



<b>Workshop Report:</b> Experiences from Latin America and the Caribbean in Good Practices of International Waters.	<b>Report Date: April 2009.</b>
<b>Date: March 9-10, 2009</b>	<b>By: Richard Paisley and Glen Hearn</b>

## **Introduction.**

The inaugural meeting of the South-South peer network for the Americas was held in México City at the El Colegio de México (COLMEX) campus between March 9<sup>th</sup> and 10<sup>th</sup>, 2009. The meeting was part of the fact finding and research component of the project (Phase 1) to review good practices in international water management across the marine and freshwater areas, including groundwater.

The specific objectives of this meeting were to

- gain an understanding of the experiences from Latin American and the Caribbean,
- clarify the major training needs in IW management and what learning tools might be most useful to do that,
- identify an initial net-work to review finalised learning tools, and
- establish an initial South-South peer group to oversee the development of experiential learning tools

## **The Meeting**

The workshop was opened by Silvia Giorguli, Director of Centre for Demographic, Urban and Environmental Studies at El Colegio de México. She noted that it was a formidable group of professionals that had gathered to discuss a very pressing issue. The management of international resources is of great priority for the majority of nations, yet there lack a clear understanding of how best to manage them. Fisheries are declining, water is becoming increasingly scarce and meetings such as this will help pave the way to a brighter future.

Project Director Richard Paisley then presented the principal components of the project noting that this was the first in a series of workshops which would be held to solicit input from practitioners regarding good practices in governance and management of transboundary waters.

The workshop also reviewed the research to date in developing a data base for comparison of different international governance regimes. The research was presented by Mathew Drosos, of White & Case, who has been developing the preliminary draft of legal regimes. As an initial study a number of key case studies have been analysed using a framework primarily developed during the inception meeting with the Advisory Panel (See the GEF UBC COLMEX Project Inception Report for more details).

## Experiences and lessons Learned

The main focus of the workshop was to have an exchange of information and experiences from the participants to highlight the main issues they had experienced regarding the management of transboundary waters. The session lasted the bulk of the day and part of the second day as the discussions were both rich and detailed. It was jointly facilitated by Glen Hearn and Cuauhtemoc Leon.

Presentations and discussions were given on the following specific project Experiences Presentations and discussion also took place regarding:

- The role of indigenous and local communities, and public participation in the management of transboundary waters. Marta Molares gave a presentation regarding World Bank policy on the inclusion of indigenous communities when financing projects.
- The role of women and gender issues in water management. Patricia Herrera, Isabel Ibarra and Susan Bazilli discussed the role of women in water management and the need to have greater input in transboundary issues which affect local resource use.
- Transboundary water management and environmental law in the Americas. Jose Vicente Zapata commented about the typical issues regarding environmental management and protection in Latin America from both legal and resource management perspectives. He concluded that there is a real need for understanding how to achieve the resolution of conflicts and balanced resource use.

The following is a summary of the major lessons learned and experiences which were discussed at the workshop:

Location and context	Issue	Lesson Learned
<b>Caribbean LME</b> Complex jurisdictional, institutional, geopolitical constraints	No overall fisheries commission possible.	<b>Governance is an over-riding issue and needs to adapt to multi-level and multi-scale realities of resource.</b> Can use a network approach
<b>Caribbean LME</b> Complex jurisdictional, institutional, geopolitical constraints	Because of the complexity of institutional bodies it was not possible to develop a single coherent governing structure that all countries would agree to. Nor was it necessarily desirable.	<b>Resource and national institutions should drive governance structure.</b> Governance structure should be a balance of necessity and practicality.
<b>Caribbean LME</b> Transactional costs of maintaining commissions, and conducting research can be enormous.	A lot of money and time can be spent obtaining information which is ultimately not necessary for better management.	<b>Information sharing and gathering should be determined by decision-making needs (active adaptive management)</b>
<b>Guarani Aquifer System</b> Groundwater system shared by Brazil, Uruguay, Argentina	Initial move was to create a large framework agreement for management. But it was	<b>Build from the ground up. Agreements should focus on functional necessity.</b> There

