

# Project Inception Report

31 October 2008

UNDP-GEF Medium-Sized Project:

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

Submitted to UNDP by Project Director, Richard K. Paisley

Institute for Asian Research, UBC  
El Colegio de Mexico  
Aquatic Resources Conservation Group



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## 1.0 Overview of Project

This project is entitled “Good Practices and Portfolio Learning in GEF Transboundary Freshwater and Marine Legal and Institutional Frameworks”.

This project is dedicated towards fostering more sustainable governance and more effective decision making in global transboundary international waters management through identification, collection, adaptation and replication of beneficial practices and lessons learned from international experience.

This project fosters dialogue between individuals and organizations engaged in the governance of international waters and builds on South-South learning experiences to be sustained in part by the South-South Peer Review Group initiated in the first component and established in a manner that will facilitate on-going exchange of ideas and solutions after the project concludes.

The key benefit in measurable terms of this project is ensuring that the various lessons learned from multi-country experiences, including identification of areas where problems and delays are typically experienced, get assimilated by various target audiences in a meaningful way.

### 1.1 Introduction

Currently some 2.4 billion people throughout the world do not have access to adequate sanitation. As a result, an estimated 2.3 billion people suffer from water borne diseases.<sup>1</sup> Eighty percent of illnesses are transmitted by contaminated water,<sup>2</sup> yet ninety percent of the wastewater discharged to waterways in developing countries goes untreated.<sup>3</sup>

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<sup>1</sup> *Ibid.*; See, also UN Commission on Sustainable Development, Comprehensive Assessment of the Freshwater Resources of the World, Report of the Secretary General (N.Y. 1999) at p. 39.

<sup>2</sup> Preliminary report submitted by Mr. El Hadji Guisse in pursuance of decision 2002/105 of the Commission on Human Rights and resolution 2001/2 of the Sub-Commission on Promotion and Protection of Human Rights, at p.3, UN Doc. E/CN.4/Sub.2/2002/10 (25 June 2002).

<sup>3</sup> UNEP International Environmental Technology Centre (<http://www.unep.or.jp/ietc/Issues/Freshwater.asp> at p.1).

*“The loss of water may have serious consequences for humans if it amounts to 10 percent of body mass and may cause death if it reaches 20 percent or more....[W]ater...constitutes 58-67 percent of body weight among healthy adult males and 66-74 percent among newborns. When over a billion people are short of this source of life, our species has reason to be alarmed.”<sup>4</sup>*

In response to the emerging global crisis in water scarcity and diminution in water quality, there has been a global water agenda since at least the United Nations Conference on the Human Environment in Stockholm in 1972, which famously acknowledged the importance of protecting and improving the human environment.<sup>5</sup>

Combinations of governments, experts and nongovernmental organizations have joined to raise international attention and priority to the issues and to commit themselves to addressing the most acute problems.

This has resulted in various ministerial declarations proclaiming water as a “security” issue while acknowledging that water scarcity contributes to poverty and water supply to its reduction.

## **1.2 International Waters**

International waters refer to international fresh water, international groundwater and international marine water resources that are shared by two or more sovereign states. Nowhere is the current world water crisis more applicable than in the case of international waters:<sup>6</sup>

International waters are critically important in the context of the current world water crisis.

First, agreements governing utilization of international waters serve not only to protect and promote sustainable development but also to affect security

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<sup>4</sup> Preliminary report submitted by Mr. El Hadji Guisse in pursuance of decision 2002/105 of the Commission on Human Rights and resolution 2001/2 of the Sub-Commission on Promotion and Protection of Human Rights, at p.3, UN Doc. E/CN.4/Sub.2/2002/10 (25 June 2002).

<sup>5</sup> See, <http://www.unesco.org/iau/sd/stockholm.html> (accessed 08 October 2003).

<sup>6</sup> Leighton, above n 2.

throughout an entire basin. In other words, international agreements have a propensity to stabilize and enhance security at the regional level and the security return generated is independent of the concrete ecological and economic benefits produced by such agreements.

Second, international waters are important because nearly half of the world's population is located within one or more of the 263 international freshwater drainage basins alone shared by two or more states.<sup>7</sup> At least 145 nations currently include territory within international freshwater drainage basins. At least 21 nations lie in their entirety within international freshwater drainage basins including 33 countries which have greater than 95% of their territory within these basins. Nineteen of these basins are shared by 5 or more riparian countries. The Danube has 13<sub>[a1]</sub> riparian nations. The Congo, Niger, Nile, Rhine and Zambezi are shared by between 9 and 11 countries. The remaining 13 basins have between 5 and 8 riparian countries.

Severe deforestation, soil erosion, salinization, toxic contamination, drought and flooding, water overuse and scarcity, and air and water pollution in a global international waters context are just some of the environmental calamities that can increase international tension. Conversely, the very process of reaching accommodation while developing bilateral resources and environmental mechanisms for cooperation in a trans-boundary water context creates a stabilizing and more transparent atmosphere. The mere fact of negotiation usually widens political participation, builds political stability and spreads confidence between basin states. Even in cases in which riparians merely agree to share information and exchange data, while agreeing to disagree on substantive issues, increased confidence usually emerges.

Developing more effective governance mechanisms for the management of international waters is both challenging and urgent. While this demands considerable effort at national levels, there is added complexity in creating institutional structures that span different national jurisdictions in transboundary water management. Policy and management of resources

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<sup>7</sup> International Bureau of the Permanent Court of Arbitration (ed.), *The Resolution of International Water Disputes: Papers emanating from the Sixth PCA International Law Seminar 08 November 2002*, Kluwer Law International, The Hague/London/New York, at xix.

depend greatly on scientific input to develop coherent and feasible programs for resource use. The combined effects of climate change, increased pressure from population growth and development, and shifting societal values make trends in resource availability and use difficult to predict.<sup>8</sup> Climate change predictions indicate that the only real certainty will be one of 'change,' as there is little consensus regarding the extent of precipitation alterations, save that they will be markedly different.<sup>9</sup> Consequently, assumptions on hydrologic patterns that have been used to make agreements, prescribe allocations, and permit consumption patterns, will likely alter, making those agreements and allocations unrealistic.

### 1.3 Qualifications of Project Proponents

El Colegio de Mexico (COLMEX) in Mexico City, Mexico is the leading academic institution in Mexico with a longstanding interest in the better governance of transboundary waters as well as in social, economic and environmental sustainability.

The Aquatic Resources Conservation Group (ARC) is a federally recognized, Washington State registered, 501(c)(3) non-profit public interest consulting firm. For more than two decades, it has been dedicated to the use of science, economics, law and policy to maintain healthy, diverse and plentiful aquatic ecosystems. With offices in Seattle and Port Townsend, WA and Melaque, Mexico, ARC provides research, position papers, draft legislation and planning advice to further governance processes that assure better conservation.

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<sup>8</sup> See, Holling, C. S. and S. Sanderson (1996). The dynamics of (dis)harmony in human and ecological systems. Rights to Nature: Ecological, Economic, Cultural, and Political Principles of Institutions for the Environment. C. F. S. Hanna, K.G. Mäler, and A. Janssen. Washington, D.C., Island Press: 57-85; Postel, S. (1999). Pillar of Sand: Can the Irrigation Miracle Last? New York, Norton & Company; Postel, S. and B. Richter (2003). Rivers for Life: Managing Waters for People and Nature, Island Press; and Regier, H. and J. Kay (2002). Phase Shifts and Flip Flops in Complex Systems. Volume 5, Social and economic dimensions of global environmental change, in Encyclopaedia of Environmental Change. P. Timmerman. Chichester, John Wiley & Sons, Ltd: 422-429.

<sup>9</sup> See, Bruce, J. M., H; Alden, M, Mortsch, L; Mills, B (2003). "Implications of Climate Change for Canada-US Boundary Water Agreements" *Report for Natural Resources Canada Annex A*, and Hamlet, A. (2003). "Effects of Climate Change on Pacific Northwest Rivers." *Climate Change in the Columbia Basin Conference Proceedings, Columbia Mountains Institute of Applied Ecology, January 17-18, 2003*. . Also Mote, P. (2003). "Twenty Thousand Years of Climate Change in the Columbia Basin: What's New This Time?" *Climate Change in the Columbia Basin Conference Proceedings, Columbia Mountains Institute of Applied Ecology, January 17-18, 2003*. There are often large disparities between the model outputs, with some models suggesting large increases in precipitation while others predicting large decreases. In one study (Bruce, 2003) different models run for the upper Columbia basin gave summer precipitation values ranging between -18% and +19% of current levels. Such differences in potential precipitation will make the task of dispersing water all the more difficult. Also, not only are annual variations expected to be different, but also potentially more importantly seasons variations will render many of our current consumption patterns unviable.

ARC's water conservation projects include establishment of ecosanitation utilities in Mexico and rebuilding of failed water supply systems in Africa. Ecosystem projects involve protecting rain forests in Costa Rica, limiting over-exploitation of marine fishes in Alaska and decreasing by-catch and mortality of sea turtles in shrimp fisheries in the Southeast of the USA. ARC has written on coastal zone management and long term planning, marine protected areas, marine fisheries policy and watershed and lake conservation issues.

The mission of the world renowned Institute of Asian Research (IAR) at the University of British Columbia in Vancouver, Canada includes a focus on the impact of globalization in Asia and globally; social, environmental and economic sustainability, natural resources management and development aid effectiveness. Historically, IAR has been successful in obtaining support from granting agencies such as SSHRC, CIDA, IDRC and the UN family for research and development assistance programs in Asia and globally. This will continue and new sources of support are being explored, including funding agencies such as the Rockefeller Foundation, Ford Foundation, MacArthur Foundation and Carnegie Endowment. In addition, IAR will continue to intensify the publication of research and policy papers and monographs, derived from its research and development program activities.

Richard Paisley is the Director of the International Waters Initiative and a senior research associate at the Institute of Asian Research as well as an adjunct professor and founding director (2000 to 2007) of the Dr. Andrew R. Thompson Natural Resources Law Program at the UBC Faculty of Law. Richard's academic background includes degrees in biochemistry, marine resource management, law and international law from UBC, University of Washington, Pepperdine University School of Law and the London School of Economics. His current research, teaching and legal practice interests are in the areas of international water and energy law, international environmental law, negotiations and environmental conflict resolution. He has directed a wide range of conferences, workshops and research projects, published extensively and been an advisor, trainer and special counsel on these subjects to numerous international agencies, governments, non governmental organizations and aboriginal groups

including the: FAO, UNDP, IUCN, GEF, WWF, CIDA, DFAIT Canada, CPAWS, TFN, World Bank, UNOPS, Nile Basin Organization, Mekong River Commission Secretariat and the Nepal Water and Energy Commission Secretariat.

## **1.4 Specific Components of Project**

### **Component 1:**

The primary goal of Component 1 is increasing understanding and knowledge of key elements of the prime legal and institutional frameworks necessary for good governance and decision-making. This will be achieved through the identification, analysis and codification of successful approaches of international waters (IW) governance within and beyond the GEF portfolio, and the determination of performance measures.

