

SYMPOSIUM AGENDA

# Improving Public Participation and Governance in International Watershed Management

APRIL 18-19, 2003  
UNIVERSITY OF VIRGINIA SCHOOL OF LAW  
CHARLOTTESVILLE, VIRGINIA



UNITED NATIONS  
UNIVERSITY



# Improving Public Participation and Governance in International Watershed Management

Clean water is essential to human survival, yet it is increasingly scarce. Despite pressures on this crucial resource, people often have little or no opportunity to participate in watershed decisions that affect them, particularly when they live along international watercourses. The United Nations recently identified the rising demand for water as one of four major factors that will threaten human and ecological health for at least a generation. Over the coming decade, governments throughout the world will struggle to manage water in ways that are efficient, equitable, and environmentally sound. Whether these efforts succeed may turn, in large part, on providing the public with a voice in watershed management decisions that directly affect them. Public involvement holds the promise of improving the management of international watercourses and reducing the potential for conflict over water issues.

The [SYMPOSIUM ON IMPROVING PUBLIC PARTICIPATION AND GOVERNANCE IN INTERNATIONAL WATERSHED MANAGEMENT](#) will bring together water managers, international lawyers, government officials, and other experts from around the world to exchange experiences in promoting effective public participation in the management of international watercourses. The discussions will highlight successful mechanisms for ensuring that people have access to information about watercourses and factors that could impact them; that people who may be affected have the opportunity to participate in decisions regarding the watercourse; and that people can seek redress when they are affected by activities in an international watercourse.

This symposium will seek to identify successful mechanisms, approaches, and practices for promoting public involvement in international watershed management. It will draw upon experiences in various international watercourses, as well as some relevant sub-national watercourses. Participants will consider existing and emerging tools that can improve governance and public involvement. Finally, this symposium will examine conditions that facilitate or hinder public involvement, as well as contextual factors that may limit transference of experiences from one watershed to another.

Seven institutions are convening this symposium, with support from the Carnegie Corporation:

The [United Nations University](#) is an organ of the United Nations established in 1972 to be an international community of scholars engaged in research, advanced training, and the dissemination of knowledge related to the pressing global

problems of human survival, development, and welfare, with activities focusing mainly on the areas of peace and governance, environment and sustainable development, and science and technology.

For more than three decades, the [Environmental Law Institute \(ELI\)](#) has advanced environmental protection through research, publishing, and training designed to improve law, policy, and management in the United States and internationally.

[America's Clean Water Foundation \(ACWF\)](#) is a not-for-profit organization dedicated to promoting personal and community stewardship of our nation's water resources and fostering a better understanding of methods for achieving clean and safe water through outreach, education, and demonstration projects.

The [United Nations Environment Programme \(UNEP\)](#) encourages sustainable development through sound environmental practices and activities across a wide range of issues, from the protection of atmosphere and terrestrial ecosystems, to the promotion of environmental science and information, to the development of an early warning and emergency response capacity to deal with environmental disasters and emergencies.

The [U.S. Department of State](#) helps formulate, represent, and implement the President's foreign policy and the United States diplomatic efforts in 180 countries by coordinating and supporting international activities of other U.S. agencies, and conducting negotiations and concluding agreements and treaties on issues ranging from trade to nuclear weapons.

Founded by Thomas Jefferson in 1826, the [University of Virginia School of Law](#) is world-renowned for educating lawyers to the highest standard of professional excellence and instilling in them a commitment to leadership, integrity, and public service.

For 30 years, the [U.S. Environmental Protection Agency](#) has worked to protect human health and to safeguard the natural environment upon which life depends by providing leadership in the nation's environmental science, research, education, and assessment efforts and working closely with other federal agencies, state and local governments, and Indian tribes to develop and enforce regulations under existing environmental laws.

## FRIDAY, APRIL 18

**7:30 A.M. – 8:30 A.M.**

### Registration and Continental Breakfast

**8:30 A.M. – 8:45 A.M.**

### Welcome and Overview

Jon Cannon, *University of Virginia School of Law*

Carl Bruch, *Environmental Law Institute*

Libor Jansky, *United Nations University*

**8:45 A.M. – 9:00 A.M.**

**Keynote Address:** Patrick Kahangire, *Directorate of Water Development, Ministry for Water, Land, and Environment, Uganda*

**9:00 A.M. – 10:30 A.M.**

### The Role of Public Participation in Decisionmaking: Essential or Dispensable in Watershed Management?

This panel will discuss the theoretical and practical merits of public involvement in watershed management at the local, national, and international levels. What is “public participation”? How does it relate to the procedures and authorities of institutions such as legislatures or administrative agencies? Will transparency and inclusion improve the decisions made by these institutions? Should these institutions share decisionmaking responsibility with NGOs or stakeholder groups? What are the possibilities and limits of collaborative decisionmaking involving stakeholders?

