



Higher Education for Development (HED)  
and  
U.S. Agency for International Development (USAID)

**CAFTA-DR Environmental Law and Policy Capacity-Building  
Partnership**

**FINAL ASSOCIATE AWARD REPORT  
September 29, 2008 – March 28, 2013**

**JUNE 2013**

**USAID/El Salvador Associate Award  
Cooperative Agreement # AEG-A-00-05-00007-00  
Associate Cooperative Agreement # EDH-A-00-08-00029-00**

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### List of Acronyms

|             |   |
|-------------|---|
| ACE         | American Council on Education   |
| CAFTA-DR    | Central American Free Trade Agreement – Dominican Republic  |
| CEDHJUCAN   | Center for Human Rights and Justice on the Nicaraguan Atlantic Coast                                      |
| CIAPA       | Centro de Investigación y Adiestramiento Político y Administrativo  |
| GSU         | Georgia State University  |
| HED         | Higher Education for Development  |
| ITCA-FEPADE | Instituto Técnico de Centroamérica - Fundación Empresarial para el Desarrollo Educativo                   |
| MOU         | Memorandum of Understanding   |
| MSc         | Master of Science   |
| NGO         | Non-Governmental Organization   |
| PhD         | Doctor of Philosophy  |
| RFA         | Request for Applications  |
| RUDA        | Red Universitaria de Derecho Ambiental  |
| SJD         | Doctor of Juridical Science   |
| TOT         | Training of Trainers  |
| UMG         | Universidad Mariano Gálvez  |
| UNIBE       | Universidad Iberoamericana  |
| UNICEF      | United Nations Children's Fund (formerly United Nations International Children's Emergency Fund)          |
| UPF         | Universidad Paolo Freire  |
| URL         | Universidad Rafael Landívar   |
| USAC        | Universidad San Carlos de Guatemala   |
| USAID       | United States Agency for International Development  |
| USAID/AFR   | United States Agency for International Development/Africa Bureau  |
| USAID/E3    | United States Agency for International Development/Bureau for Economic Growth, Education, and Environment |
| USAID/EGAT  | United States Agency for International Development/Bureau for Economic Growth, Agriculture, and Trade     |

## Executive Summary

In September 2009, under Associate Award EDH-A-00-08-00029-00, HED made one award of \$649,999 to Georgia State University (GSU) for a three-year partnership titled “CAFTA-DR Environmental Law Capacity Building Initiative” to collaborate with the Universidad Iberoamericana in the Dominican Republic, the Universidad Rafael Landívar in Guatemala, and the Universidad Paolo Freire in Nicaragua. Effective July 15, 2010, the award was transferred to Tulane University following Partnership Director Dr. Colin Crawford’s transfer to Tulane.

The overall goal of this regional higher education partnership was to strengthen the teaching and implementation of environmental law in three of the Central America Free Trade Agreement-Dominican Republic (CAFTA-DR) countries: the Dominican Republic, Guatemala, and Nicaragua. The original objectives of the partnership were to:

1. Identify a diverse cadre of high performing motivated individuals, strengthen their foundations, and train them to function as trainers in their countries and across the region in the area of environmental law;
2. Institutionalize a practical, action-oriented *diplomado* in Environmental Law within one institution in each of the partner countries that is staffed by those trained program participants;
3. Develop among the participants a commitment to networking and a cooperative working spirit that promotes a comparative regional focus and fosters research collaborations; and
4. Solidify advisory, public relations, opinion mobilization, and advocacy and conflict resolution skills within this group and prepare them to train others in those areas through the *diplomado* program.

In October 2012, due to substantial savings in administrative and indirect costs, ACE/HED was able to provide an additional \$120,000, primarily to expand partnership activities into a fourth CAFTA-DR signatory country: El Salvador. Following the Mission’s approval of a six-month extension to ACE/HED’s Associate Cooperative Agreement to March 28, 2013, ACE/HED, in turn, extended Tulane subagreement to the same end date.

Under Objective 1, the partners, via a series of intensive train-the-trainers (TOT) sessions, enhanced the capacity of 21 environmental professionals from each of the three original CAFTA-DR host countries. The participants (six from the Dominican Republic, six from Nicaragua, and nine from Guatemala) acquired a wide range and variety of state-of-the-art pedagogical techniques, emphasizing the need to actively involve students in the classroom. They came from diverse universities and technical institutes, both public and private.