Location and context	Issue	Lesson Learned
and Paraguay.	deemed unnecessary at the current time.	was no need for large framework agreement – rather information sharing and some localised cross border management done.
<b>Guarani Aquifer System</b> There are many towns which are across the border from one another and pump water from the aquifer system.	Integration from trade and commerce, family ties, across the border has helped leverage cooperation in the water sector. (example: Brazil-Uruguay)	<b>Integration in other sectors can help ‘leverage’ cooperation in groundwater.</b>
<b>Guarani Aquifer System</b> No framework agreements exists for cooperative management, yet cross border management on a localised level occurs were needed.	The Guarani Steering Committee is composed of politicians, diplomats and technical personnel. They have been successful in facilitating cooperation at a local level.	<b>The process of greater integration and cooperation can stimulate action at the local level (despite no overall framework for management).</b> There has been the development of bi-lateral local commissions.
<b>Guarani Aquifer System</b> There was a focus to develop information system to look at specific characteristics of the aquifer.	Groundwater is a poorly understood resource by most people and education was needed. Effort was placed on understanding the resource through scientific means based on the needs of GW management.	<b>Information should be gathered and used to help facilitate decision-making for actions (active adaptive management)</b> - the GIS system developed for Guarani could be expanded to look at climate change, socio-economic development etc.
<b>Guarani Aquifer System</b> There were many misconceptions regarding groundwater. So called ‘Hydro-myths’.	GW extractions are often very localised and affect only a limited area.	<b>Education of decision makers and stakeholders is important.</b> Scientific knowledge regarding how groundwater functions. Use of media to reach larger stakeholders.
<b>Guarani Aquifer System</b> The countries are all part of the La Plata Basin Agreement which is more developed	There is a possibility to integrate the Guarani aquifer work into the La Plata Agreement, also the La Plata is building relations to a regional economic agreement - MERCOSUR.	<b>Look for opportunities to use existing legal mechanisms to assist with promoting cooperation.</b>
<b>Caribbean Islands IWCAM</b> Promote watershed and coastal management in individual islands	Control of LBSMP is seen as localised problem – difficult to develop ‘common’ approach.	<b>Education of decision makers and stakeholders is important.</b> Scientific knowledge regarding combined sewage effects.
<b>Caribbean Islands IWCAM</b> Many different islands states	Complex legal systems and difficult to get agreement for	<b>Education of decision makers is important.</b> –