### **Component 2:**

The primary goal of component 2 is accelerating capacity building for good governance of IW through the creation and promotion of novel experiential learning tools specifically targeted for GEF IW practitioners, designed in collaboration with local experts and practitioners. The outcome of this component will be an enhanced ability to promote good governance in IW. The output will be a series of specialized experiential learning tools for good governance focusing on understanding and promoting effective legal and institutional frameworks and decision-making. The experiential learning tools will include case studies, negotiations, role play simulation exercises, and interactive tools. One of the modules will comprise gender mainstreaming training, with introduction to such learning tools as provided by the International Women's Rights Project, which is a member of the Gender and Water Alliance and the Gender and Water Network. Tools will be developed in collaboration with South-South PRG and regional groups and local experts. The tools will include electronic CDs and web-based platforms. Possible software will be *tool-books*, *illumina* and *visio-basic* for example. The tools will be developed for capacity building of professional practitioners, but will also be available as teaching tools in universities for graduate courses. El Colegio de Mexico will be a key partner institution in

this and other academic partners may include the University of La Rochelle, France (Hans Hartmann); Uppsala University, Sweden (Ashok Swain); the Mekong Program on Water, Environment and Resilience, Chiang Mai University, Thailand (John Dore); Bates College, USA (Lynne Lewis); Oregon State University (Aaron Wolf); University of Washington (Bill Burke); Texas Tech University (Gabriel Eckstein); University of Bogota (Jose Vicente Zapata) as well as additional institutions in Africa and the Americas.

The other major output from Component 2 will be the creation of a cadre of local experts trained in tool delivery to ensure replication and on-going development of the tools. A trainers guide and course programs of 1, 2 and 5 days duration will be developed, including electronic presentation packages. The guide will be tested and enhanced during the creation of a cadre of local experts who will be responsible for the majority of the training under component 3. Two Experiential learning capacity development courses will be conducted for training local experts in tool delivery through appropriate institutions, such as UNESCO-IHE, IAR, and/or El Colegio de Mexico. Training Guides will be available in English, French, Spanish and Portuguese as appropriate. Information and promotion of the tools will be done at regional workshops and international conferences. The commitment to gender equality will ensure that a minimum of 20%, with a target of 30%, of the trainees will be women.

### **Component 3:**

The primary goal of Component 3 is building local capacity of GEF and other IW practitioners in good governance through targeted experiential training and adaptive learning; and ensuring local capacity to replicate experiential learning programs that foster a culture of good governance in IW. The outcome will be enhanced capacity of GEF practitioners in good governance and effective decision-making, including experienced local experts to replicate learning programs. Activities will center on conducting regional targeted programs where local experts are delivering to regional practitioners. This activity will take place over at least three regional capacity building sessions and will be given to a minimum of 60 GEF practitioners in IW, with the same minimum of 20% of who will be women, with a target of 30%. Advantage will be taken of all regional and international meetings to deliver the materials, but a minimum of 3 programs

of 5 days will be conducted. The outcome will be enhanced collaboration between GEF practitioners, increased effectiveness in decision-making, including engagement and participation of civil society and other interest groups. A survey determining understanding and knowledge of IW practices will also be conducted to monitor the success of the workshops.

A secondary goal of Component 3 will be promotion to raise awareness of the availability of the tools. This will be achieved through partner organizations and the continuation of the South-South PRG, academic papers, conferences, media, web-based platforms such as IW:LEARN, CAP at UNESCO-IHE. Development and the continued maintenance of UBC IAR web site will assure ease of accessibility to tools, Teaching Guide and project gathered/developed materials.

### **1.5 Partial List of Project Co-Financiers (October 2008)**

NGOs -- The Environmental Law Alliance Worldwide (E-LAW, Bern Johnson and Lori Maddox); The Institute for Governance and Sustainable Development (Durwood Zaelke); the Canadian Water Research Society (Maaria Solin Curlier); the Network for Environment & Sustainable Development in Africa – Cameroon (Justice Prudence Galega); and the Central Asia Environmental Institute, Kazakhstan (Vadim Ni).

Government and quasi-government Agencies -- Environment Canada, DFAIT (Department of Foreign Affairs and International Trade Canada), Columbia Basin Trust, GEF , UNDP.

Universities -- University of La Rochelle, France (Hans Hartmann); Uppsala University, Sweden (Ashok Swain); Mekong Program on Water, Environment and Resilience, Chiang Mai University, Thailand (John Dore); Bates College, USA (Lynne Lewis); Oregon State University (Aaron Wolf); University of Washington (Bill Burke); Texas Tech University (Gabriel Eckstein).

Private Sector -- Holguin, Neira & Pombo, Bogotá (Jose Vicente Zapata); Lawson Lundell, Vancouver (Chris Sanderson); Pierce Atwood, Portland,

ME (Elizabeth Butler); Speir & Associates, New Orleans (Jerry Speir); Case & White, Washington, D.C. (Rahim Moloo).

International Water, Energy and Gender Experts – John Metzger, Vientiane, Laos PDR and Entebbe, Uganda; George Radosevich, Bangkok, Thailand; Tim Hannan, Kingston, Ontario; Glen Hearn, Vancouver; Susan Bazilli, IWRP-SA, Johannesburg, South Africa, Hans Schreier, Vancouver.

Major letters of support have also been received from the Director of UNESCO's Institute for Water Education, Steve McCaffrey (University of the Pacific) and the Canadian Consul General in Seattle, USA.

The project is also in ongoing discussions with the: IUCN Environmental Law Programme (Alejandro Iza), FAO (Stefano Burchi and Jake Burke), World Bank Institute (Mei Xie), UNESCO Water Center University of Dundee (Patricia Wouters) and UNESCO (Alice Aureli).

## **1.6 Evaluation**

Rigorous evaluation of this project will determine the degree to which objectives were met and methods followed.

Included will be both a process evaluation (an evaluation to determine whether the project was consistent with the plan and the relationship of different program activities to the effectiveness of the project) and a product evaluation (an evaluation to determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project).

## **2.0 Project Inception Meeting and Project Inception Report**

The project inception meeting took place in Whistler, British Columbia, Canada on 02 and 03 October 2008.

The objectives of the project inception meeting were to:

1. Establish the Project Steering Committee and the Advisory Group including their roles and responsibilities;
2. Confirm reporting and accounting requirements for the project;
3. Provide ideas, oversight and strategic guidance to the project;
4. Advance the identification and promotion of best practices and lessons learned for international waters management, and where the best case studies of those areas exist.

Pursuant to the requirements of the UNDP Project Document signed for UNDP by Yannick Glemarec on 18 March 2008 and by UBC, the Project Inception Report has been prepared immediately following the project inception meeting. The Project Inception Report includes a detailed Year 1 Workplan. The Year 1 Workplan is divided into quarterly time frames detailing activities and progress indicators that will guide implementation during the first year of the project. The Year 1 Workplan includes the projected dates of field visits and support missions as well as time frames for meetings of the projects decision making structures. The Year 1 Workplan includes the project budget for the first full year of implementation and includes any monitoring and evaluation requirements to effectively measure project performance during the targeted 12 month time frame.

When finalized, the Project Inception Report will be circulated to project counterparts who will be given a period of one calendar month in which to respond to comments or queries. Prior to this circulation of the project inception report, the UNDP GEF HQ will review the document.

### **3.0 Updates on Changes to Project Activities**

There are no major changes anticipated in project activities. However, at the suggestion of GEF, UNDP and others, additional effort will be made to recruit more women and more individuals from developing countries and more individuals with expertise in marine transboundary international waters to act as both advisors and consultants to the project.

## **4.0 Updates on Changes to Project Budget**

The project budget has not changed significantly since inception.

However, there continues to be wild swings in the exchange rate between the Canadian and US dollar which have the potential to either benefit or negatively impact the project.

Since the inception of the project there has also been some fluctuation in co-finance contributors. Notably White & Case, one of the largest private sector law firms in the world, has recently pledged to support the project at a major level still to be determined.

## **5.0 Overview of Project Governance and Administrative Arrangements**

The core team is comprised of a half time project director, a half time technical advisor and a number of graduate students with particular interest and aptitude in the international waters area.

Anticipated to be finalized shortly are the selection of a marine legal/institutional expert and a governance expert for the core team as well as various consultants and/or contractors.

Both the Steering Committee and the Advisory Group are solidly in place with the caveat that additional effort will be made to recruit more women and more individuals from developing countries and more individuals with expertise in marine transboundary international waters to act as both advisors and consultants to the project.

Also in place and active in the governance and administration of the Project are key individuals at the Institute of Asian Research at UBC (Pitman Potter, Marietta Lao, Judy Wang, Karen Jew, Rozalea Mate), COLMEX (Boris Graizbord) and ARC (Bo Bricklemyer).

## **6.0 Year 1 Project Workplan with Budget and Indicators**

Project activities in Year 1 focus on increasing understanding and knowledge of key elements of the prime legal and institutional frameworks necessary for good governance and decision-making.

This will be achieved through the identification, analysis and codification of successful approaches of international waters (IW) within and beyond the GEF portfolio.

The output of this process will be a Report on the identification of performance measures for good governance of international waters. Activities associated with researching and writing this report will include desk analysis, interviews, interaction with field practitioners and field visits to selected areas for detailed analysis including all 5 regions of the world where GEF IW is active

A gender analysis will also be undertaken as it is generally a key indicator of good governance.

It is anticipated that the authors of the Report will have had the benefit of having investigated up to 25 waterbodies, including travel to a lesser number of locations to allow for more in-depth analysis. These could include many of those listed in Appendix J to this report e.g. Rivers -- the Nile, the Danube, the Rhine, the Dnieper, the Okavango, the Kagera, the Senegal, the Bermejo, the Mekong, the Syr Darya, the Amu Darya, the Zambezi and the Columbia; Lakes - Lake Victoria, Lake Tanganyika and the Great Lakes; Groundwater – Iullemeden Aquifer, the NW Sahara, the Nubian, the Dinaric Karst, the Franco-Swiss and the Guarani Aquifers; Marine systems – the Benguela Current, the Guinea Current, the Canary, the Red Sea, The Black Sea, the Caspian Sea, the South China Sea Large Marine Ecosystem, the Mesoamerica Barrier Reef System project, the Mediterranean GPA Protocol, the Pacific SIDS fisheries project and the Eastern Tropical Pacific Seascape Initiative.

The Report will be worked on in the 4<sup>th</sup> quarter of 2008 and 1<sup>st</sup> quarter of 2009 with a view towards being presented as a work in progress to selected target audiences in late in the 2<sup>nd</sup> or 3<sup>rd</sup> quarter of 2009.

Component 1 activities will also involve:

- development of a “brand”, logo and website;
- recruiting additional participants especially in the marine area and from developing countries;
- beginning the process of promoting facilitated exchanges of experience and increased partnership implementation. This will be achieved through the establishment of a South-South Peer Review Group(s) (S-S PRG) and learning networks, and will incorporate local objectives for capacity building. The S-S PRG will be initiated at the onset of the project and will continue for the duration of the project. This will involve regional meetings as well as global meetings and taking advantage of IW conferences and workshops. This is projected in Year 1 to include activities in Africa including various countries of the Nile Basin throughout 2009; in Central/South America including Mexico and Colombia starting in the 1st quarter of 2009 and possibly the World Water Forum in Istanbul in March 2009.

Activities in the 3<sup>rd</sup> quarter of Year 1 have already included outreach and promotional activities at the World Water Congress in Montpellier, France in September 2008.

Appendix H contains a tentative list of various evaluation variables.

See Appendix I for a more detailed description of the Year 1 Work Plan with budget and indicators.

Appendix J contains a more complete listing of potential sites.

The start date of the project is July 1, 2008, with the final date being June 30, 2011. This has been confirmed in writing by a no-cost extension.

