

# A Bolivia Summit Report Card

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## I. BACKGROUND

The presidents of the countries of the Western Hemisphere met in Miami in December of 1994 and approved a Plan of Action which included a section on sustainable development.<sup>1</sup> In this document the heads of state resolved to hold a Summit Conference on Sustainable Development in 1996 and accepted the invitation of the government of Bolivia to host it in Santa Cruz de la Sierra in December. The preparation and holding of the Summit Conference and follow-up actions on its recommendations which are currently underway tell an important story about the evolution of thought on the issue of sustainable development in the Western Hemisphere. They also tell a great deal about the strengths and weaknesses of summit processes in general. This Article will trace

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1. Summit of the Americas Declaration of Principles and Plan of Action, Dec. 9-11, 1994, Section IV, 34 I.L.M. 808, 812 [hereinafter Miami Plan of Action].

the history of the Bolivia Summit and its initial follow-up process in a critically constructive manner.

The Summit preparations were handled by the government of Bolivia which named a Technical Commission of high level experts to assist in preparation of technical documentation and the agenda. Many of these experts were drawn from international organizations including, among others, the Organization of American States (OAS), the World Bank, the Inter-American Development Bank (IDB), the Andean Development Corporation (CAF), the United Nations Development Program (UNDP), and the Pan American Health Organization (PAHO). Several countries participated with unofficial observers, most notably the United States and Brazil.

This Technical Commission created eleven background documents in preparation for the summit.<sup>2</sup> These technical documents covered key areas relating to sustainable development and provided a foundation upon which the Bolivian government could develop an agenda and plan of action.

However, the political negotiation about the agenda and plan of action was slow in developing. Ultimately, the Government of Bolivia accepted the offer of the Organization of American States to hold a series of preparatory meetings for the Summit at OAS headquarters in Washington, D.C. These "prep comms" culminated in a plenipotentiary meeting in November of 1996, at which time the Declaration and Plan of Action were finally negotiated.

The Bolivia Summit documents were the product of arduous and sometimes contentious debate between the interests of the United States and Canada in environmental protection and the needs of Latin America and the Caribbean for economic and social development. Initially, the United States insisted on an agenda limited to the issues of energy, water, and biodiversity, which had been addressed at the Miami Summit. Virtually all Latin American and Caribbean governments strongly opposed this limited agenda and demanded that broader issues of social and economic development be included. These countries were particularly adamant about incorporating matters of health, education, sustainable cities and sustainable agriculture into the Declaration and Plan of Action. The Caribbean governments also argued that some of their

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2. The Technical Commission produced documents on the following subjects: biodiversity, energy, education for sustainable development, development of law on environment and sustainable development, sustainable forest management, human health, environment and natural resource valuations, micro enterprise as a source of employment, sustainable development of multinational regions, public participation, and water resources management. <<http://www.oas.org/EN/PROG/BOLIVIA>>.

principal concerns had been overlooked and insisted on inclusion of coastal zone management and maritime issues. Additionally, the Canadian government suggested that the subject of mineral development needed to be addressed.

There was active debate between countries who wanted to enlarge the agenda to create a better balance between issues of environment, and development and the United States, which wanted to limit the agenda to the environmental issues defined in the *Miami Summit Plan of Action*. In a preparatory meeting hosted by the OAS, this debate reached such a level of intensity that at one point there seemed to be serious doubt that the Bolivia Summit would indeed take place.

Ultimately, the countries reached a compromise in the negotiations, with Mexico functioning as a mediator. The agenda would be expanded beyond the environmental issues identified at the Miami Summit to include topics such as health, education, sustainable cities, and sustainable agriculture.

The Summit of the Americas on Sustainable Development was held in Santa Cruz, Bolivia, on December 7-8, 1996. It was attended by nearly all OAS member countries, with a majority of them represented by their heads of state. Vice President Al Gore attended on behalf of the United States.

## II. WHAT WAS ACCOMPLISHED AT SANTA CRUZ

The Summit of the Americas on Sustainable Development in 1996 will perhaps be cited by historians as an effort which made the Western Hemisphere the first region to prepare a sustainable development blueprint within the framework of the *Rio Declaration* and *Agenda 21* adopted at the United Nations Conference on Environment and Development in 1992.<sup>3</sup> The *Declaration of Santa Cruz de la Sierra* and the accompanying Plan of Action consolidated at the political level an understanding of the concept of sustainable development which is less environmentally focused and more balanced on economic and social issues.<sup>4</sup>

The Bolivia Summit documents represent a balance between the interests of the United States and Canada in environmental protection and the interests of Latin America and the Caribbean in alleviating extreme poverty and addressing other pressing social issues. The *Bolivia Plan of*

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3. *Report of the United Nations Conference on Environment and Development*, U.N. Doc. A/CONF. 151/26/Rev. 1 (1992), 31 I.L.M. 874 [hereinafter *Rio Declaration*].

