherlands and Costa Rica has served at least one purpose: it has clarified the various aspects of the principle of reciprocity. Also this notion should be given a more strategic policy connotation. On the grounds of our analysis, we may derive at least three lessons with respect to reciprocity.

- (i) The reciprocity relation may be structurally hampered by the way financing is arranged. Reciprocity is doomed to fail if 90% of the funds are spent in one country (here, in Costa Rica).
- (ii) The Ministry of Development Cooperation does not have the professional capacity to generate dynamism in the home country too. In view of the objectives of the treaty, it is imperative to break open the closed circuits. This calls for collaboration with other ministries (Ministry of the Environment, Ministry of Economic Affairs), while

it also requires a willingness to commit to governance at a distance.

- (iii) Even when governing at a distance, an assessment *ex ante* should provide insight into the potential that is found within the home society and how to deal with it. Opportunities only arise when the organizations in civil society perceive (or start to see) ways to serve their own interests and are willing to cooperate with the other parties.

The sustainability treaty is used as a means to respond to the processes of change that are taking place within society. Even with all the problems associated with the treaty, this still seems to be a more promising avenue than that of change that only comes to pass through contacts between governments. The latter type of change is not rooted in society and thus cannot count on broad support. The sustainability treaty is an experiment. As such, it can certainly not be written off yet. Rather, it has to be given shape – and in doing so, a degree of humility is recommended, particularly with regard to the notion of reciprocity.

REFERENCES

- Cortes AR. 1997. *Social Participation Within the Bilateral Agreement for Sustainable Development in Costa Rica: the CONAO's Case, 94–97*, ISS, Research Paper, Master Thesis.
- Driessen PPJ. 1998. Concluding remarks: the scope of co-operative management. In *Co-operative Environmental Governance; Public–Private Agreements as a Policy Strategy*, Glasbergen P (ed.). Kluwer: Dordrecht; 251–267.
- Garland D. 1996. The limits of the sovereign state; strategies for crime control in contemporary society. *The British Journal of Criminology*: 445–471.
- Goodin RE. 1996. Institutions and their design. In *The Theory of Institutional Design*, Goodin RE (ed.). Cambridge University Press: Cambridge; 1–53.
- Jänicke M. 1997. The political system's capacity for environmental policy. In *National Environmental Policies. A Comparative Study of Capacity-Building*, Jänicke M, Weidner H (eds). Springer: Berlin; 1–24.



- Jorritsma H. 2000. *Sectorale Benadering en Milieu; Tussen Hybris en Naiviteit*, interne voordracht DGIS, Ministerie van Ontwikkelingssamenwerking.
- Lafferty WM, Meadowcroft J. 1996. Democracy and the environment: prospects for greater congruence. In *Democracy and the Environment; Problems and Prospects*, Lafferty WM, Meadowcroft J (eds). Elgar: Cheltenham; 256–272.
- Meadowcroft J. 1998. Co-operative regimes: a way forward? In *Co-operative Environmental Governance; Public–Private Agreements as a Policy Strategy*, Glasbergen P (ed.). Kluwer: Dordrecht; 21–42.
- OECD. 1994. *Capacity Development in Environment*. Paris.
- PNUD. 1998. *Estado de la Nacion en Desarrollo Humano Sostenible*. San Jose, Costa Rica.
- Seliaerts A. 1999. *Autonomie of Coöptatie? 'Civil Society' en de Staat in Costa Rica. De Ontwikkeling van CONAO*, doctoraal scriptie Sociologie der Niet-Westerse Samenlevingen, Leiden.
- Selman P. 1999. Three decades of environmental planning: what have we really learned? In *Planning Sustainability*, Kenny M, Meadowcroft J (eds). Routledge: London and New York; 148–174.
- Stieglitz J. 2000. *Annual Bank Conference on Development*. Economics Europe: Paris.
- van Bochove A, Oostdijk A. 1999. *Hernieuwd Avontuur. Evaluatie van de Uitvoeringspraktijk van de Duurzame Ontwikkelings Verdragen in Nederland*. Bureau Blauwberg/Research voor Beleid: Leiden.
- van Schaik J. 1995. Duurzame-ontwikkelingsverdragen. Een nieuwe benadering. *Internationale Spectator* 4: 133–139.

BIOGRAPHY

Pieter Glasbergen is Professor of Environmental Studies, with a chair in Environmental Policy at Utrecht University (Copernicus Institute) and at the Netherlands Open University. Please send all correspondence to Professor P. Glasbergen, Disciplinegroep Milieukunde en Omgevingsbeleid, P.O. Box 80115, Utrecht 3508 TC, The Netherlands

E-mail: p.glasbergen@geog.uu.nl

Miriam Miranda is affiliated with the Centro Internacional de Politica Economica at the Universidad Nacional in Costa Rica, where she is a senior researcher.