## 7.0 Appendices



## A. Participants at Project Inception Meeting

<i>People</i>	<i>Institution</i>	<i>Country</i>
<b><u>Steering Committee</u></b>		
Ismael Aguilar Barajas	<a href="#">COLMEX</a>	Mexico
Stefano Burchi	<a href="#">FAO</a>	Italy
Al Duda	<a href="#">GEF</a>	USA
Boris Graizbord	<a href="#">COLMEX</a>	Mexico
Andrew Hudson	<a href="#">UNDP</a>	USA
Alice Laberge	<a href="#">RBC</a>	Canada
Chloe O'Laughlin	<a href="#">CPAWS</a>	Canada
Marta Molares	<a href="#">World Bank</a>	USA and Argentina
Rahim Moloo	<a href="#">White &amp; Case</a>	USA
Shawn Morton	<a href="#">DFAIT</a>	Canada
Stephen Owen	<a href="#">UBC</a>	Canada
Pittman Potter	<a href="#">UBC</a>	Canada
Patrick Quealey	<a href="#">DFAIT</a>	Canada
Vicente Ugalde Saldaña	<a href="#">COLMEX</a>	Mexico
Robert Wabunoha	<a href="#">UNEP</a>	Kenya
Joe Weiler	<a href="#">UBC</a>	Canada
additional members TBC		
<b><u>Advisory Group</u></b>		
Natasha Affolder	<a href="#">UBC</a>	Canada
Julie Davidson	<a href="#">CPAWS</a>	Canada
Lienna Detrasavong		Laos PDR
Salimah Ebrahim	<a href="#">NY Times</a>	Canada and Egypt
Gabriel Eckstein	<a href="#">Texas Tech</a>	USA
Karin Emond	<a href="#">Lawson Lundell</a>	Canada
Sarah Freeman	<a href="#">Louis Berger</a>	USA
Prudence Galega		Cameroon

Alex Grzybowski	<a href="#">Pacific Resolutions</a>	Canada
Mish Hamid	<a href="#">IW LEARN</a>	Slovakia and USA
Mike Healey	<a href="#">UBC</a>	Canada
Adele Hurley	<a href="#">U of Toronto</a>	Canada
Elin Kelsey		USA
Cuauhtemoc Leon	<a href="#">COLMEX</a>	Mexico
Steve McCaffrey	<a href="#">U Pacific</a>	USA
Janot-Reine Mendler de Suarez	<a href="#">IW LEARN</a>	USA
Sokhem Pech	<a href="#">Hatfield Group</a>	Canada and Cambodia
Chris Sanderson	<a href="#">Lawson Lundell</a>	Canada
Hans Schreier	<a href="#">UBC</a>	Canada
Abdulkarim Seid	<a href="#">NBI</a>	Ethiopia
Aaron Wolf	<a href="#">U Oregon State</a>	USA
Jose Vicente Zapata	<a href="#">HNP ABOGADOS</a>	Colombia
Additional members	TBC	

### **Regrets**

Eugene (Bo) Bricklemyer	<a href="#">ARC Group</a>	USA
Lienna Detrasavong		Laos PDR
Boris Graizbord	<a href="#">COLMEX</a>	Mexico
Mike Healey	<a href="#">UBC</a>	Canada
Adele Hurley	<a href="#">U of Toronto</a>	Canada
Elin Kelsey		USA
Alice Laberge	<a href="#">RBC</a>	Canada
Cuauhtemoc Leon	<a href="#">COLMEX</a>	Mexico
Janot-Reine Mendler de Suarez	<a href="#">IW LEARN</a>	USA
Marta Molares	<a href="#">World Bank</a>	
Shawn Morton	<a href="#">DFAIT</a>	Canada
Stephen Owen	<a href="#">UBC</a>	Canada
Sokhem Pech	<a href="#">Hatfield Group</a>	Canada and

Pittman Potter	<a href="#">UBC</a>	Cambodia
Patrick Quealey	<a href="#">DFAIT</a>	Canada
Hans Schreier	<a href="#">UBC</a>	Canada
Robert Wabunoha	<a href="#">UNEP</a>	Kenya
Jose Vicente Zapata	<a href="#">HNP ABOGADOS</a>	Colombia

**Project Team**

Susan Bazilli	
Heather Davidson	<a href="#">U McGill</a>
Glen Hearn	<a href="#">UBC</a>
Kate Neville	<a href="#">UBC</a>
Richard Paisley	<a href="#">UBC</a>
Maaria Solin Curlier	<a href="#">CWRS</a>
Patrick Weiler	

## **B. Project Inception Meeting Program**

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

#### **Steering Committee and Advisory Group Meetings / Inception Workshop**

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**Thursday Oct 2, 2008 and Friday Oct 3, 2008  
Whistler, British Columbia**

#### **Meeting Objectives:**

#### **The objectives of this meeting are to:**

1. Establish the steering committee and advisory group including their roles and responsibilities;
2. Confirm reporting and accounting requirements for the project;
3. Provide ideas, oversight and strategic guidance to the project;
4. Advance the identification and promotion of best practices and lessons learned for international waters management, and where the best case studies of those areas exist.

**Attendees:**

<b>Steering Committee</b>	<b>Advisory Group</b>
Al Duda, GEF	Natasha Affolder (chair)
Andy Hudson, UNDP	Chris Sanderson
Pitman Potter, UBC IAR	Gabriel Eckstein
Joe Weiler, UBC Law (chair)	Steve McCaffrey
Rahim Moloo, White & Case	Chloe O’Loughlin / Julie Davidson, CPAWS
Stefano Burchi, FAO	Abdulkarim Seid
Janot Reine Mendler De Suarez/Mish Hamid, IW LEARN	Salimah Ibrahim
C. O’Laughlin, CPAWS (observer)	Pech Sokhem
Boris Graizbord or representative, El Colegio de Mexico (COLMEX)(Dr. Ismael Aguilar and/or Dr. Vicente Ugalde)	Aaron Wolf
	Alex Grzybowski
	Prudence Galega
	Sarah Freeman (observer)
	Karen Emond (observer)
Regrets: Stephen Owen UBC; Patrick Quealey / Shawn Morton DFAIT (via telephone); UNEP representative; M. Molaes / S. Salman; World Bank Goup; Alice Laberge (observer)	Regrets: Hans Schreier, Adele Hurley, Mike Healey; Jose Vicente Zapata; Lienna Detrasavong; Elin Kelsey

## Workshop Agenda

### Agenda: Wednesday, Oct 1 2008 – Travel/Arrival of Attendees

<b>Time</b>	<b>Activity</b>
<b>Afternoon/ Evening</b>	Attendees arrive at YVR and travel to Whistler via the YVR/Whistler shuttle if they arrive at the airport. They will be met at Whistler Creekside.
<b>7:00-9:00</b>	Informal reception at the Taluswood condos

### Agenda: Thursday, Oct 2 2008 – Day 1 - Steering Committee meeting

<b>Time</b>	<b>Activity</b>	<b>Objectives</b>	<b>Documents</b>	<b>Lead</b>
<b>8:00- 9:00</b>	Breakfast			All
<b>9:00- 9:30</b>	<ul style="list-style-type: none"> <li>• Introduce all participants (incl. project team)</li> <li>• Appoint meeting chair (Joe Weiler) and rapporteurs (PW and HD)</li> <li>• Review and approve Agenda</li> </ul>	Welcome members / review SC role	TOR for SC	RKP
<b>9:30- 10:00</b>	<ul style="list-style-type: none"> <li>• Overview of Project including objectives, critical path, work plan</li> </ul>	Inform Manage expectations	RKP powerpoint	RKP
<b>10:00- 10:45</b>	<ul style="list-style-type: none"> <li>• Confirm Management Strategy, Partners / Co-Financers, roles of Steering Committee / Advisory Committee</li> </ul>	confirmation		RKP/ GH
<b>10:45- 11:00</b>	Break			
<b>11:00-</b>	<ul style="list-style-type: none"> <li>• Confirm finance and</li> </ul>	confirmation		SB

<b>12:00</b>	budget strategy including formal reporting <ul style="list-style-type: none"> <li>Review / Adopt Year 1 Workplan</li> </ul>			
<b>12:00-12:30</b>	Working Lunch Served			
<b>1230-1330</b>	<ul style="list-style-type: none"> <li>Review / Adopt Year 1 Workplan continued</li> </ul>	Approval	Draft document	GH/ RKP/ AG
<b>1330 - 14:30</b>	<ul style="list-style-type: none"> <li>Confirm Progress Indicators for Year 1 Workplan</li> </ul>	Approval	Draft document	GH/ RKP/AG
<b>14:30 – 15:00</b>	<ul style="list-style-type: none"> <li>Confirm related activities? e.g. GEF, UNDP, FAO, World Bank Group, other ?</li> <li>Wrap up</li> </ul>	Consistency		PW/ HD
<b>19:00</b>	Dinner			All

**Agenda: Friday, Oct 3 2008 – Day 3 – Advisory Group meeting (Steering Committee also attends)**

<b>Time</b>	<b>Activity</b>	<b>Objectives</b>	<b>Documents</b>	<b>Lead</b>
<b>8:00-9:00</b>	Breakfast			
<b>9:00-10:00</b>	<ul style="list-style-type: none"> <li>Introductions</li> <li>Appoint chair (Affolder) and rapporteurs (KN, HD and PW)</li> <li>Confirm Objectives</li> <li>Confirm TOR of Advisory Committee</li> </ul>	Introduce participants Review SC role	AG TOR	RKP/ GH/ SB
<b>9:30-10:30</b>	<ul style="list-style-type: none"> <li>Project Overview</li> <li>Q&amp;A</li> </ul>	Background and understanding	RKP powerpoint	RKP/ GH
<b>10:30-10:45</b>	Break			
<b>10:45-</b>	<ul style="list-style-type: none"> <li>IW Governance issues</li> </ul>	Identify challenges and	Articles	RK/P

<b>12:30</b>	including “best practices” / “lessons learned” • Case studies.	opportunities	previously sent out	GH
<b>12:30-13:00</b>	Working Lunch			
<b>13:00-14:00</b>	• Experiential learning / active adaptive management tools • South South cooperation and learning	Identify challenges and opportunities	Demonstration and discussion RKP, GH and SB	RKP/ GH/ SB
<b>14:00-14:30</b>	• Local Experts for workshops?			GH
<b>14:30-15:00</b>	• Review and next steps?	Open Discussion		All
<b>19:00</b>	Dinner (final location to be confirmed by Berkley)			All

**Saturday, Oct 4 2008 – Day 4 – Travel/Departure of Attendees**

## **C. Project Steering Committee Terms of Reference**

The Project Steering Committee will focus on providing oversight and strategic guidance. The terms of reference for the Project Steering Committee for the project include:

- Providing oversight;
- Providing strategic guidance;
- Reviewing annual work plans;
- Reviewing budgets;
- Reviewing overall progress;
- Reviewing the gender inclusion of all initiatives for the project;
- Approving substantive revisions if necessary to help ensure project objectives are attained; and
- Helping to ensure that the project continues to be complementary to other initiatives.

## **D. Project Advisory Group Terms of Reference**

The project Advisory Group is an expert group in international water governance and experiential learning. The terms of reference for the Advisory Group include:

- Peer reviewing learning tools and delivery mechanisms including experiential learning techniques;
- Helping to ensure intellectual rigour;
- Helping to source necessary expertise and state-of-the-art knowledge and practices;
- Providing specialized advice regarding the panoply of governance experience with international waters especially in developing countries;
- Providing specialized advice in the realm of cross cultural communication and learning;
- Ensuring that issues specific to vulnerable communities are integrated into the methodology;
- Providing expertise on gender and water so that the under-resourced issues of women and water in communities in the Global South are included by ensuring a minimum of 20% women on the AP.