4. Declaration of Santa Cruz de la Sierra, Dec. 7, 1996 [hereinafter *Bolivia Declaration*].

*Action* contains agreements on health, housing, cities, education, agriculture, forests, biodiversity, mines, energy, water resources, the sea environment, and coastal areas.<sup>5</sup> The Plan of Action succeeded in addressing nearly all of the priorities expressed by the countries of the Region.

The *Bolivia Plan of Action* contains sixty-five initiatives, which in some cases represent agreements to undertake significant collective government action.<sup>6</sup> Some initiatives were carefully crafted through comprehensive processes of consultation that involved most of the appropriate stakeholders. Some of these initiatives, although few in number, are already in the process of implementation and are described in Section IV.

The Bolivia Summit also gave impetus to existing interamerican dialogues on subjects such as health, energy, and water management while catalyzing the initiation of new interamerican dialogues on the issues of biodiversity, sustainable cities and environmental law. A number of interamerican electronic networks for information exchange were likewise created.<sup>7</sup>

The governments at the Miami Summit agreed that regular annual meetings of ministers of sustainable development should follow the Bolivia Summit. The OAS General Assembly subsequently called for the creation of the Interamerican Committee on Sustainable Development. These two high level dialogues guarantee a certain continuity to the process launched in Santa Cruz, but the key to the process will be the effectiveness of the OAS in carrying out a large role in Summit follow-up.

The Summit gave tangible recognition to the role of civil society and mandated the formulation of an interamerican strategy on public participation in decision making for sustainable development. This process has great potential significance for the Region.

### III. WHAT WAS NOT ACCOMPLISHED

Following the tradition of many Summit meetings, the sixty-five initiatives which make up the *Bolivia Plan of Action* tend to be vague, and in some cases, constitute nothing more than general expressions of good intentions. Most of them provide little basis for specific implementation. Most are prefaced with terms such as "promote," "encourage," "seek to

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5. Plan of Action for the Sustainable Development of the Americas, Dec. 7, 1996 [hereinafter *Bolivia Plan of Action*].

6. See *id.* ch. III.3.

7. See *id.* ch. III.3, Initiative 31.

establish,” “seek to develop,” or “foster,” and hence have minimal binding effect.<sup>8</sup> Even more serious is the lack of specificity about who does what and when and with what money. Virtually all initiatives are prefaced with the phrase “Governments will . . .,” which places the responsibility for implementation in the hands of individual governments, where it should be. However, the supporting roles of international organizations, bilateral donors, the private sector and civil society are sparsely defined.

Some of the initiatives which were put together late in the Summit negotiations were particularly weak. These initiatives did not benefit from the technical preparation process and were not subject to wide consultation. This is particularly true of the section on sustainable cities<sup>9</sup> and portions of the chapter on sustainable agriculture.<sup>10</sup> Many of these initiatives are so general that they provide very little basis for specific actions of follow-up.<sup>11</sup>

In the negotiating process which led up to the Summit, some agenda items were the focus of comprehensive technical debate that lasted many months, and resulted in the crafting of initiatives that contained a great deal of specificity. This was particularly true of the issue of water resources management.

In the final political process, however, most of this detail was deleted in order to produce a set of initiatives which appear relatively homogeneous in the final document. The argument in favor of this process was that the initiatives should sound “presidential.” This leveling of the initiatives to a least common denominator proved most frustrating to the officials who had negotiated the more detailed agreements that ended up on the cutting room floor in the last hours of debate. In the process of implementing the Summit Plan of Action, governments must try to recover some of this lost ground.

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8. See *id.* ch. II.1, Initiative 6.

9. See *id.* ch. II.3.

10. See *id.* ch. II.2.

11. Some examples of such initiatives are:

Initiative 33: “Develop appropriate policies on migration, promote savings and investment opportunities to create jobs and develop sustainable means of livelihood, in particular for the poorest and most vulnerable sectors.” *Id.* ch. II.3.