Under Objective 2, the partnership was highly successful in developing curricula and producing training and teaching materials for the environmental law and policy *diplomado*, which will now also be incorporated into existing and new masters and doctorate-level programs at partner universities in the three original host countries: Dominican Republic (UNIBE), Guatemala (Universidad San Carlos de Guatemala [USAC], Universidad Mariano Gálvez [UMG]), and Nicaragua (UPF). Since the materials developed by the partners largely involve hypothetical cases and not current, actual cases, they will not become dated as quickly as would otherwise be the case. Institutional capacity development in El Salvador, more specifically at the Instituto Técnico de Centroamérica - Fundación Empresarial para el Desarrollo Educativo (ITCA-FEPADE), may eventually prove to be even greater than at the other partner institutions since the environmental *diplomado* curriculum will be adapted and implemented across all disciplines and career tracks.

Under Objective 3, via primarily the TOT sessions, the partners were able to effectively strengthen professional ties among the participants and host country institutions across the region. For example,

UPF offered to apply the TOT training towards fulfilling the coursework requirement for the MSc degree in their existing Environmental Law program for four Dominican and two Nicaraguan participants; and UNIBE invited one of the Guatemalan participants from UMG to help facilitate *diplomado* workshops in the Dominican Republic in the fall of 2013. Participants were involved in research efforts to the extent that they collaborated on drafting the *diplomado* course book.

Under Objective 4, the 21 participants in the TOT workshops received training in these various areas and several later served as trainers in the El Salvador *diplomado* workshops in December 2012 and February 2013.

Overall, this partnership achieved all of its originally envisioned objectives and delivered the five major outputs expected by the regional USAID Mission in El Salvador: (1) *diplomado* workshops for trainers of trainers; (2) *diplomado* training for academics, professionals, and students; (3) a *diplomado* course book; (4) a teachers' training manual to accompany the course book; and (5) an external evaluation. The partnership surpassed the original scope of the RFA in that, with strong guidance and encouragement from the Mission and additional financial support from HED, the partners were able to readily expand *diplomado* training activities into two more CAFTA-DR signatory countries: El Salvador and Panama.<sup>1</sup>

## Background

In collaboration with USAID/El Salvador and USAID's Bureau of Economic Growth, Agriculture and Trade (USAID/E3<sup>2</sup>), ACE/HED issued a Request for Applications (RFA) on November 14, 2008 seeking to establish a partnership focused on strengthening the teaching and implementation of environmental law in three of the Central America Free Trade Agreement-Dominican Republic (CAFTA-DR) countries: the Dominican Republic, Guatemala, and Nicaragua (Appendix A). A thorough evaluation of the applications by an expert peer review panel was conducted. In September 2009 – in accordance with Associate Award EDH-A-00-08-00029-00 under Cooperative Agreement AEG-A-00-05-00007-00 – HED made one award of \$649,999 to Georgia State University (GSU) for a 3-year partnership project titled: "CAFTA-DR Environmental Law Capacity Building Initiative" to collaborate with the Universidad Iberoamericana (UNIBE) in the Dominican Republic, the Universidad Rafael Landívar (URL) in Guatemala, and the Universidad Paolo Freire (UPF) in Nicaragua. Effective July 15, 2010, the award was transferred to Tulane University following partnership director Dr. Colin Crawford's move to that university. The total originally anticipated cost share was \$226,825.

The objectives of the partnership, as they were originally envisioned when GSU was the lead U.S. institution,<sup>3</sup> were to:

1. Identify a diverse cadre of high performing motivated individuals, strengthen their foundations, and train them to function as trainers in their countries and across the region in the area of environmental law;
2. Institutionalize a practical, action-oriented *diplomado* in Environmental Law within one institution in each of the partner countries that is staffed by those trained program participants;
3. Develop among the participants a commitment to networking and a cooperative working spirit that promotes a comparative regional focus and fosters research collaborations; and

<sup>1</sup> Expansion into Panama was possible with leveraged funding from Tulane, but this occurred after the official partnership end date of March 28, 2013.

<sup>2</sup> Formerly, USAID/EGAT (United States Agency for International Development/Bureau for Economic Growth, Agriculture, and Trade)

<sup>3</sup> The objectives remained unchanged when the award was transferred to Tulane.

4. Solidify advisory, public relations, opinion mobilization, and advocacy and conflict resolution skills within this group and prepare them to train others in those areas through the *diplomado* program.

Anticipated outcomes included:

1. Comprehensive review of existing environmental law curricula in the Dominican Republic, Guatemala, and Nicaragua conducted;
2. Organizational needs regarding environmental law across the full spectrum of society assessed;
3. Eight to 12 technical experts in areas germane to environmental law selected to serve as resource persons in each partner country;
4. 18 individuals, six from each partner country, selected and trained to serve as trainers in environmental law in their countries and across the region;
5. A 100 to 120-hour, practical, action-oriented *diplomado* program in environmental law, facilitated by the newly trained trainers, implemented in each of the partner countries, completed by 45 participants (15 from each country); and
6. A training manual for the environmental law *diplomado* produced.