**Moderator:** Jon Cannon, *University of Virginia School of Law*

#### Presenters:

Asit Biswas, *Third World Center for Water Management*, “Public Participation in the Management of Large Watersheds: Some Unanswered Issues”

Bradley Karkkainen, *Columbia Law School*, “Transboundary Ecosystem Governance: Beyond Sovereignty?”

David Getches, *University of Colorado Law School*, “The Efficiency of Experts vs. the Chaos of Public Participation”

**10:30 A.M. – 10:45 A.M.**

### Break

**10:45 A.M. – 12:45 P.M.**

### Specific Tools for Facilitating Access to Information and Public Participation in International Watercourse Management

This panel will examine some of the mechanisms for making watershed information available to the public, ensuring that members of the public have the opportunity to participate in decisions, and offering avenues for the public to seek independent redress.

**Moderator:** Mikiyasu Nakayama, *Tokyo University of Agriculture and Technology/United Nations University*

#### Presenters:

Carl Bruch, *Environmental Law Institute*, “Internet-Based Tools for Disseminating Information and Promoting Public Participation”

Kazimierz A. Salewicz, *Consultant*, “Capabilities and Limitations of Decision Support Systems (DSS) in Facilitating Access to Information”

Geoffrey Garver, *North American Commission for Environmental Cooperation*, “A North American Toolbox for Public Involvement in International Watershed Issues”

Roy A. Hoagland, *Chesapeake Bay Foundation*, “Public Participation in a Multijurisdictional Resource Recovery: Lessons from the Chesapeake Bay Program”

George Sikoyo, *African Centre for Technology Studies*, “Public Participation in the Development of Guidelines for Regional Environmental Impact Assessment of Transboundary Aquatic Ecosystems of East Africa”

**12:45 P.M. – 2:30 P.M.**

### Luncheon

**Introduction to the Keynote Speaker:** Libor Jansky, *United Nations University*

**Keynote Speaker:** Judith Ayres, *U.S. Environmental Protection Agency*

**2:30 P.M. – 4:00 P.M.**

### Public Involvement in International Financial Institutions

International financial institutions frequently finance projects, including large-scale hydropower projects, that affect transboundary watercourses around the world. Over the past decade, many of these institutions have developed and implemented policies and mechanisms to ensure public access to information, public participation in proposed projects (through environmental impact assessment) and policies (through the World Commission on Dams), and access to quasi-judicial redress (such as the World Bank Inspection Panel). This panel will examine experiences in promoting public involvement in various international institutions.

**Moderator:** John Setear, *University of Virginia School of Law*

#### Presenters:

Charles DiLeva, *Legal Department, World Bank*, “Access to Information, Public Involvement, and Conflict Resolution at the World Bank”

Aboubacar Fall, *African Development Bank*, “Water Resources Management and Public Participation: The Experience of the African Development Bank”

Pablo Gonzalez, *Organization of American States*, “Multi-stakeholder Involvement and IWRM in Transboundary River Basins: GEF/UNEP/OAS Experiences with the Strategic Action Program for the San Juan River Basin, Costa Rica and Nicaragua”

Brennan Van Dyke, *United Nations Environment Programme*, “Public Participation Successes and Challenges of the World Commission on Dams and Follow-up”

**4:00 P.M. – 4:30 P.M.**

### Break

**TECHNICAL SESSION**  
**TOOLS FOR A VIRTUAL COMMUNITY**  
**4:30 – 6:00 P.M.**

Increasingly, the internet presents opportunities to disseminate information on the status of transboundary watersheds and projects that could affect them, as well as providing an avenue to solicit public input regarding decisions on projects and broader policies. Technological aspects of information gathering, processing, and dissemination have become central to decisionmaking in water resource systems. In fact, significant advances in natural resource management, development planning, and environmental protection could not take place without technical and methodological advances in information technology. Accordingly, information technology, and the internet in particular, are becoming standard tools for professionals, scientists, advocates, and decisionmakers in their daily activities.

Dramatic progress has been made in improving water management through use of equally dramatic developments in information technology. This technical session will highlight a variety of web pages, decision support tools, and other innovative internet-based approaches for fostering public involvement in the management of various transboundary watercourses. Participants will be able to explore a range of existing and emerging tools through “islands” at which participants will be guided through different tools.