Initiative 39: “Foster the inclusion of sustainable development in urban development plans, including mechanisms for evaluating the environmental impact.” *Id.*

Initiative 7: “Encourage the development and implementation of national and local strategies and, if appropriate, land use plans aimed at promoting sustainable agriculture.”

*Id.* ch. II.2.

Anyone who is familiar with *Agenda 21* and the *Rio Declaration* cannot help but notice in the Bolivia documentation the significant watering down which occurred on the sensitive issues of “new and additional resources” and “transfer of technology on preferential terms.”<sup>12</sup> While present in the Declaration of Santa Cruz, these issues are not evident in the Plan of Action that compels governments to act. This is a clear reflection of the diminished financial commitment to development assistance which has occurred in the past five years.

The Summit is in many ways a piece of unfinished business. Much further dialogue is needed in different sectors to better define priorities and to design practical actions which can be implemented in the short term. The fact of the matter is that there are too many initiatives and too few funds.

The minimal involvement of the private sector in the Bolivia Summit process was one of its greatest weaknesses, as was the peripheral role played by the economic and financial sectors of government. Ministries of foreign affairs dominated the process, particularly toward the end, and political considerations tended to outweigh all others.

Curiously, the media paid very little attention to the Summit and, consequently, the public is generally unaware of what happened in Santa Cruz. Occurring as it did, between the two higher profile Summits in Miami and Santiago, the Bolivia Summit will probably not be remembered for its important achievements unless its follow-up is exceptionally well handled.

#### IV. SUMMIT FOLLOW-UP—WHAT HAS HAPPENED SINCE SANTA CRUZ

##### A. *On the Political Side*

Three months after the Summit, on March 24 and 25, 1997, the Sustainable Development Committee of the Interamerican Council for Integral Development of the OAS held its first meeting. The Plan of Action gave this body significant responsibility in monitoring Summit implementation.<sup>13</sup> A potential weakness of the Committee is that it is made up almost entirely of representatives from the ministries of foreign affairs rather than representatives with the technical or financial power necessary to assure compliance with government mandates.

In April of 1997, the Interamerican Council for Integral Development of the OAS (CIDI) confirmed the decision from the Miami Summit that a ministerial meeting on sustainable development should be

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12. Bolivia Declaration, *supra* note 4, paras. 5, 7.

13. See Bolivia Plan of Action, *supra* note 5, ch. III.1.

held. This meeting was scheduled to occur prior to the 1998 Chile Summit. CIDI took no action, however, towards identifying new financing for implementing the demanding tasks of follow-up given to the OAS in Santa Cruz. The OAS General Assembly in early June of 1997 likewise took no action to directly address the financial question. Only in late July did the Permanent Executive Committee of the Integral Development Council (CEPCIDI) finally release a modest amount of money to address OAS mandates for Summit follow-up. This scenario seemed to be symptomatic in many ways of the general lethargy of governments after Santa Cruz to move forward in practical ways on sustainable development issues. It is likewise a clear illustration of the greatly diminished funding for development assistance in the Americas.

#### *B. On the Technical Side*

Summits, for all their limitations, often create new momentum by bringing together groups which may not have interacted before. Santa Cruz was no exception. Civil society, while playing a limited direct role in the Summit, set in motion a process of dialogue that has had lasting consequences. The momentum of the dialogue launched at the Interamerican Seminar on Public Participation held in Montevideo<sup>14</sup> in August of 1996 produced an agreement at Santa Cruz to formulate an Interamerican Strategy on Public Participation in Decision Making for Sustainable Development. The OAS was given responsibility to lead this process and has joined forces with the United Nations Environment Program (UNEP) and the Global Environment Fund (GEF) to undertake a \$1.5 million project to help governments create the strategy and conduct pilot tests in selected countries. Keeping the public engaged must be a key part of the summit follow-up process.

International organizations have ample experience in coordinating their actions, but following the Bolivia Summit something unusual happened. A significant group of agencies of the UN system and the interamerican system, including all major development banks in the Region, came together under the coordination of the OAS Secretariat to form an Interagency Task Force for Bolivia Summit Follow-Up. The group selected a few priorities from the large array of Summit initiatives

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14. The meeting, sponsored by the Government of Uruguay, with the support of the OAS, USAID, Inter-American Foundation, Partners of America, and the International Development Research Center of Canada, was attended by 120 participants from 27 countries. It was the first technical meeting to bring together 48 government representatives, 60 representatives of civil society organizations—including indigenous communities—and 12 international organizations to prepare recommendations for the *Bolivia Plan of Action*.

and created a series of practical working groups to design joint projects, produce specific joint studies, and collaborate in holding of significant technical conferences.