## **E. Selected Bios of members of Project Steering Committee and Advisory Group**

**NATASHA AFFOLDER (Canada)** joined the Faculty of Law in July 2004. Prior to coming to UBC, Professor Affolder worked at Harvard Business School as a Research Associate in the area of large project negotiation. Her research, teaching and legal practice interests span the fields of international law, sustainable development law, natural resources, environmental law, and land use law. Professor Affolder holds an LLB from the University of Alberta and a BCL and doctorate from Oxford University where she was a Rhodes Scholar. Professor Affolder practiced law in Boston for four years with the firms Hill and Barlow P.C. and Piper Rudnick LLP. She has worked in various capacities for international non-governmental and inter-governmental organizations including Oxfam and the United Nations Environment Programme (UNEP).

**EUGENE (BO) BRICKLEMYER (USA)** is an attorney, long-range planner and environmental activist. He has worked with most major US conservationist groups, from the National Audubon Society to the EarthJustice Legal Defense Fund. For almost a decade, he was Senior Counsel of Greenpeace's Ocean Ecology Campaign and has formed, and is on the board of directors of numerous NGOs, including four international organizations. His most recent effort has launched a Mexican ecosanitation utility, the first initiated by a Municipality in Latin America and funded by UNEP's Global Action Programme for the Protection of the Marine Environment (GPA). With a J.D. from the University of North Carolina and an LL.M. in Law and Marine Affairs from the University of Washington (UW), Bo has worked for state and local governments and as an attorney for the US Marine Mammal Commission and currently for the Office of General Counsel, US Department of Homeland Security. He has been on the Faculties of Law, Fisheries, and Urban Design and Planning at the UW, and on the Faculty of Law at the University of Mississippi. He is President of Aquatic Resources Conservation Group ([www.arc-group.org](http://www.arc-group.org)), a federal 501 (c) (3) non-profit, registered in Washington State.

**MAARIA CURLIER (Canada)** graduated from the University of Washington with a Masters in Marine Affairs and a Masters in International Affairs. She has worked with various organisations to establish marine protected areas in British Columbia. Fluent in French, she has also been involved in many projects ranging from international rivers and basins to ecosanitation.

**JULIE DAVIDSON (Canada)** has a strong passion for the outdoors and wild places, coupled with experience in environmental project funding and board leadership which led her to become a director on the CPAWS-BC board. She has twenty years' experience in the human resources field, most recently board-related in the not-for-profit business sector. Julie worked with Mountain Equipment Coop's board through ten years of rapid growth and organizational development. Her experience encompasses strategic planning, agreement negotiations, conflict resolution, consulting with communities, developing human resources and managing organizational change. As a recent mature graduate from Simon Fraser University, she is embarking on a new path in social policy issues.

**AL DUDA (USA)** Dr. Alfred M. Duda serves as Senior Advisor, International Waters, for the Global Environment Facility (GEF) Secretariat in Washington, DC. He has been posted for the last 13 years in a number of management positions at the GEF following his appointment to the World Bank Group in 1991. Following completion of his doctoral work at Duke University, Dr. Duda worked in a series of supervisory positions in the water quality regulatory agency of the State of North Carolina and then at the corporate environment staff of the Tennessee Valley Authority. In 1987, he was named by the U.S. Department of State as Director and Chief of Diplomatic Mission of the Great Lakes Office of the International Joint Commission (Canada and U.S.) in Windsor, Ontario. The Commission has responsibilities to resolve, and avoid where possible, water disputes along the border under the Boundary Waters Treaty of 1909. Dr. Duda's work at the World Bank and GEF continues to address relations among sovereign nations in sharing benefits from transboundary water systems such as LMEs and shared surface or groundwater systems.

**SALIMAH EBRAHIM (Canada)** is a recent graduate of the University of Toronto, Salimah Ebrahim is an acclaimed journalist and environmentalist,

having lived between Africa, the Middle East and North America documenting some of the most important stories of her generation including: the war in Iraq, regional environmental security challenges, global youth movements, US Presidential politics, and G8 summitry across France, Italy & Russia. Her work for major international outlets has appeared in The Globe and Mail, the CBC, the Cairo Times and A&E's Biography Channel. As founding member of the Spirit Bear Youth Coalition, the largest youth led environmental organization in the world - Salimah has, for the past decade, been fighting for the protection of Canada's White Spirit Bear and its remarkable habitat in the Great Bear Rainforest. With a membership of over 6 million members in 60 countries, Salimah and the Youth Coalition have enjoyed the support and mentorship from many high profile figures – ranging from Dr. Jane Goodall to Robert F. Kennedy Jr. As Co-Executive Producer for the groundbreaking The Spirit Bear – the first major Hollywood animated movie with a mission to protect its namesake - Salimah is dedicated to a new approach to environmentalism where global social and economic bottom lines finally allow for the establishment of a new paradigm of social entrepreneurship – one that constructively engages young people in tackling global issues. Salimah has been awarded and recognized for her work as both journalist and environmentalist, having been profiled by CBC Television as one of 25 young Canadians who are changing the world. Most recently, Chatelaine magazine declared her one of its “80 amazing Canadian women to watch.”

**GABRIEL ECKSTEIN (USA)** is a Professor at Texas Tech University. Dr. Eckstein is an expert in US and international water law and policy and has significant experience in US and international environmental law and policy. He has lectured in various law and science fora, including national and international conferences and United Nations meetings. He has also served as an expert advisor or consultant on US and international water and environmental issues to various organizations, including the World Commission on Dams, Organization of American States (OAS), US Agency for International Development, and local water districts in Texas. Currently, Professor Eckstein is an advisor to the U.N. Educational, Scientific, and Cultural Organization's International Hydrological Programme (UNESCO-IHP) and Ambassador Chusei Yamada of the U.N. International Law Commission in the development of an international agreement on

transboundary ground water resources. He also participates in meetings of ISARM (International Shared Aquifer Resources Management) Americas Programme, a joint effort of the International Association of Hydrogeologists, UNESCO-IHP, and OAS, and advises on issues related to international water law and transboundary ground water resources. At Texas Tech University, Professor Eckstein directs the university's Center for Water Law & Policy, and teaches courses and seminars on US and international water law, US and international environmental law, US property law, and law and science. Prior to joining academia, Professor Eckstein served as Senior Counsel for CropLife America, a U.S. trade association of agricultural chemicals and biotech companies, advising on matters of U.S. and international regulatory and environmental law and compliance related to agricultural chemicals and biotechnology, air and water pollution, endangered species, and intellectual property. Prior to that, he worked as a litigator in private practice on environmental, toxic tort, and asbestos cases. Professor Eckstein holds LL.M. and JD degrees from American University's Washington College of Law, M.S. in International Affairs from Florida State University, and a B.S. in Geology from Kent State University.

**KARIN EMOND (Canada)** is a lawyer who has been working for the Lawson Lundell firm since 2006 and joined the Litigation and Environmental law groups following the completion of her articles in 2007. Throughout her articles Karin supported litigation initiatives for clients before both the B.C. Supreme Court and the B.C. Court of Appeal. She graduated from the University of British Columbia with her B.HK in 1998 and her LL.B in 2006.

**SARAH FREEMAN (USA)** is a Water Resources Engineer with the Louis Berger Group's International Environmental Resources group. Her primary focus is on water resources management and sustainable development at both local and global scales with a strong interest in transboundary waters and how science and policy can better inform each other. Past project experiences have included environmental and socioeconomic baseline assessments, environmental impact assessment and management plans, and communicating and teaching technical engineering work to diverse audiences. Additionally, she has experience in managing and coordinating

small-scale research and assessment programs in Ecuador, China, Peru and the US. Additional research work includes international environmental policy and the application of GIS and mapping techniques to water resources management and climatological issues. She holds a Bachelors of Science in Mechanical Engineering and a Masters of Science in Water Resources Engineering from Tufts University. She is fluent in Spanish.

**JUSTICE PRUDENCE GALEGA (Cameroon)** is a magistrate by profession and currently a Sub-Director in the Cameroon Ministry of Justice. Justice Galega is also the Coordinator of Network for the Environment and Sustainable Development in Central Africa (NESDA CA), an environmental governance NGO carrying out policy research and reform advocacy. She has been actively consulting for organizations such as the UNEP and the World Resources Institute, and has served as a legal expert for various international water projects such as the 1995 GEF-sponsored Gulf of Guinea-Large Marine Ecosystem (LME) Project, and the UNEP's Regional Seas Programme for East and West Africa (Nairobi and Abidjan Conventions). Most recently, Justice Galega participated in an LME capacity building workshop focused on the socio-economic and governance modules of the LME concept. Organized by the University of Rhode Island with sponsorship from IW: LEARN, this workshop provided an opportunity to better understand the techniques that should be applied in conducting assessments of LMEs.

**BORIS GRAIZBORD (Mexico)** is the national program director for LEAD Mexico. Before joining LEAD, he served twice as academic coordinator for the master's program in urban development at El Colegio de Mexico. Since 1979, he has been a research professor at the Center of Demographic Studies and Urban Development in El Colegio de Mexico and, since 1977, lecturer at the Mexico's National University (UNAM). He also teaches at other academic institutions, including in the U.S the University of Southern California, the University of Pennsylvania, and the New School. Mr. Graizbord has served as a researcher at the Institute of Geography at UNAM (1977-1979), and as the director of Center of Social Development Studies. He has written more than 50 chapters and articles that have appeared in books and in national and international periodicals, magazines

and newspapers, and has co-authored four books. His research activities cover urban, regional and environmental issues related to sustainable development. He has a bachelor's degree in architecture from UNAM and a master's degree in urban geography from the University of Durham in the United Kingdom. He pursued doctoral studies in social geography at the London School of Economics and Political Science.

**ALEX GRZYBOWSKI (Canada)** has extensive experience dealing with multi-party dispute resolution and partnership development in the public and private sectors over land use and related resource and environmental conflicts in Canada and internationally. Mr. Grzybowski has successfully mediated many highly conflicted land use and resource management issues across the province of BC. He has facilitated government to government negotiations between all levels of government in Canada, including protocols between the Province of BC and various Aboriginal Nations, as well as negotiations amongst Aboriginal Nations regarding overlapping concerns. Internationally, Mr. Grzybowski has participated in a wide range of conflict management and peace building projects in Southeast Asia, Latin America and Africa, focused on institutional development and capacity building as well as specific dispute situations. He recently facilitated negotiations between Cambodia, Laos, Thailand and Vietnam regarding implementation protocols for the Mekong Agreement on behalf of the Mekong River Commission Secretariat. He has delivered applied conflict management and negotiation training to human rights organizations, non-government organizations, police, and a wide range of National and local government agencies in all of the regions where he has worked.

**MISH HAMID (Slovakia)** is a program associate performing many roles for the GEF IW:LEARN project since 2000, covering project management, to partnership development, workshop training, to development of information management solutions for GEF projects. In addition to helping build the original International Waters Resource Centre, Mish developed solutions for projects from San Juan to the Dnieper River Basins. At present, in addition to supporting IW:LEARN's overall efforts, Mish helps lead the project's activities in eastern Europe and central Asia, as well as developing its outreach products. The majority of his field experience is in this region. In addition to IW:LEARN, Mish worked in both Serbia and Kosovo on elections

and post-conflict peace implementation. In 2005, Mish completed a master's in conflict management and international economics from the Johns Hopkins School of Advanced International Studies. Mish speaks Dutch, German and limited Russian.