The technical session will build upon discussions at the symposium and provide some specific, concrete tools and methodologies that can

- facilitate public access to information about the status of international watercourses and factors that could affect them;
- provide innovative avenues for members of the public to participate in decisions that could affect international watercourses;
- improve decisions through decision support tools available to decisionmakers, advocates, and the public; and
- offer opportunities for members of the public to appeal to courts and fact-finding bodies to ensure adherence to rules governing the watercourse.

**Presenters in this session include:**

Gerald Cunningham, *UNEP/INFOTERRA*, “UNEP.NET Information Services for Watershed Management”

John Labadie, *Colorado State University*, “Application of MODSIM to Endangered Species Flow Augmentation Analysis in the Snake River Basin”

Daniel P. Loucks, *Cornell University*, “Using Data-Driven DSSs to Help Stakeholders Reach Shared Visions”

Tim Magee, *University of Colorado at Boulder*, “Managing Reservoirs with RiverWare at TVA and USBR”

Christine Manninen, *Great Lakes Commission*, “Tools for Connecting a Binational Watershed: The Great Lakes Information Network (GLIN)”

Kazimierz Salewicz, *Consultant*, “Web-Based Prototype DSS for Evaluating Impacts of Policy Decisions in the Ganges Basin”

Craig Schultz, *Arcus Gibb Ltd.*, “The Water Situation Assessment Model (WSAM) as a Tool for Improved Stakeholder Participation in Local Inter-Sector, Inter-Regional, and International Water Sharing”

Jay Sherman, *Consultant (former Director of Outreach and Training, Chesapeake Bay Foundation)*, “Using the Internet to Access Environmental Information About the Chesapeake Bay and to Help Citizens Participate in its Protection and Restoration”

Ashbindu Singh, *UNEP*, and Marcia Macomber, *Oregon State University*, “The World’s International Freshwater Agreements”

**7:00 P.M. – 9:00 P.M.**

**Official Dinner**

**Host:** John C. Jeffries, Jr., *University of Virginia School of Law*

**Introduction to the Keynote Speaker:** J. William Futrell, *Environmental Law Institute*

**Keynote Speaker:** John Turner, *U.S. Department of State*

## SATURDAY, APRIL 19

**8:30 A.M. – 10:15 A.M.**

### Public Involvement in International Watercourses

This panel will examine experiences in promoting public involvement in international watercourses from the Americas, Europe, and Asia. Speakers will discuss tools and approaches that have advanced public access to information, participation, and accountability, as well as challenges faced.

**Moderator:** Timothy Kibaki, *Ministry of Water Resources, Kenya*

**Presenters:**

Ruth Greenspan Bell, *Resources for the Future*, and Libor

Jansky, *United Nations University*, “Public Participation in the Management of the Danube River—Necessary but Neglected”

John Jackson, *Great Lakes United*, “Citizens Working Across National Borders: The Experience in the North American Great Lakes”

Juan Miguel Picolotti, *Center for Human Rights and Environment*, “Access to Justice in Latin American Watercourses”

Mary Kelly, *Environmental Defense*, “Opportunities in Transboundary Management of the Rio Grande”

Prachoom Chomchai, *Chulalongkorn University*, “Public Participation in Watershed Management Theory and Practice: A Mekong River Basin Perspective”

**10:15 A.M. – 10:30 A.M.**

### Break

**10:30 A.M. – 12:00 Noon**

### Public Involvement in Transboundary Watercourses in Africa

International rivers and lakes cut across many nations in Africa. Joined by this network of watercourses, African nations and peoples are exploring ways to improve the management of these water sources that are essential to health, development, and environment. This panel will discuss experiences from around the continent and consider ways to further improve public involvement in African watercourses.

**Moderator:** Charles Okidi, *University of Nairobi*

**Presenters:**

Robyn Stein, *University of the Witwatersrand, Mandela Institute, School of Law*, “Sharing Water for Socio-Economic Improvement: Aspects of the SADC Regulatory Experience Supporting Public Participation”

John Ntambirweki, *Makerere University Faculty of Law*, “People-to-People Cooperation Across Borders: An Emerging Trend in the Lake Victoria Basin, or an Illusion?”