<b>Location and context</b>	<b>Issue</b>	<b>Lesson Learned</b>
with different legal structures and different line agencies responsible.	CARICOM.	preparation of a legal tool kit to facilitate understanding of How to ratify Cartagena Convention
<b>Caribbean Islands Project</b> There is a reluctance to share specific information regarding coastal pollution for instance.	There is sensitivity regarding how information is used as it is seen as potentially harming tourism locally.	<b>Information should be used to help facilitate decision-making for actions (active adaptive management)</b>
<b>Caribbean Islands Project</b> Individual states do not necessarily see the benefit of collective action.	Often it is not clear to decision makers how international cooperation can deliver at local levels	<b>Actions need to address local / national interests – Use of local level demonstration projects.</b>
<b>Caribbean Islands Project</b> Individual states do not necessarily see the benefit	Often	<b>Being part of a regional entity may help access mechanisms to solve internal/local issues.</b>
<b>Pantanal &amp; Upper Paraguay</b> Large wetlands between Bolivia/Paraguay/Brazil	It may be difficult to develop cooperation between 3 countries if the needs are not clear. Unilateral actions can show the need for international cooperation.	<b>Unilateral initiatives can be expanded to international cooperation.</b> In this case Brazil initiated activities and will now include others in follow up projects.
<b>Pantanal &amp; Upper Paraguay</b> A very complex institutional situation, made more complex when dealing with institutions in other countries.	There were problems with respect to information exchange between Brazilian institutions involved, and also with institutions across the border.	<b>Neutral parties, NGOs with research interests and credibility, can assist in developing linkages between stakeholders, institutions and across borders.</b>
<b>Pantanal &amp; Upper Paraguay</b> There are a variety of stakeholder groups and interests (mining to fishing)	There are many users of the waters, indigenous communities, fishers, miners, municipalities, etc. Balancing various views was difficult.	<b>Include stakeholders in development of strategies and planning.</b> Many stakeholders brought in to develop TDA, choose pilot projects etc. Project now 'owned' by a variety of institutions.
<b>Pantanal &amp; Upper Paraguay</b> It is an enormous area to cover geographically -	The geographic area and populations are enormous within the Pantanal.	<b>Develop smaller sub-areas or pilot projects.</b> This will also help with building trust and capacity.
<b>Pantanal &amp; Upper Paraguay</b> It was very complex institutionally, with different mandates for different actors.	With many institutions, both governmental, NGO and private, focussing on their own interests it was important to develop focus.	<b>Information should be used to help facilitate decision-making for actions (active adaptive management).</b>
<b>Artibonite River Basin</b> Haiti and Dominican Republic have different levels of development and different	In simply dealing with issues related to water use it may be very difficult for the two countries to agree. Haiti needs	<b>Look outside only the water (or marine) sector to build incentives for cooperation.</b>

<b>Location and context</b>	<b>Issue</b>	<b>Lesson Learned</b>
goals.	energy and agriculture and DR is interested in security and environment.	
<b>Artibonite River Basin</b> There is a difference in capacity to undertake project management and projects.	The difference in relative capacity to undertake sub-projects and manage the overall project may give too much control to one state.	<b>Neutral parties, can help manage and promote international projects.</b> In this case an NGO with projects on both side of the border. Must be technically competent and trusted.
<b>Artibonite River Basin</b> There is often a high turnover of decision-makers and thus a loss of continuity.	It is difficult to maintain continuity when there is high turnover of decision-makers and government staff. ‘One step forward and two back’.	<b>Neutral parties, can help manage and promote international projects.</b> In this case an NGO with projects on both side of the border.
<b>Artibonite River Basin</b> There exists and old agreement – but it is not used. There is also a bi-national commission for economics, trade, relations etc.; but it is not working well.	The existing institutions which are likely mandated to undertake the work are not functioning well. They may be over worked. In this case the bi-national commission.	<b>Use existing institutions which are functioning to help facilitate dialogue.</b> In this case the Technical Institution Group for desertification has worked well over three governments to look at deforestation issues.
<b>Artibonite River Basin</b> There is little national capacity to undertake the costs of research or monitoring and enforcement of any project or agreement.	One or more of the countries cannot undertake the agreed duties or responsibilities within a project or agreement. The project or agreement may fail.	<b>Use neutral parties to manage, undertake managerial responsibilities.</b> In the case of NGOs, costs of research and managerial costs can be kept low.
<b>Mexico-US</b> There is a long history of water use conflict between the US and Mexico, however, the IBWC has been able to focus on cooperation.	Information sharing is well refined, and only joint studies are undertaken by the International Boundary and Water Commission.	<b>Information sharing can help build trust.</b>
<b>Mexico-US</b> They deal with very complex systems ranging from salinity, water quality, quantity, etc. And there are conflicts between stakeholders.	Issues that arise within the 1944 Treaty are generally dealt with using technical task forces.	<b>Technical approaches and expertise can help drive cooperation.</b> Even the Minutes of the Joint Commission are based on scientific validation.
<b>Mexico-US</b> The 1944 Treaty has been functioning for over 60 years and has seen a variety of situations.	The Treaty is very flexible in its use of Minutes to allow larger changes to cross border policy. While the Minutes are not binding, they hold political weight and have been generally followed.	<b>Flexibility in the Treaty and for decision making can help maintain adaptable water use.</b> The Treaty depends on Minutes of the Joint Commission which allow for adaptive decision making.
<b>Mexico-US</b>	There is concern that the	<b>You don’t need to formalise</b>