**MICHAEL HEALEY (Canada)** is recognized internationally as an expert in the ecology of Pacific salmon and as an expert in the design of resource management systems. He has served as a consultant to government and industry in Canada, the United States and Asia on the management of fish and fish habitat and on restoration of aquatic ecosystems. For the past eight years he has been an advisor on ecosystem restoration to the CALFED Bay-Delta program in California. He is the author of more than 200 articles and books on fisheries, ecology and resource management. Professor Healey was a scientist with the federal government from 1970 to 1990. He worked at the Winnipeg Freshwater Institute from 1970 to 1974 where he conducted research on ecology and management of freshwater fishes in Canada's north. In 1974, he worked at the Pacific Biological Station in Nanaimo where he conducted research on the ecology and management of Pacific salmon. In 1990, he joined the University of British Columbia (UBC) as Director of the Westwater Research Centre, a multidisciplinary centre devoted to research and policy analysis of issues related to water. Michael Healey received his Bachelor of Science and Master of Science degrees from UBC in 1964 and 1966, and his Doctorate from the University of Aberdeen, Scotland in 1969.

**GLEN HEARNS (Canada)** is a senior policy analyst at EcoPlan International and a board member of the Canadian Water Research Society. He has over a decade of experience in facilitation, conflict resolution, resource management and strategic planning. He is currently conducting PhD studies at the Institute for Resources, Environment and Sustainability at the University of British Columbia, in the area of international water governance. He is also involved in managing, training and implementing strategic planning for local economic development related to several projects in Africa, Latin America and Asia as part of EcoPlan's on-going LED project, developed jointly with UN-Habitat. He has also been involved in developing national water resources strategies. He was a member of the Crucible Group: a multi-disciplinary international think tank on genetic

resources, and has helped formulate genetic resource policies with the Ticuna Indians in Colombia, and the governments of Lao and Viet Nam. For almost a decade he managed the environmental component of a Track Two diplomatic process to develop confidence building measures for territorial dispute resolution in Southeast Asia. From 2002-04 he worked with Médecins Sans Frontières to help create and implement local health care programs in rural Colombia and the Congo.

**ANDREW HUDSON (USA)** has served since 1996 as Principal Technical Advisor, International Waters, to the United Nations Development Program's Global Environment Facility unit. He provides technical guidance on all aspects of the development, implementation and monitoring of UNDP's GEF International Waters portfolio (\$300 million) which focuses on providing assistance to developing and transition countries in addressing the transboundary environmental problems of shared waterbodies. Prior to working at UNDP, Mr. Hudson was Executive Director of The Center for Field Research at Earthwatch Institute, where he directed the development of its annual field research program of 150 projects and over \$3 million in grants. He received his B.S. (1979) and M.S. (1980) in Earth and Planetary Sciences from MIT, was a doctoral student in Oceanography at the University of Rhode Island (1980-1983), and received his Ph.D. (1993) in Environmental Sciences from the University of Massachusetts-Boston, specializing in Environmental Economics and Policy.

**ADÈLE HURLEY (Canada)** is the Director of the Program on Water Issues at the Munk Centre for International Studies at the University of Toronto. In the 1980s, during the early days of the Reagan Administration, Adèle Hurley moved to Washington and co-founded the Canadian Coalition on Acid Rain. For several years she worked on a successful campaign that brought about amendments to the US Clean Air Act, as well as regulations that reduced pollutants from large Canadian emitters. In the early 1990s she was appointed to the Board of Ontario Hydro. In 1995, she was appointed by the Prime Minister's Office to serve as Canadian Co-Chair of the International Joint Commission which oversees Canada/US Boundary water issues according to the Boundary Waters Treaty of 1909. Adèle has served as a member of the Canadian Federal Government's International Trade Advisory Committee - Task Force on Environment and Trade Policy. She is

a member of the advisory board of the Columbia Basin Trust and was appointed in 2006 to the board of directors of the Ontario Power Authority. She has won numerous awards for her work including the Conservation Council of Ontario's Lieutenant Governor's Conservation Award.

**ELIN KELSEY (USA)** has more than 25 years of professional and academic experience in the fields of environmental education, communications and community-based research. She has developed policies, strategies, exhibits, research initiatives and programs for international, national and local organizations, including the Secretariat to the Convention on Biological Diversity; the Commission for Environmental Cooperation (the NAFTA Environmental Secretariat); the World Conservation Union (IUCN); the Canadian Biodiversity Convention Office; the Canadian Global Change Program; and the Monterey Bay Aquarium. Before establishing her consultancy, she served as Chief of Science Education at the Canadian Museum of Nature; Director of Exhibits and Interpretation at the Vancouver Aquarium; and Manager of Interpretive Services at the Calgary Zoo, Botanical Garden and Prehistoric Park. Her consultancy business, Elin Kelsey & company, creates and facilitates strategic planning and visioning meetings and participatory decision-making workshops for international, national, and local organizations, institutions and businesses. Her company employs creative facilitation approaches that build on the existing knowledge, expertise and passions of the participants, such as Open Space Technology, Appreciative Inquiry, Conversation Cafes and Future Search. Elin is the award-winning author of nine books, and her work has appeared in magazines such as *BBC Wildlife*, *New Scientist* and *OWL Magazine* (a science and nature discovery magazine for kids). Ms. Kelsey is skilled at communicating science and environmental issues through the media and has been a regular contributor to the Canadian Broadcasting Corporation (CBC Radio) and a contributing editor for *OWL*. Elin received her BSc in Zoology from the University of Guelph and her MA in Science Learning in Informal Settings from the University of British Columbia. She obtained her PhD in Science Education and International Environmental Policy from King's College (University of London) as a King's College Alumni Research Scholarship recipient. She is an adjunct professor of Environmental Education and Communications at Royal Roads University in Canada and was nominated by her students for RRU's 2007 Kelly Outstanding Teaching

Award. Her research interests focus on public engagement and the roles of informal learning organizations in environmental and sustainability initiatives. An avid international traveler, Elin has led ecotour expeditions to India, Nepal, Indonesia, Micronesia, Malaysia, Mexico, and the Canadian High Arctic. She is a Canadian citizen and a permanent resident of the United States.

**ALICE LABERGE (Canada)** is a Corporate Director of the Royal Bank of Canada, and until July 1, 2005 was the President and Chief Executive Officer of Fincentric Corporation, having served as Fincentric's Chief Financial Officer until 2003. Prior to this, Ms. Laberge was the Chief Financial Officer and Senior Vice-President of Finance for MacMillan Bloedel Limited. Ms. Laberge serves on the boards of Catalyst Paper Corporation, Potash Corporation of Saskatchewan, United Way of the Lower Mainland and St. Paul's Hospital Foundation. In 2001, Ms. Laberge was honored with the 2001 PEAK Award for Lifetime Achievement from the Association of Women in Finance. Ms. Laberge holds a Masters of Business Administration from the University of British Columbia and a Bachelor of Science from the University of Alberta.

**CUAUHTEMOC LEON DIEZ (Mexico)** is a marine ecologist. His special areas of interest include border issues, territorial planning, environmental impact assessment and coastal management. As LEAD-Mexico Academic Director, he was involved in the design of various El Colegio de Mexico Environmental Programs, which included a curriculum and research strategy development. He has been working in multi-disciplinary research teams with an emphasis in social sciences since 1989. Recent research is linked with regional coastal management approaches along the Gulf of California and Gulf of Mexico. He has been a trainer in alternative conflict resolution, high efficiency teamwork and cross cultural communication workshops. As a Mexico City Government employee, he was responsible for public policies for rural areas linked to watershed management, ecotourism, organic agriculture, capacity building and communication strategies. He has recently been advisor to federal Mexican government regarding coastal policies for the Caribbean and the Biological Mesoamerican Corridor (GEF project), and is the technical advisor to the National Association of Coastal Municipalities.

**STEPHEN C. MCCAFFREY (USA)** is Distinguished Professor and Scholar at the University of the Pacific, McGeorge School of Law in Sacramento, California. He is a former member of the International Law Commission (ILC), having served as its chair and as special rapporteur for its work on international watercourses. That work formed the basis of the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses. Professor McCaffrey currently serves as Legal Adviser to the Nile Basin Initiative Council of Ministers (Nile-COM) regarding the negotiation of a Nile River Basin Cooperative Framework Agreement. He has represented states in cases before the International Court of Justice, and continues to do so. He has served as Counselor on International Law in the U.S. State Department and represented governments in disputes over international watercourses. A member of the Pacific McGeorge faculty since 1977, he has published a number of books and more than 70 articles in law journals.

**JANOT-REINE MENDLER DE SUAREZ (USA)** has been central to the development of the Global Environment Facility's International Waters Learning Exchange and Resource Network project (IW:LEARN). Since 1998, when she was instrumental in launching an experimental distance M.Sc. degree program focused on transboundary water resource management, she has served as Project Coordinator and Deputy Director and currently oversees a diverse portfolio of regional and thematic partnership and structured learning activities. Ms. Mendler wrote her undergraduate thesis on the catalytic role of environmental issues in world affairs at the Georgetown University School of Foreign Service, studied at the University of Nairobi, and holds a Bachelor's degree in Biological Sciences and Political Science from Mount Holyoke College. She earned a certificate in Leadership and Management, and did her Master's thesis research on drought-resilient agriculture in Africa at the Fletcher School of Law and Diplomacy. Following 3 years as a Senior Lecturer in the Department of Geography, she held a 3 year appointment as an Honorary Research Associate with the Centre for Developing Areas Research at Royal Holloway, University of London. In 2004 she organized the Regional Consultative Meeting on the GPA Programme of Work in the Wider Caribbean for CATHALAC and UNEP, and serves on the International

Committee of the Latin American and Caribbean Water Prizes (PLACA). In partnership with the Gender & Water Alliance, Ms. Mendler has developed a traveling gender and water exhibit currently touring in Latin America and the South Pacific, while an Africa expo is in the making.

**RAHIM MOLOO (Canada)** is a member of the international arbitration group at White & Case LLP, and is based in the Washington D.C. office. After obtaining his Bachelor of Science (First Class) from Queen's University, Rahim obtained a first law degree from the University of British Columbia and an LL.M. in international legal studies from NYU. At NYU, Rahim was a Graduate Editor of the *NYU Journal of International Law and Politics* and was named the All-University Valedictorian for Graduate and Professional Students. Prior to joining White & Case, Rahim practiced in the litigation and arbitration group at a large Canadian law firm. White & Case is distinguished not only by the depth and scope of its legal advisory services, but also by unmatched experience in the international arena, particularly in providing legal advisory services to, and in, developing or emerging countries. The Firm's lawyers have decades of experience in multijurisdictional issues in numerous legal systems — some well established, some in their infancy — as well as in transitional economic and political systems.

**KATE NEVILLE (Canada)** is a PhD student in the Political Science department at the University of British Columbia, and a writer for the International Institute for Sustainable Development's Earth Negotiations Bulletin (an independent reporting service for multilateral environmental negotiations). Her research interests are in the international political and human security implications of conflict and cooperation over transboundary waters. As a Fulbright-OAS Ecology Initiative scholar, she received a Master's of Environmental Science degree from the School of Forestry and Environmental Studies at Yale University, where she focused her research on public-private partnerships for urban water provision in the Philippines. She was an intern with the Fiji Mission to the United Nations in New York. She holds a Bachelor of Science degree in biology, and has worked on avian field ecology projects in Central and North America.