Adamou Namata, *Chairman of the Council of Ministers, Niger Basin Authority (NBA) and Lake Chad Basin Commission (LCBC), Niger*, “Public Participation in Shared Waters Management in West Africa: The Niger and Lake Chad Basins”

Peter Ashton, *CSIR*, “Public Involvement in Water Resource Management Within the Okavango River Basin”

Aly M. Shady, *Canadian International Development Agency*, “Public Participation in the Nile River Basin: Past Experience and Prospects for the Future”

**12:00 Noon – 1:30 P.M.**

### Luncheon

**Introduction to Keynote Speaker:** Roberta Savage, *America’s Clean Water Foundation*

**Keynote Speaker:** Tayloe Murphy, *State of Virginia*

**1:30 P.M. – 3:30 P.M.**

### Experiences in Managing Sub-national Watersheds

Many local watersheds in the United States and elsewhere have promoted public access to information and participation in innovative ways. This session will focus on experiences that may be relevant to international watersheds. It will consider the role of scientific information in effective public participation; the roles of federal, state, and local authorities, NGOs, and individuals; and forms of public participation and policymaking.

**Moderator:** Tom Okurut, *East African Community*

**Presenters:**

Rebecca Hanmer, *Chesapeake Bay Program, U.S. Environmental Protection Agency*, “Chesapeake Bay Protection: Business in the Open”

Nancy Gitonga, *Director of Fisheries, Kenya*, “Improving Sustainable Management of Kenyan Fisheries Through Public Participation”

John Volkman, *Stoel Rives*, “Learning in Ecosystems: The Columbia River Experience”

Tomlinson Fort, *Sunoco, Inc.*, “The Delaware River Estuary—PCB TMDL Cooperative Stakeholder Process”

Mary Orton, *The Mary Orton Company, LLC.*, “The Colorado River through The Grand Canyon: Applying Alternative Dispute Resolution Methods to Public Participation”

**3:30 P.M. – 4:00 P.M.**

### Break

**4:00 P.M. – 5:00 P.M.**

### Synthesis

In this concluding session, panelists will revisit the questions set forth in the first session, in light of the practical experiences surveyed in the intervening sessions: Is public involvement a good idea? Under what circumstances? How do we address potential barriers?

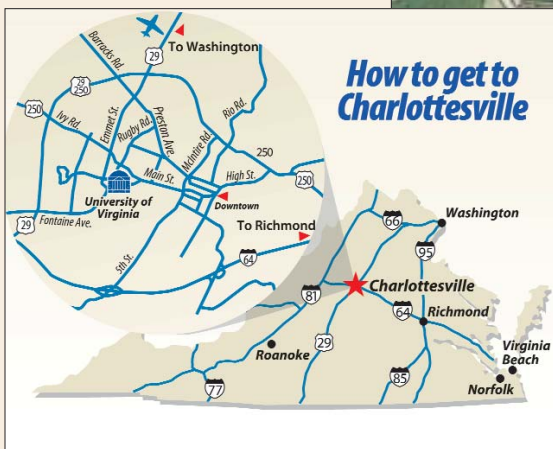
**Moderator:** Carl Bruch, *Environmental Law Institute*

**Panelists:**

Mrisho Wakaru Kivugo, *Ministry of Water Resources Management and Development, Tanzania*

Joseph Dellapenna, *Villanova University School of Law/ Rapporteur, Water Resources Committee of the International Law Association*

Benedito Braga, *Brazilian National Water Agency (ANA)*



For more information, please visit the symposium web site at [www.eli.org/watercourses](http://www.eli.org/watercourses).

### Directions to the Law School

#### From I-64

Following signs to the UVA Information Center, get off at exit 118B for the Route 29/250 Bypass. Go approximately 2 miles and take the exit ramp for Route 250 East Business (Ivy Road). Turn right off the exit ramp and follow Ivy Road. At the second traffic light, turn left on to Alderman Road. Continue to the first traffic light and make a left on to Massie Road. Follow Massie Road approximately 3/4 mile. The Law School will be on the left. Continue through the 3-way stop and proceed straight ahead to "The Park." Parking is available in the lower section of this lot with signs marked "blue permit only."


#### From I-66, via US Route 29 South

Take I-66 from Northern Virginia past Manassas. Take the exit marked "Route 29 South - Gainesville." Proceed to Charlottesville, where Route 29 becomes Emmet Street. Make a right on to Arlington Boulevard (Wachovia Bank and Virginia National Bank are on your right). Proceed to the 3-way stop. Make a right on to Massie Road and continue straight ahead to "The Park." Parking is available in the lower section of this lot with signs marked "blue permit only."

#### For International Travelers

Charlottesville is located about two hours southwest of Washington, DC. Participants may fly into Charlottesville Airport and take a taxi or shuttle to the law school. Alternatively, participants may fly into the DC area and rent a car or take a shuttle to Charlottesville. More logistical information is available on the conference web site.

Photo courtesy of Sam Abell,  
National Geographic Image Collection.

 Printed on recycled paper with agri-inks.