In October 2012, due to substantial savings realized in administrative and indirect costs, ACE/HED was able to provide an additional \$120,000 for partnership activities. Following the Mission's approval of a six-month extension to ACE/HED's Associate Cooperative Agreement to March 28, 2013, ACE/HED, in turn, extended Tulane subagreement to the same end date. The major reason for the extension was the desire by USAID to expand partnership efforts into an additional CAFTA-DR signatory country: El Salvador. These unanticipated supplemental funds allowed the partners to roll out the already developed environmental law curriculum on an expedited basis, entailing the implementation of context-tailored workshops in El Salvador (to be led by partnership-trained trainers) on the new curriculum as well as interactive and applied learning pedagogy.

This partnership involved the participation of individuals from a total of 13 universities<sup>4</sup> in the CAFTA-DR region:

#### **Dominican Republic**

- Universidad Iberoamericana (lead institution)
- Instituto Nacional de Ciencias Exactas
- Instituto Tecnológico de Santo Domingo

#### **El Salvador** (not an original host country)

- Instituto Técnico de Centroamérica - Fundación Empresarial para el Desarrollo Educativo (ITCA-FEPADE)

#### **Guatemala**

- Universidad Rafael Landívar (lead institution)
- Universidad del Valle de Guatemala
- Universidad de San Carlos de Guatemala
- Universidad Mariano Gálvez

#### **Nicaragua**

- Universidad Paulo Freire (lead institution)

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<sup>4</sup> The total would be 15 universities if one includes the two Panamanian institutions where *diplomado* workshops were conducted, at Tulane's expense, after the project activities officially concluded 3/28/13: Universidad Católica Santa María de la Antigua and Universidad Panamericana.

- Bluefields Indian and Caribbean University
- Universidad Centroamericana
- Universidad Nacional Autónoma de Nicaragua
- Universidad Autónoma de Chinandega

Another key stakeholder in the CAFTA-DR higher education partnership was to have been the Red Universitaria de Derecho Ambiental (RUDA, Central American University Environmental Law Network), an organization conceptualized in 2000 by the Central American Commission for Environment and Development with support from USAID and the Environmental Protection Agency with the mission of strengthening the teaching and application of environmental law in the region. Per the terms of the RFA, a goal of this partnership was to help RUDA “become a more effective regional organization to promote appropriate environmental law practices.” Early into project implementation, however, the partners learned that this organization was never formally established and, according to the U.S. partnership director, only continued to live on as a concept “in the minds of a few people.” In short, RUDA does not exist.

This partnership was implemented in four phases. Phase I consisted of fact-finding trips to the original three CAFTA-DR countries by the Tulane (at the time GSU) partnership director and other U.S.-based technical experts to determine the highest priority topics for the intensive workshop sessions on environmental law and policy. Phase II entailed the implementation of 10 train-the-trainer (TOT) workshops, involving the participation of at least six individuals from each country, and the subsequent review and refinement of the teaching materials developed at the workshops. Phase III involved: (1) the production of a course book – to the extent possible tailored to country-specific conditions and challenges - containing extensive exercises pertaining to environmental law and policy; and (2) the production of a teaching manual to complement the course book. Phase IV was the actual implementation of the *diplomado* programs in all three original countries plus in El Salvador (using the supplemental HED funds) and Panama (at Tulane’s own expense).

The content of this report is based on the final overall partnership report and accompanying appendices submitted by Tulane to HED, which can be found attached to this report as Appendix B.

**Human Capacity Development**

This multi-institutional, regional collaboration bolstered the capacity of environmental professionals in the host CAFTA-DR countries. Through intensive workshops lasting one day to one week for a total of approximately 10 weeks over an 18-month period, the partner trainers introduced 21 participants (six from the Dominican Republic, six from Nicaragua, and nine from Guatemala)<sup>5</sup> to a wide range and variety of state-of-the-art pedagogical techniques, emphasizing the need to actively involve students in the classroom. The individuals came from diverse universities and technical institutes, both public and private. As a result of these workshops, the partners also strengthened professional ties among the participants across the region.