Location and context	Issue	Lesson Learned
Decisions of the IBWC are not binding on the two states. Will they be able to adapt to future issues related to climate change?	Minutes from the IBWC are not binding and that they should be. There is other concern that states will not want to place decision power over 'national' resources in the hands of a joint commission.	<b>issues that don't need formalisation.</b> The Minutes have worked to date. At what point do they need formalising?
<b>Mexico-US</b> Some issues, such as adequate storage, are local issues.	Often some of the issues are purely local and domestic, such as development of sufficient storage capacity. However, even local issues can be approached with regional cooperation in mind.	<b>Many issues may be domestic and should be addressed locally, but should support regional cooperation.</b>
<b>Mexico-US</b> There are US and Mexican towns across from each other on the different rivers.	Management of the water, the rivers, irrigation etc. has allowed greater integration to take place.	<b>Water can be a focal point for promoting integration in other areas.</b>
<b>Mexico-US</b> There has been generally a sense of cooperation when solving water resource problems.	While there has been conflict over water use it has been solved, for the most part, in a cooperative manner for over 6 decades.	<b>Greater integration between states (trade, power others) will help stability for water issues.</b>
<b>Mexico-US</b> IBWC and its technical committee are generally engineers.	The problems that are addressed are primarily technical in nature. Times have evolved and more social issues need to be incorporated into the decision-making process. There is very limited stakeholder input.	<b>Values and social issues will change over time and need to be addressed – either through flexibility in the agreement or with greater stakeholder input.</b>
<b>Water-Gender issues</b> In many places most water or marine development continues without integration of women.	Simply including a certain number of women in the decision-making does not mean women's issues have been considered.	<b>Greater effort is needed to integrate gender issues into management process.</b>
<b>Water-Gender Issues</b> In the example of Costa-Rica Panama local marine development, women were included in policy development.	While the main persons affected are fishermen (men) women are important in bringing fish to market, processing, and responsibility for wider social issues.	<b>Find legitimate entry points for women to be included, and respected, in the decision-making process. (this extends to freshwater as well as marine sectors).</b>

<b>Location and context</b>	<b>Issue</b>	<b>Lesson Learned</b>
<b>Indigenous Communities</b> Indigenous communities hold a special status in terms of consultation with World Bank Projects	The World Bank reconciles the results of consultations of indigenous peoples in transboundary projects with different institutional frameworks and needs, and incorporate them into implementable measures that ensure that harms are mitigated and/or benefits accrue in a culturally appropriate manner.	<b>Application of the Bank policy poses challenges in the application and needs to be tailored to the country and indigenous communities concerned.</b>
<b>Costa Rica/Panama</b> Local communities and NGOs active in developing sustainable management in Gulfo Dulce	Local communities and NGOs have been developing community fishing policy with implications for conservation across the border.	<b>When national capacity is not sufficient or there is no incentive, local communities and NGOs can develop projects with transboundary implications.</b> Build from the ground up.
<b>Costa Rica/Panama</b> Costa Rica initiated the projects and is extending activities now to include Panama.	It was too complex to initially address transboundary work at a local community level.	<b>Unilateral initiatives can be expanded to international cooperation.</b>
<b>Costa Rica/Panama</b> Local communities and NGOs active in developing sustainable management in Gulfo Dulce	NGOs have been facilitating the interchange of information across the border, as well as conducting monitoring.	<b>Neutral parties can help manage and promote international projects.</b> In this case an NGO with projects on both side of the border. Must be technically competent and trusted.
<b>Costa Rica/Panama</b> Local communities are key in managing the resource	In many cases national ministries do not have the capacity to do all the work. Local communities and NGOs can assist with monitoring etc.	<b>Local stakeholders can be important sources of information and also assist the implementation of management goals.</b>
<b>Costa Rica/Panama</b> Local communities	It took over 10 years of work to develop community structures which are only now starting to look across the borders.	<b>Have realistic time frames for developing cooperative mechanisms.</b>
<b>General Observations</b> The regulatory environment of international waters can be confusing.	Many national or local laws and regulations do not support international principles or law.	<b>Know and understand how national and local regulations can assist, or be obstacles to international cooperation</b>
<b>General Observations</b> Knowledge regarding international law and	Often there is an assumption that decision-makers are aware of basic principles of	<b>Ensure that decision-makers are familiar with basic principles of international</b>