The priority topics initially chosen by the agencies for collaboration were: (1) Potable water supply and waste water treatment for cities; (2) Identifying new mechanisms for financing biodiversity conservation; (3) Establishing a network of legal officials as called for in the Bolivia Plan of Action; (4) Expanding dialogue on sustainable cities issues including design of an interagency conference in 1998; and (5) Co-financing of a major energy infrastructure project, the Santa Cruz, Bolivia to Sao Paulo, Brazil natural gas pipeline.

The product of these joint efforts saves money and improves the quality of agency output. The efforts of this Interagency Task Force are likely to carry on for many years and seem to be identifying new ways to convert traditional interagency coordination from a dreary, boring process into one which produces serious value.

As mentioned previously, the Summit set in motion several new interamerican technical dialogues and information networks including ones on biodiversity, sustainable cities and environmental law. The existing Inter-American Dialogue on Water Management was given further impetus. Networks, particularly those which benefit from electronic linkages through the Internet, are a new inexpensive tool for sustained dialogue, exchange of experience, and transfer of technology. The Summit follow-up process has involved real progress on such networks. Of particular interest is what is occurring in the legal area.

## V. THE LEGAL DIMENSION OF FOLLOW-UP

Clearly, the commitments made in Santa Cruz have far reaching legal implications and cover a wide range of sectors. The initiatives in health, education, sustainable agriculture and forests, sustainable cities and communities, water resources and coastal areas, energy and minerals introduce policy changes that significantly affect economies of the countries in the region.

The *Bolivia Plan of Action* likewise incorporates a commitment to broader public participation and examination of the bases for financing sustainable development. It is indeed appropriate that the *Bolivia Plan of Action* calls on the countries to “facilitate the sharing of knowledge and experiences and to provide a focal point as appropriate for carrying out cooperative efforts to strengthen laws, regulations, and implementation as well as training in these areas. . . .”<sup>15</sup>

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15. See Bolivia Plan of Action, *supra* note 5, ch. III.1, para. 5.

To turn this proposal into reality, the OAS Secretariat has assumed an active role in creating a working group made up of international organizations (such as UNDP and UNEP), agencies of the U.S. government (EPA and the Department of Justice) and several nongovernmental organizations (NGOs) (including the Environmental Law Institute and the American Bar Association), to define the course of action to be followed. It has requested funding from the OAS Development Council (CEPCIDI) to hold a major technical meeting to launch the network and finance its initial activities.

The network is to be guided by a broad based advisory committee made up of representatives from both the public and private sectors. As the network becomes operational, it will promote workshops and seminars on diverse aspects of environmental law to share experiences and undertake training. The Internet will eventually become an important mechanism for interaction of members of the network. Its participants from the public sector should include policy makers, enforcement officials and members of the judiciary. From the private sector, there should be representatives of business, universities, and NGOs that are active on environmental matters. Its home page on the World Wide Web should provide cross links to sources of information on current environmental law in the hemisphere and pertinent documentation from meetings, workshops, and seminars that may assist users in bringing about improvements in institution building, laws, compliance and enforcement. The key to its long term survival will be its ability to become self-sustaining. If successful, it will represent a truly significant follow-up action to the Bolivia Summit.

## VI. CONCLUSION

So what did we achieve at Bolivia on sustainable development and where are we going? On balance, it was a good conference that probably represents a turning point in the Region, particularly if the momentum that it generated is not lost. More dialogue is needed on each of the chapters and sub-chapters of the Plan of Action. In some cases, the effort should resurrect practical specifics that were dropped in the political process, while in other cases the Plan of Action should simply constitute the agenda for more meaningful future debate which will produce proposals that can provoke specific actions of implementation. Follow-up meetings at the ministerial level on sectors such as health, education, energy, agriculture, and water have taken place or are being planned.

Sustained dialogue is the key to progress. Annual meetings of ministers of sustainable development or equivalent meetings are essential. The defects of the *Bolivia Plan of Action* can be cured by further effort of ministers, not by starting a new process at the presidential level. Implementation should be the watchword of this summit, but it takes time. All concerned must be patient as well as persistent.