The dates, topics, and facilitator(s) of the 10 training of trainers (TOT) workshops were as follows:

| <b>TRAINING OF TRAINERS WORKSHOPS</b> |                  |   |                 |  |
|---------------------------------------|------------------|---|-----------------|--|
|                                       | <b>Date</b>      | <b>Topic</b>                                  | <b>Location</b> | <b>Facilitator</b>   |
| 1                                     | March 8-11, 2010 | Administrative Law & Environmental Protection | URL             | Prof. Roberto Corrada, University of Denver Sturm College of Law |
| 2                                     | April 26-30,     | Two-part workshop: (1)                        | UNIBE           | (1) Prof. Darren Rosenblum, Pace                                 |

<sup>5</sup> A list of the participants and their professional affiliations is provided in Appendix C.

|    |                      |   |   |   |
|----|----------------------|---|---|---|
|    | 2010                 | International Trade Law & the Environment; and(2) Conflict Management Techniques  |   | University Law School; and (2) Prof. (and environmental legal consultant) Franklin Paniagua, University of Costa Rica Faculty of Law  |
| 3  | May 24-28, 2010      | International Environmental Law   | Antigua and Quetzelque-tenango, Guatemala | Prof. Carmen González, Seattle University Law School  |
| 4  | October 18-22, 2010  | Two-part workshop: (1) International Environmental Law; and (2) Human Right to the Environment  | Granada, Nicaragua                        | Prof. Carmen González, Seattle University Law School (1) Prof. Berta Hernández-Truyol, University of Florida Levin College of Law   |
| 5  | October 25-29, 2010  | Coastal and Marine Law  | San Juan del Sur, Nicaragua               | Dr. Daniel Suman, Rosenstiel, School of Marine and Atmospheric Science at the University of Miami and an adjunct professor of Marine and Coastal Law at the University of Miami School of Law |
| 6  | November 15-19, 2010 | Climate Change and Law  | San José, Costa Rica                      | Dr. Colin Crawford, Tulane University; and Dr. Daniel Suman, Centro de Investigación y Adiestramiento Político y Administrativo (CIAPA), a Tulane University affiliate institution            |
| 7  | February 13-18, 2011 | Water Law   | UNIBE                                     | Dr. Colin Crawford, Tulane University   |
| 8  | May 17-20, 2011      | Extractive Industries, Property Law and the Environment   | Selva Negra, Nicaragua                    | Prof. Érika Fontáñez-Torres, University of Puerto Rico School of Law  |
| 9  | May 20-26, 2011      | Two-part workshop: (1) a recap of Basic Principles of Free Trade and Law; and (2) a recap of the pedagogy techniques presented in the first workshop (see #1 above) | Selva Negra, Nicaragua                    | (1) Zhandra Marín, SJD candidate at Tulane University Law School; and (2) Prof. Roberto Corrada, University of Denver Sturm College of Law  |
| 10 | September 5-29, 2011 | Design of Environmental Public Interest Law Clinics   | San José, Costa Rica                      | Dr. Daniel Bonilla, University of the Andes Faculty of Law (Colombia) and Visiting Professor at Fordham University Law School   |

Regarding the actual *diplomados*, the newly trained trainers led 14 sessions, listed in the table below by host country, topic, date, and number of participants.<sup>6</sup> The participants came from a wide variety of backgrounds in academia and the public and private sectors.

| <b>DIPLOMADO SESSIONS</b> |  |                  |                          |
|---------------------------|--|------------------|--------------------------|
| <b>Country</b>            | <b>Topic</b>                                   | <b>Date</b>      | <b># of Participants</b> |
| <b>DOMINICAN</b>          | Capacity Building Project in Environmental Law | February 4, 2013 | 23 (12 women)            |
|                           |  | February 6, 2013 | 20 (11 women)            |

<sup>6</sup> Dr. Crawford, at Tulane’s expense, also conducted *diplomados* at 2 institutions in Panama after the HED award end date of March 31, 2013: Universidad Católica Santa María de la Antigua and Universidad Panamericana.

| REPUBLIC                             |   | <i>Some overlap of participants in the two sessions</i>          |               |
|--------------------------------------|---|--|---------------|
| EL SALVADOR                          | Facing Climate Change: Law, Politics, and New Thinking                              | December 3, 2012   | 29 (14 women) |
|                                      |   | December 5, 2012   | 12 (4 women)  |
|                                      |   | <i>The two sessions involved all different participants</i>      |               |
|                                      | The Role of the Private Sector in the Reduction and Management of Natural Resources | December 4, 2012   | 26 (10 women) |
|                                      |   | December 5, 2012   | 24 (25 women) |
|                                      |   | <i>The two sessions involved all different participants</i>      |               |
| Applied Environmental Law and Policy | February 11-14, 2013  | 21 (6 women)   |               |
| GUATEMALA                            | Environmental Law and Pedagogical Tools for Teaching                                | November 26, 2012  | 31 (9 women)  |
|                                      |   | November 27, 2012  | 31 (10 women) |
|                                      |   | November 29, 2012  | 30 (8 women)  |
|                                      |   | November 30, 2012  | 25 (8 women)  |
|                                      |   | <i>Most of the same participants attended all four sessions</i>  |               |
| NICARAGUA                            | Incorporation of Teaching Methods in Environmental Law                              | February 27, 2013  | 19 (7 women)  |
|                                      |   | February 28, 2013  | 19 (8 women)  |
|                                      |   | March 1, 2013  | 16 (7 women)  |
|                                      |   | <i>Most of the same participants attended all three sessions</i> |               |