<b>Location and context</b>	<b>Issue</b>	<b>Lesson Learned</b>
principles is not always clear.	international law – this is not always the case.	<b>law (Water, Law of the Sea, etc.)</b>
<b>General Observations</b> Formal, informal, substantive implementation.	Often there is a push for formal agreements, but fall short in substance. Informal mechanisms can be effective.	<b>Not all mechanisms need to be formalised – and not all formal mechanisms are effective.</b>
<b>General Observations</b> Technical information of the resource at the ground level is essential for developing cooperation.	The first thing that should be done is to better understand the substantive issues around the resource in question.	<b>An adequate technical understanding of the resource is needed for decision-making.</b>
<b>General Observations</b> Politicians and decision-makers are often seen as acting in their personal interests.	Politicians and decision-makers will make greater strides for cooperation if they know stakeholders understand issues and support them.	<b>Sensitisation and awareness building of stakeholders is important to develop political will.</b>
<b>General Observations</b> Often leaderships change and agreements are not advanced	Too often there is no continuity in leadership for and agreement and it is put aside. (Amazon Treaty an example)	<b>Develop mechanisms for continuity independent of political leadership. – a commission, or link to another larger framework such as trade agreement.</b>
<b>General Observations</b> Lack of incentive to cooperate over water or marine issues.	Too often there is no incentive of one state or another to cooperate over certain issues (water, or marine resources)	<b>Look outside the resource to help create incentives, economic or other, to assist cooperation.</b>
<b>General Observations</b> Sovereignty issues may supersede international cooperation.	Decision-makers will usually weigh national interests over international cooperation on certain issues.	<b>Focus on areas of mutual benefit if possible. Link single issue interests to larger framework of cooperation.</b>
<b>General Observations</b> When objectives and motivations are not clear, mistrust can develop.	Often states will be reluctant to engage cooperatively due to the lack of understanding of the motivation or interests of others.	<b>Information sharing and exchange can be an important tool for building trust when needed.</b>

## **Experiential Tool Development**

The participants discussed salient issues surrounding transboundary resource use, which are important in developing effective international governance regimes.

These issues were involved:

- Dispute resolution.



- Negotiation.
- Balancing multiple objectives in resource use.
- Establishing information exchange mechanisms---the importance of sharing knowledge and building trust.
- Understanding basic principles of international law.
- Identifying various management solutions according to the different resources and the specific socio-economic conditions .

The participants discussed the various modes of learning which could be used to help instruct practitioners with limited time and access. Potential tools include:

- Simulation exercises
- Short videos
- Training courses
- Interactive web-based based gaming and simulation
- Information packaging, such as “Tool Books”.

## **Conclusions**

The workshop was well accepted by all participants. The fruitful discussions not only assisted information exchange across the marine and freshwater sectors, but also helped to address common management challenges and share valuable experiences. The question of building up a cadre of youth was also discussed. It was proposed that in the future meetings, participants should bring along a young professional within certain age span, so that they can be exposed to current issues and start to develop a network of their own.