**STEPHEN OWEN (Canada)** is Vice President, External, Legal and Community Relations at the University of British Columbia. His responsibilities include guiding and enhancing engagement with government at all levels - municipal, provincial, national and international. Mr. Owen develops community relationships with civil society, neighbourhood associations and social movements; enhances cultural aspects of university life related to staff, faculty and students studying, living and working together; and builds a sense of belonging to form a vibrant and cohesive community. Mr. Owen's career has taken him from legal advocacy work in Vancouver's Downtown Eastside, through a variety of high-profile senior provincial positions such as Ombudsman and Deputy Attorney General, and forward to the national and international stages. Following election as MP for Quadra in 2000, he served as Secretary of State for Indian Affairs and Northern Development, Minister of Public Works and Government Services, and Minister of Western Economic Development. From 1997-2000, he was David Lam Professor of Law at the University of Victoria, and he has consulted internationally on a variety of human rights issues.

**RICHARD KYLE PAISLEY (Canada)** is the Director of the Global Transboundary International Waters Initiative and a senior research associate at the Institute of Asian Research as well as an adjunct professor and founding director (2000 to 2007) of the Dr. Andrew R. Thompson Natural Resources Law Program at the UBC Faculty of Law. Richard's academic background includes degrees in biochemistry, marine resource management, law and international law from UBC, University of Washington, Pepperdine University School of Law and the London School of Economics. His current research, teaching and legal practice interests are in the areas of international water and energy law, international environmental law, negotiations and environmental conflict resolution. He has directed a wide range of conferences, workshops and research projects, published extensively and been an advisor, trainer and special counsel on these subjects to numerous international agencies, governments, non governmental organizations and aboriginal groups including the: FAO, UNDP, IUCN, GEF, WWF, CIDA, DFAIT Canada, CPAWS, TFN, World Bank, UNOPS, Nile Basin Organization, Mekong River

Commission Secretariat and the Nepal Water and Energy Commission Secretariat.

**PITMAN POTTER (Canada)** is both a Professor of Law and the Director of Institute of Asian Research at the University of British Columbia. Dr. Potter's teaching and research efforts concentrate on law and policy involving the Peoples Republic of China and Taiwan. They are focused in the areas of foreign trade and investment, dispute resolution, intellectual property, contracts, business regulation, and human rights. Dr. Potter serves on the editorial boards of *The China Quarterly*; *The Hong Kong Law Journal*; *China: An International Journal*; and *Pacific Affairs*. In addition to his academic activities, he is admitted to the practice of law in British Columbia, Washington and California, and serves as a consultant to the Canadian national law firm of Borden Ladner Gervais, LLP. He is a member of the Board of Directors of the Canada China Business Council and the Board of Trustees of the British Columbia International Commercial Arbitration Centre. Dr. Potter serves as an arbitrator in international trade disputes involving China, and advises governments and private companies on Chinese affairs.

**CHRIS SANDERSON (Canada)** is a partner at Lawson Lundell LLP who focuses on government relations and regulation in the energy and resource sectors throughout western Canada. He advises utilities, independent power producers, marketers, mine and energy project developers and governments with respect to regulatory matters in the electricity, oil and natural gas and mining sectors. Chris appears frequently before regulatory boards in energy and environmental matters in British Columbia, Alberta and the Northwest Territories. He represents clients in judicial proceedings arising in the regulatory context or, more generally, from the relationship between business and government heard by the courts of British Columbia and Alberta and in the federal court system. Chris is recognized by the LEXPERT®/American Lawyer Guide to the Leading 500 Lawyers in Canada for his expertise in energy (electricity). He is also recognized in the Canadian Legal LEXPERT® Directory and in the Best Lawyers in Canada® directory in the energy (electricity) and oil and gas category. Chris got his B.A. in 1972 and his LL.B in 1977 from the University of British Columbia.

**HANS SCHREIER (Canada)** is an award winning professor at the [Institute for Resources, Environment and Sustainability](#) at The University of British Columbia in Vancouver, Canada. His research interests include Watershed analysis (system dynamics, simulation modeling), Geographic Information Systems (GIS), Land/Water interactions (land use and its impact on water resources), non-point source pollution and cumulative effects, water and soil quality and pollution (excess nutrients, trace metals, sediments), Geomorphological and pedological processes, land degradation processes and rehabilitation. He has dedicated much of his research time to water and resource issues in the Himalayas and Andes and has developed a number of multi-media CD-ROMs to create awareness of mountain processes. He also developed four distance education courses on watershed management that are delivered via the Internet. Participants from the remotest mountain systems of the world can thus participate in this educational program. He believes that looking to the mountains may give us an early indication of what's in store for the entire planet. Hans has a varied education including diplomas in Organic Chemistry (National Certification, Basel) and Air Photo Interpretation and Remote sensing (international Institute of Aerial Surveys and Earth Sciences, Enschede, Netherlands), as well as a B.A. in Physical Geography (University of Colorado), an M.Sc. in Geomorphology & Resource Management (University of Sheffield) and a Ph.D. in Geomorphology from the University of British Columbia.

**JOE WEILER (Canada)** is a Professor of Law at the University of British Columbia. Professor Weiler has long career in alternative dispute resolution during which acted as a mediator and arbitrator in over 400 disputes and was elected to the National Academy of Arbitrators in 1984. He served as Special Advisor to the Vancouver Canucks Hockey Club from 1992-5. Professor Weiler is founding director and president of the Pacific Institute of Law and Public Policy; served as executive director of the Asia Pacific Business Institute (1985-87), chaired the Canadian Bar Association Asian Law Task Force (1986-89) and was executive director of the Nemetz Centre for Dispute Resolution from 1989-1991. From 1986-87, Professor Weiler served as Industrial Inquiry Commissioner of the Port of Vancouver Container Traffic Commission. In 1991-1992 he was Chair of the B.C. Motion Picture Industry- Government Roundtable. From 1995-200 he served on the Board of Directors of BC Film and from 1997-2003 he was on

the Telus New Media and Broadcast Fund Advisory Board. From 1997-2002, he was executive director and general counsel of the BC Seafood Sector Council. He currently serves as Past Chair of the Board of the West Vancouver Arts Centre Trust and sits on the District of West Vancouver's 2010 Olympic/Paralympic Committee. Professor Weiler has edited, co-edited and authored a variety of publications.

**AARON T. WOLF (USA)** is a professor of geography in the Department of Geosciences at Oregon State University. His research focuses on issues relating transboundary water resources to political conflict and cooperation. Professor Wolf currently coordinates the Transboundary Freshwater Dispute Database, which includes a computer compilation of 400 water-related treaties, negotiating notes and background material on fourteen case studies of conflict resolution, news files on cases of acute water-related conflict, and assessments of indigenous/traditional methods of water conflict resolution. He has acted as consultant on various aspects of international water resources and dispute resolution matters to the US Department of State, the US Agency for International Development, and the World Bank. He has been involved in developing the strategies for resolving water aspects of the Arab-Israeli conflict, including co-authoring a State Department reference text, and participating in both official and "track 11" meetings between co-riparians. He is (co-) author or (co-) editor of seven books, and close to fifty journal articles, book chapters, and professional reports on various aspects of transboundary waters. He is an associate editor of *World Water Policy* and the *Journal of the American Water Resources Association*, and is on the editorial board of *Water International* (he was an associate editor from 1995-1999).

**JOSE VICENTE ZAPATA-LUGO (Colombia)** is counted among the leading environmental law practitioners in Colombia. Over the past years, Mr. Zapata-Lugo has participated actively in environmental conflict resolution and resource management, particularly with respect to water as a fundamental natural resource. He has also participated in the drafting of environmental regulations and policies in Colombia. Mr. Zapata-Lugo is a partner at Holguin, Neira, Pombo and Mendoza in Bogota, and heads the environmental law practice of the firm. He is a member of several boards of directors of multinational corporations from the automobile, energy, and

industrial sectors, as well as member of the American Society of International Law, founder and General Secretary of the Colombian Institute for Environmental Law and a member of the Colegio de Abogados de Minas & Petr6leos. He graduated from Pontificia Universidad Javeriana (Bogota) and holds a Master of Laws (LL.M.) from McGill University in Canada. He has taken courses in the Management Program for Lawyers at Yale's School of Management. Mr. Zapata-Lugo has been visiting professor at the universities Javeriana, Rosario, Militar-Nueva Granada, Externado and Andes.

## **F. Rapporteur Report from Project Inception Meeting**

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

*Rapporteurs' Summary of Inception Meeting*

*Oct 1-3, 2008, Whistler BC, Canada*

### **Inception Meeting and Project Launch: Overview**

The inception meeting and launch of the UNDP-GEF International Waters Initiative was held October 1-3, 2008, in Whistler, British Columbia. The Steering Committee met on Thursday to review, clarify and reconfirm the project objectives, timelines, and financing; and were joined by the Advisory Group on Friday to discuss the substantive components of the initiative including case studies and thematic focal areas. The project is aimed at developing interactive and cross-cutting tools for improving transboundary water cooperation, negotiations and processes.

The Advisory Group and Steering Committee worked through identifying criteria and focal areas for analysis of existing water cooperation legal and institutional agreements, including: dispute resolution; civil society, youth, and gender; data and information exchange; institutional design, and others. Specific case studies were identified, intentionally spanning marine, groundwater, and freshwater systems, in areas where participants have expertise and connections. Discussions were animated over the specific outcomes of the projects, including deliverables and demand for and use of the resulting tools. Both Committees also adopted Terms of Reference for their work.

The meeting concluded with a series of concrete actions for the project, and the commitment of participants to engaging in its further development. This

report contains a summary of the discussions and outcomes of the meeting, and highlights the next steps for moving forward.

## **Steering Committee: Thursday, October 2**

Chaired by Joe Weiler, professor of law at UBC, the Steering Committee meeting reviewed and agreed upon the 2008 budget and work plan, project goals, promised deliverables, and timelines of the project, and adopted its Terms of Reference.

The three main objectives of the project were presented by Richard Paisley and Glen Hearn: 1) to facilitate better transboundary waters governance, more effective decision making and more effective institutional frameworks; 2) to strengthen and promote regional and international cooperation and learning; and 3) to facilitate sustainability through south-south dialogue and experiential learning.

Richard Paisley of UBC, and Al Duda of the Global Environment Facility, outlined the stages of the project, describing first, the choice of selection criteria for case study selection for the project, second, the development and validation of experiential teaching and learning tools, and third, the deliverance and refinement of those interactive tools through continual feedback and development from regional learning networks and capacity sharing across the global south. They stressed the need to manage expectations in the project, emphasizing the goal of under-committing and over-delivering on project outcomes.

Participants then discussed the major project goal of creation of mechanisms and tools to facilitate the transfer of best practices and experiences across regional water cooperation efforts and projects, from a policy and governance-focused, rather than a science-focused, perspective. The need to find more effective means to disseminate project findings was highlighted, with the aim of building capacity and promoting more sustainable governance through identification, codification, and replication of practices.

Key factors in the project include the development of a framework for assessing regimes for transboundary waters cooperation; determining the objectives of the stakeholders involved in projects; considering failed as well as successful cases; assessing pressures that will necessitate flexibility and adaptation in regimes; and identifying financial realities of agreements and negotiation processes.

Discussions on the Annual Project Work Plan for year 1 focused on: the development of performance indicators and sustainability; a demand-driven project focus; the need to develop clear terms of reference for the various project deliverables; education and information sharing with regional and national governments; the cross-cutting and integrated nature of marine, freshwater, and groundwater systems; the potential development of an electronic network to facilitate project work; the barriers to electronic access for some relevant stakeholders; and the importance of feedback mechanisms in the project.

Budget discussions noted potential impacts of currency value changes; the difference in funds available for developed and developing country project participants; and potential additional sources of funding. The possibility for matching funds for financial or in-kind donations by the GEF was noted.

### **Advisory Group: Friday, October 3**

The ambitious scope of the project was illuminated through discussions on Friday, chaired by Natasha Affolder, from the UBC Law School. The majority of the day was spent developing a set of considerations and potential focal areas for projects, and clarifying the specific goals of the project to the Advisory Committee. The importance of sharing benefits, building trust, developing negotiation skills, and promoting wide-ranging benefits was noted.

Potential focal areas for case analysis were suggested, with major categories emerging:

- Data and Information Sharing, Exchange, and Harmonization
- Dispute Resolution

- Participation and the Role of Multiple Stakeholders (eg. civil society, youth, and the private sector)
- Flexibility and Adaptability, in relation to challenges like climate change
- Sustainable Financing
- Compliance and Monitoring of transboundary legal frameworks
- Institutional Design
- Benefit Sharing and Cost-Benefit Assessment and Apportionment
- Implementation Frameworks and Operational Mechanisms

Gender was emphasized as a cross-cutting theme, as were the development of evaluation criteria and measurements for success. The need for increased developing country participation in the project was emphasized, especially in relation to the demand-side driven approaches advocated by many. Comments on mechanisms for sustainable financing included both institutional development and maintenance; similarly, institutional design was described as involving the aspects of both agreement formation and operation, including anchoring and implementation of agreements in international and domestic institutions. Funding and the ongoing role of the advisory group were additional topics canvassed.

Final comments around the table addressed major challenges to, and opportunities for, the project including urging the team to review known cases and establish priorities, tap into existing expertise, look into less prominent case studies, and consider values and other intangible concerns in the project. Additional comments pointed to a need to focus on developing practical tools, incorporate technological developments in case study assessments, utilize private sector expertise, and consider the benefits of project outcomes and findings to a multiplicity of sectors, including those outside the water sector. Several comments reflected on the fact the project is intended to assist developing countries, and urged the group not to forget on whose behalf they are working.

## **Moving Forward: Next Steps for the Project**

The meeting concluded with the reiteration of commitment from everyone around the table, and an emphasis on managing the high expectations of the diverse participants and stakeholders.

A number of concrete steps were determined for moving forward: 1) working on case study selection and project focal areas and the further opening of communication channels between the Project Team, Steering Committee, and Advisory Panel including developing and implementing a comprehensive communications plan; 2) the development of a brand, logo, and website; 3) organizing a follow-up meeting; 4) recruiting of additional participants from the global south and marine experts; and 5) extension of the Transboundary Dispute Database.

First, on case selection and focal areas, the Project Team committed to circulating synthesis documents for comment from the Advisory Committee members within three weeks of this meeting. These will outline the specific case studies (e.g. transboundary waterbodies) under consideration and the proposed major themes that will be the focus of the studies. For communication channels, it was decided that the members of the Advisory Committee will be contacted on an as-needed basis for project advice, and are encouraged to contact the project team with ideas, comments, and guidance.

Second, the rapid development of a project website, to be hosted through the GEF IW-Learn platform, was highlighted, and the development of a specific short title and logo for the project was suggested. Project documents and drafts, participants lists and contact details, and additional information will be available online at <http://iwgoodpractices.org/> and <http://www.iwlearn.net/iw-projects/iwproject.2007-09-10.1683285368/view?searchterm=None>.

Third, the engagement of additional participants for the Advisory Panel was established as a priority, particularly to strengthen the representation of perspectives from developing countries and the marine sector.

Finally, the first steps of the project will include the extension of the database on freshwater treaties developed through Aaron Wolf's team at Oregon State University, and will reflect the focal areas discussed by the Advisory Panel, and incorporate case studies on marine and groundwater systems. This further database development will provide the larger framework for global analyses of experiences in transboundary water cooperation, and will offer additional context for evaluating the individual case studies.

The meeting concluded with the reiteration of commitment from many around the table, and an emphasis on managing the high expectations of the diverse participants and stakeholders. Great optimism was expressed at the opportunities presented through this project for collaboration, the development of more extensive toolkits for those involved in water negotiations, and for sharing knowledge and experience.

**G. Group Photograph from Project Inception Meeting**



## H. Preliminary Set of Case Studies for Evaluation

<b>Rough Rating</b>	<b>Category</b>	<b>Comments</b>
6	Data Information Sharing, Exchange, and Harmonization	Harmonization of methods and metrics of monitoring, data collection, modeling.
7	Dispute Resolution	Prevention, avoidance, of disputes. Balancing trade offs.
8	Participation and the Role of Multiple Stakeholders	Civil society, youth, and the private sector. Methods for engagement
8	Flexibility and adaptability of agreements	Dealing with challenges like climate change, and increasing demand. Use of adaptive management.
7	Financing, costs and benefits	Minimizing transactional and operational costs of operating a secretariat (conducting monitoring and analysis). Evaluation of costs and contributions of parties, incorporating intangibles in benefit analysis, understanding ecosystem benefits. Benefit sharing and cost-benefit assessment and apportionment.
2	Compliance and Monitoring	Ensuring that parties are applying the agreement and contributing to its success.
9	Implementation Frameworks and Operational Mechanisms	Institutional design and operations Relation with multi lateral, domestic level, and non-water sectors On the ground activities Decision making and balancing trade offs.
3	Institutional capacity	Ability to deliver on commitments, conduct necessary monitoring, modeling etc.

Included were discussions relating to key issues of environmental sustainability and being able to incorporate intangibles into decision-making; exploring innovative arrangements, such as those found in the private sector; and, understanding the political and social structure under which agreements were developed.

Gender was emphasized as a cross-cutting theme, as were the development of evaluation criteria and measurements for success. The need for increased developing country participation in the project was emphasized, especially in relation to the demand-side driven approaches advocated by many. Comments on mechanisms for sustainable financing included both institutional development and maintenance; similarly, institutional design was described as involving the aspects of both agreement formation and operation, including anchoring and implementation of agreements in international and domestic institutions.

Preliminary Categories for comparison

<b>Category</b>	<b>Performance Measure</b>
Data and Information	<p><b>Data and information exchange</b> – Assesses if there are formal protocols of information and data exchange.</p> <p><b>Effectiveness</b> – Evaluates the effectiveness of this exchange in terms of methods and metrics of monitoring, data collection, modelling and harmonization.</p>
Dispute Resolution	<p><b>Dispute mechanism</b> – Assesses if there is a formalised dispute mechanism in place. Based on treaty text.</p> <p><b>Dispute mechanism effectiveness</b> – Evaluates how effective that mechanism has been in dealing with differences between parties. This will be primarily based on interviews and expert judgement.</p> <p><b>Informal dispute mechanism</b> - Assesses the degree to which disputes are dealt with through informal means.</p>
Participation and the Role of Multiple Stakeholders	<p><b>Multiple stakeholder involvement</b> – Assesses degree of stakeholder involvement. The final metric is a aggregated value, based on inclusion of:</p> <ul style="list-style-type: none"> <li>- Civil society,</li> <li>- youth, and the</li> <li>- private sector.</li> </ul> <p>Disaggregated data for each will be collected and presented. Based on text of treaties and agreements, reports, attendees in meetings etc.</p> <p><b>Effectiveness of stakeholder involvement</b> – Evaluation of the implication and effectiveness of stakeholder involvement.</p>
Flexibility	<p><b>Does flexibility exist in the agreement</b> – Assesses whether there is any forum for alterations of the substantive elements of an agreement, or inclusion of new issues as they arise.</p>

	<b>Flexibility rating</b> – Evaluates the actual flexibility of the agreement in terms of having to deal with new issues, or the potential to deal with them.
Sustainable Financing	<b>% donor funding</b> – What % of the transactional and operational costs (including in-kind) are funded by the donor community (these are not large capital costs).
Costs and Benefits	Minimizing transactional and operational costs of operating a secretariat (conducting monitoring and analysis). Evaluation of costs and contributions of parties, incorporating intangibles in benefit analysis, understanding ecosystem benefits. Benefit sharing and cost-benefit assessment and apportionment.
Implementation Frameworks and Operational Mechanisms	<b>Construction of institutional arrangement</b> – Describes the arrangement, ie secretariat, a commission, etc. <b>Institutional effectiveness</b> – Evaluates the effectiveness of the arrangement in terms of: <ul style="list-style-type: none"> <li>- meeting multiple objectives</li> <li>- on the ground activities</li> </ul>

Primary metrics, such as if a dispute resolution mechanism exists, will be assessed through examination of the treaty or agreement and sub agreements.

Secondary metrics, such as evaluating effectiveness of stakeholder, will involve developing constructed scales such as “poor / fairly poor / neutral / good / excellent”. Overall assessments using these constructed scales will be based on surveys and completed by local experts and practitioners as well as other interested persons through IW:LEARN and at South South Peer Group Meetings.

**I. Year 1 Project Workplan Schematic with Budget and Indicators**

<b>WORKPLAN FOR YEAR 1</b>	Time Frame	Input GEF	Input Co-Fin	SMART Indicators
<b>COMPONENT 1: IDENTIFICATION AND UNDERSTANDING OF GOOD PRACTICES AND FOSTERING A SOUTH-SOUTH DIALOGUE</b>	3 <sup>RD</sup> QUARTER 2008 THROUGH 3 <sup>RD</sup> QUARTER 2009	<b>210,000</b>	<b>280,000</b>	
<b>OBJECTIVE 1.1</b> INDENTIFY AND ANALYSE SUCCESSFUL (AND VARIOUS UNSUCCESSFUL) APPROACHES TO GOVERNANCE OF IW WITHIN AND BEYOND THE GEF PORTFOLIO, AND DEFINE PERFORMANCE MEASURES FOR LEGAL AND INSTITUTIONAL ARRANGEMENTS IN COOPERATIVE REGIME BUILDING.				
<b>OUTCOME 1.1.1</b> A CLEAR UNDERSTANDING OF INSTITUTIONAL AND DECISION MAKING FRAMEWORKS THAT PROVIDE EFFECTIVE GOVERNANCE OF INTERNATIONAL WATER RESOURCES, WITH A PARTICULAR FOCUS ON THOSE ELEMENTS WHICH SOUTHERN PRACTITIONERS FIND MOST BENEFICIAL				
<b>OUTPUT 1.1.1.1</b> REPORT AND CD "REVIEW AND ANALYSIS OF GEF AND NON-GEF INTERNATIONAL WATERS LEGAL AND INSTITUTIONAL FRAMEWORKS AND OTHER RELEVANT FRAMEWORKS."				
<b>ACTIVITY</b> REVIEW, ANALYZE AND SYNTHESIZE EFFECTIVE GOVERNANCE MECHANISMS AND GOOD PRACTICES INCLUDING BOTH GEF AND NON-GEF FUNDED INTERNATIONAL WATER INITIATIVES.				
<ul style="list-style-type: none"> <li>Development of common elements of 'good governance' with respect to legal and institutional frameworks. These common elements should be cross cutting between groundwater, freshwater, and marine institutional arrangements. They will form the basis for analysis of governance systems and the development of the training tool kit. The common elements will be developed with input from the Advisory Panel, the Steering Committee, interviews with practitioners and academics, and field</li> </ul>	4 <sup>TH</sup> QUARTER 2008	15,000	20,000	<p>COMMON ELEMENNTS OF GOOD GOVERNANCE HAVE BEEN DETERMINED AND CIRCULATED TO AP AND SC.</p> <p>Common elements framework are confirmed and refined by practitioners and field meetings etc.</p>