**ANNEX A**  
**List of Participants**

**University of British Columbia and El Colegio de México workshop**  
Marzo 9 y 10 de 2009

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## Good Practices and Portfolio Learning in GEF Transboundary Freshwater and Marine Legal and Institutional Frameworks

Experiences from Latin American and the Caribbean  
March 9-10, 2009

El Colegio de México and University of British Columbia

**This meeting is part of fact finding and research component of a three year project to review best practices in international waters and develop experiential learning tools around those best practices.**

**The specific objectives of this meeting are to**

- gain an understanding of the experiences from Latin American and the Caribbean,
- clarify the major training needs in IW management and what learning tools might be most useful to do that, and
- identify an initial net-work to review finalised learning tools.

### Agenda

<b>Sunday, March 8</b>	
<b>Afternoon</b>	Arrival of Participants
<b>19:00-21:00</b>	“Rompehielo Cocktail”, gathering at Royal Pedregal Hotel, with snacks and wine, Room to be announced.

<b>Day 1: Monday, March 9</b>	
<b>8:30-9:30</b>	Breakfast, Coffee and Juice ( Comedor de profesores, 2 <sup>nd</sup> floor, Colmex)
<b>9:30-10:15</b>	Introduction of meeting and participants (Alfonso Reyes Auditorium) Welcome speeches by Silvia Giorguli, Directora, Centro de Estudios Demográfico, Urbano, Ambientales, El Colegio de México, and Dr. Richard Paisley (UBC) and Chair of IWG-GEF Project.
<b>10:15-11:00</b>	Overview of Project Workplan and Goals, and Workshop Objectives. Research to date and key areas of interests. Presentation of White & Case of core research areas.
<b>11:00-11:30</b>	Coffee/Break (The service will be continuous during the meeting)
<b>11:30-13:30</b>	Facilitated discussion of research work and experiences from Latin America and Caribbean. Objectives of the discussion are to: <ul style="list-style-type: none"> <li>• Verify utility and structure of research (ie. categories) and fill out</li> </ul>

	<p>appropriate areas to the Latin American and Caribbean contexts</p> <ul style="list-style-type: none"> <li>• Discuss major experiences in managing international waters in the region. Successes and obstacles.</li> <li>• Identify major areas of improvement and training needs.</li> </ul> <p>Facilitator: Glen Hearn (UBC)</p>
<b>13:30-14:30</b>	Lunch (Comedor de profesores, 2 <sup>nd</sup> floor, Colmex )
<b>14:30-15:30</b>	Overcoming obstacles to cooperation
<b>15:30-16:30</b>	Insight into training tools and methods of experiential learning.
<b>16:30-17:00</b>	Wrap up
<b>17:00-18:00</b>	Women’s Day Celebration “Mayan Music and Poetry” (Room 5524, 4 <sup>th</sup> floor, Colmex). All participants are kindly invited.
<b>19:00-22:00</b>	Mosaico Bistró Restaurant, transport will be available to take you to and from the restaurant. Please be at Colmex ’s front door at 18:50 hrs.

<b>Day 2: Tuesday, March 10</b>	
<b>8:00-9:00</b>	Breakfast, Juice and Coffee (Comedor de profesores, 2 <sup>nd</sup> floor, Colmex)
<b>9:00-9:30</b>	Summary of previous day
<b>9:30-11:30</b>	<p>Discussion: Setting up of South-South Peer Group.</p> <ul style="list-style-type: none"> <li>– what are its roles,</li> <li>– how will it best function,</li> <li>– who else should be included for the future?</li> </ul>
<b>11:30-12:00</b>	Coffee (there will be continuous service during the meeting)
<b>12:00-13:30</b>	Training of Local Experts for Experiential Tool delivery.
<b>13:30-14:30</b>	Lunch
<b>14:30-15:30</b>	Next steps
<b>15:30-16:00</b>	Wrap-up (Lead-Colmex Staff will be able to get taxis for those participants leaving to the airport).