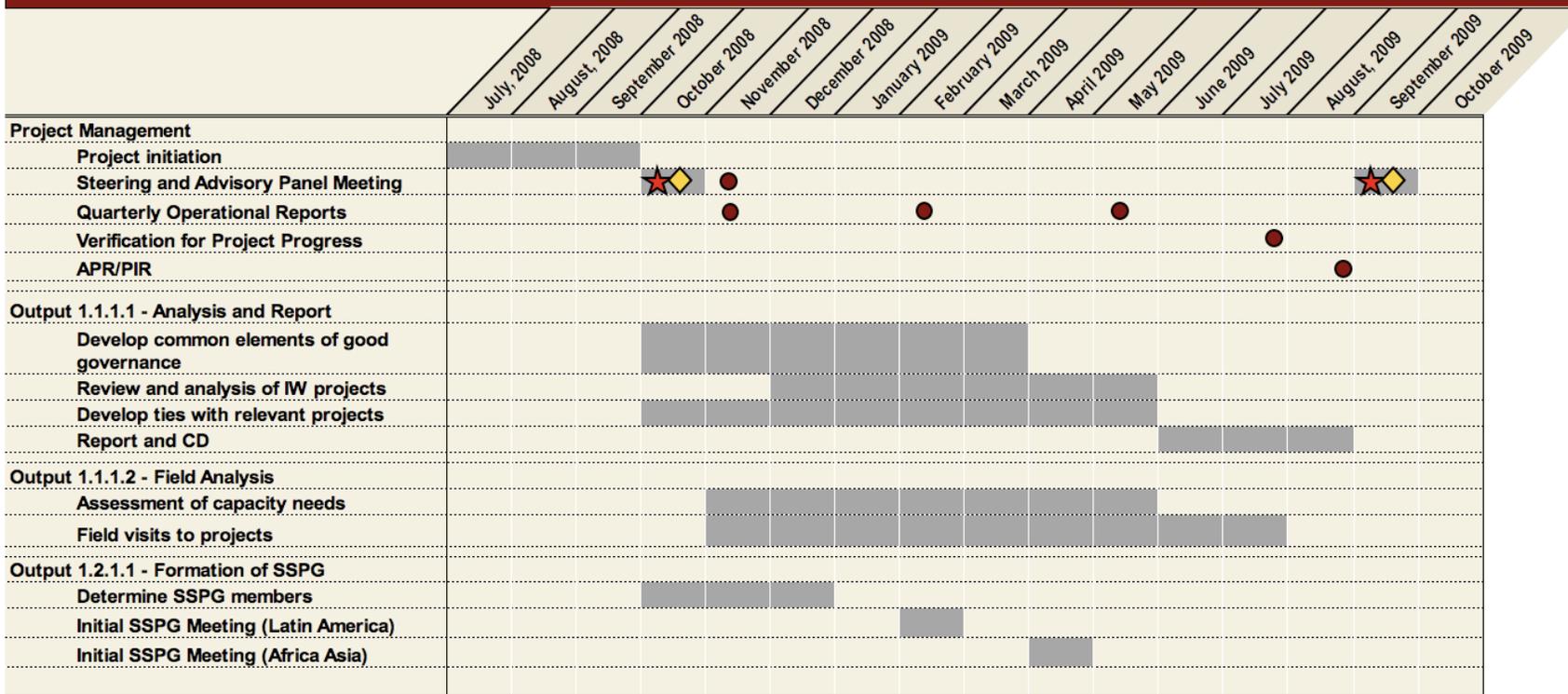
<p>visits. A framework for analysis will be developed early in the project and will be used for assessing the common elements of 'good governance'. Where appropriate the project will advance the Oregon State University international waters database</p>				
<ul style="list-style-type: none"> <li>Review and analysis of GEF and Non-GEF international waters legal and institutional frameworks to assess elements of 'good governance'. This review will also allow a clearer refinement of elements of 'good governance'. The review will be primarily a desk review of project documents, papers and reports and interviews with knowledgeable practitioners and academics. See Appendix G for list of case studies.</li> </ul>	<p>3<sup>RD</sup> QUARTER 2008 TO 2<sup>ND</sup> QUARTER 2009</p>	<p>35,000</p>	<p>35,000</p>	<p>ANALYSIS OF CASE-STUDIES IN COMPLETED. Includes refined elements of 'good governance'</p>
<ul style="list-style-type: none"> <li>Develop close ties with relevant projects. Close ties will be developed with the UNDP/GEF-MSP Transboundary Waters Management Experience in Europe, Caucasus and Central Asian program, as well as with the proposed regional MSP testing adaptive learning mechanisms to improve regional water systems governance in Africa in order to complement that work and to share both project implementation</li> </ul>	<p>1<sup>ST</sup> QUARTER 2009</p>	<p>15,000</p>	<p>20,000</p>	<p>LINKS AND RELATIONSHIPS DEVELOPED AND ACTIVELY WORKING.</p>

experiences as well as substantive findings <sup>[a2]</sup> .				
<ul style="list-style-type: none"> <li>• Report and CD on key common elements of ‘good governance’ and institutional performance measures (ie how well are institutions applying the key elements). A report and CD will be developed based on the review and analysis. The results of the research will be circulated to the Advisory Panel as well as the South-South Peer Review Group.</li> </ul>	2 <sup>ND</sup> AND 3 <sup>RD</sup> QUARTER 2009	5,000	10,000	REPORT COMPLETED AND CIRCULATED.
<ul style="list-style-type: none"> <li>• Exchange of information and knowledge with professionals, academics and others at key conferences and meetings. Including promotion of the project and IW:LEARN web site. <ul style="list-style-type: none"> <li>○ World Water Congress Montpelier Sept., 3<sup>rd</sup> Q, 2008</li> <li>○ ?</li> </ul> </li> </ul>	3 <sup>rd</sup> Q, 2008 - 3 <sup>rd</sup> Q, 2009	--	15,000	MEETINGS ATTENED
<b>OUTPUT 1.1.1.2</b> ON THE GROUND ANALYSIS OF A VARIETY OF IW REGIMES AT VARIOUS STAGES OF DEVELOPMENT AND ASSESSMENT OF CAPACITY DEVELOPMENT NEEDS.				
<b>ACTIVITY</b> ASSESS IN THE FIELD, ‘ON-THE GROUND’ NEEDS AND EXPERIENCES FOR CAPACITY BUILDING, INCLUDING THOSE ALREADY GENERATED BY IWLEARN AND PDFA WORKSHOP AND SURVEY RESULTS.				
<ul style="list-style-type: none"> <li>• Assessment of capacity needs through targeted questionnaire and interviews with</li> </ul>	1-3 <sup>RD</sup> QUARTER,	5000	10,000	SURVEY CONDUCTED.

<p>practitioners regarding main capacity building needs with respect to key elements of 'good governance'. Analysis will take place on projects with a transboundary nature, but also at the local level where effects can be explored between international-national-local interaction. Continue work initiated in 3<sup>rd</sup> quarter 2006</p>	2009			
<ul style="list-style-type: none"> <li>• Field visits to 5-9 international water projects (GEF and other relevant projects). Initial visits to include, amongst others: <ul style="list-style-type: none"> <li>○ Nile Basin, R. Paisley as lead. 4<sup>th</sup> Q, 2008-1<sup>st</sup> Q 2009</li> <li>○ Iullemeden Aquifer, G. Hearn as lead, 4<sup>th</sup> Q, 2008</li> <li>○ Columbia River, R. Paisley as lead, 1<sup>st</sup> and 2<sup>nd</sup> Q 2009</li> <li>○ Rio Grande, B. Graizbord as lead, 1<sup>st</sup> Q, 2009</li> <li>○ Cartagena Convention, M. Healey as lead, 2<sup>nd</sup> Q, 2009</li> <li>○ Abidjan Convention, TDB,</li> <li>○ Local – national – international regime study, Costa Rica – Panama</li> </ul> </li> </ul>	4 <sup>th</sup> Q, 2008-3 <sup>rd</sup> Q, 2009	55,000	70,800	FIELD VISITS CONDUCTED

case study, H. Hartman, 3 <sup>rd</sup> Q, 2008 to 2 <sup>nd</sup> Q 2009.					
OBJECTIVE 1.2	PROMOTE FACILITATED EXCHANGES OF EXPERIENCE THROUGH SOUTH-SOUTH PEER LEARNING NETWORKS, AND INCORPORATE LOCAL OBJECTIVES FOR CAPACITY BUILDING.				
OUTCOME 1.2.1	INCREASED INTERACTION AND SOUTH-SOUTH DIALOGUE OF EXPERIENCES AND OBJECTIVES IN REGIME MANAGEMENT.				
ACTIVITY	INITIATE SOUTH-SOUTH DIALOGUE TO INCORPORATE FIELD EXPERIENCE IN THE ANALYSIS, AND ESTABLISH A CORE PEER GROUP FOR ON GOING PROJECT REFERENCE, AND BEYOND.				
	<ul style="list-style-type: none"> <li>Determine Peer Group members. Develop links to projects and institutions which can provide the necessary field experience and insight to provide direction for development of capacity building tools.</li> </ul>	4 <sup>TH</sup> QUARTER 2008 AND 1 <sup>ST</sup> QUARTER 2009	5000	10000	PEER GROUPS DEVELOPED
	<ul style="list-style-type: none"> <li>Initial meeting of the Latin American cohort of the SSPG to provide input to the development of the key elements of good governance, and tool development. Meeting likely held in Mexico at El Colegio de Mexico.</li> </ul>	1 <sup>ST</sup> QUARTER 2009	25,000	30,000	MEETING HELD
	<ul style="list-style-type: none"> <li>Initial meeting of the Africa and Asia cohorts of the SSPG to provide input to the development of the key elements of good governance, and tool development. Meeting place to be determined.</li> </ul>	2 <sup>ND</sup> OR 3 <sup>RD</sup> QUARTER 2009	50,000	60,000	MEETING HELD

**Annual Work Plan Year 1**



- Reporting Requirements
- ★ Steering Committee Meeting
- ◆ Advisory Committee Meetings
- ▲ South-South Peer Group Meeting
- Capacity Building Event

## J. Preliminary List of Study Sites

Region/Water Body	Large Marine Ecosystems	Rivers and Lakes	Groundwater
Africa	<ul style="list-style-type: none"> <li>• Guinea current,</li> <li>• Benguela current</li> <li>• Canary current</li> </ul> <u>Abidjan Convention</u>	Okavango Niger <u>Nile</u> Lake Chad Lake Tanganyika Orange <u>Senegal</u> Lake Victoria Volta	Illumedden (no agreement in place)
Latin America and Caribbean	Humbolt Current Caribbean Sea LME <u>-Cartagena Convention</u> <u>-Joint (fisheries) development zone between Jamaica and Columbia</u> <u>-South Atlantic Fisheries zone (Argentina and Falklands)</u>	<u>Amazon</u> Plata/Uruguay + Paraguay <u>Rio Bravo</u> (soon to be GEF)	Guarani (no agreement in place)
Asia	East Asian Seas South China Sea Pacific Warm Pool <u>WCPFC</u>	<u>Mekong</u>	
Commonwealth of Independent States	<u>Black Sea (Black Sea Conv)</u> Baltic ( <u>Helsinki Conv</u> ) Caspian ( <u>Conv for prot of</u> )	<u>Danube</u> Lake Orhid/Prespa Lake Peipsi Sava Basin Dnipro [a3]	Dinaric Karst (no agreement in place)
Arab States	Red Sea[a4]		<u>Nubian</u> <u>NW Sahara</u>
Europe	Mediterranean ( <u>Barcelona Conv 1975</u> )		<u>Franco-Swiss Genvese Aquifer</u>