### Institutional Capacity Development

The partnership was highly successful in developing curricula and producing training and teaching materials for the Environmental Law and Policy *diplomado*, which will now also be incorporated into existing and new master’s and doctorate-level programs at partner universities in all of the original host countries: Dominican Republic (UNIBE), Guatemala (Universidad San Carlos de Guatemala [USAC], Universidad Mariano Gálvez [UMG]), and Nicaragua (UPF). Since the materials developed by the partners largely involve hypothetical cases and not current, actual cases, they will not become dated as quickly as would otherwise be the case.

Institutional capacity development in El Salvador, more specifically at ITCA-FEPADE, will also be pronounced, if not more so than at the other partner institutions, since the environmental *diplomado* curriculum will be adapted and implemented across all disciplines and career tracks. This unanticipated introduction to the CAFTA-DR partnership provided ITCA-FEPADE with the fortuitous opportunity to ensure that the school would now be in compliance with a Salvadoran constitutional mandate that environmental education be an integral component of all higher education curricula (see also Success Story #1 below). The enthusiasm of ITCA-FEPADE to become a full-fledged partner in this collaborative effort was in part manifested by their making arrangements for extensive local radio and newspaper interviews and coverage of the partnership

With regard to RUDA (as described above under “Background”), this organization no longer exists. Even when it did, it was only as a concept. It is unknown if RUDA will ever be formally established, but, if anything, in the words of the U.S. partnership director, Dr. Crawford, “its spirit lives on through this partnership project.”

### Major Development Outcomes

The partners anticipate four major development outcomes. First, in their written evaluations for the TOT *diplomado* workshops, the participating professionals said they would use their recently acquired new knowledge and materials in their regular environmental law classes at their respective home

institutions. Their plans to also employ an active-learning, student-focused approach, as encouraged by the partners, bodes well for a positive change in the pedagogical “mindset” of the faculty members.

Second, the partnership-developed program materials are being used to strengthen the curricula of existing master’s degree programs in environmental law in at least three institutions, namely the USAC and UMG in Guatemala (see also Success Story #2 below) and UPF in Nicaragua.

The third and fourth development outcomes are especially noteworthy because they were not anticipated and go beyond the original scope of the project. The third consists of curricular additions to brand new programs at two different institutions as a direct result of the partnership. First, at UNIBE, a newly approved master’s program in Environmental Law will be offered beginning in Fall 2013. (Dr. Crawford is scheduled to travel to Santo Domingo to help promote the inauguration of this new degree in July 2013.) Second, UPF in Managua will use partnership materials in the new PhD program in Environmental Law that the school plans to launch later in 2013 (pending the enrollment of at least 15 students in the first cohort). Similar to the second anticipated development outcome above, the incorporation of elements of the *diplomado* into new curricula will increase the capacity of these institutions to offer expanded and improved programs in environmental law and policy.

The fourth development outcome also involves curriculum, but in an unexpected way. The welcome expansion of the partnership into El Salvador means that the materials can be used in various technical careers with an important environmental component, such as engineering. ITCA-FEPADE, the host institution in El Salvador, has committed to using the materials in all of its degree programs, thus creating the potential for literally thousands of Salvadorans to, in turn, use the materials within and beyond the classroom.

## Major Outputs

This partnership successfully delivered the five major outputs expected by USAID:

1. Diplomado workshops for trainers of trainers (TOT). As described above, the partners developed and implemented 10 workshops for TOT participants from the original three CAFTA-DR host countries over the course of this collaboration: four in Nicaragua, and two each in the Dominican Republic, Guatemala, and Costa Rica<sup>7</sup>.
2. Diplomado training for academics, professionals, and students. As described above, the partners conducted 10 *diplomados* in the three original host countries and, with supplemental funding from HED, the U.S. partnership director also conducted four trainings in El Salvador. Dr. Crawford noted that the workshops in El Salvador were “particularly gratifying” because they had been completely unanticipated at the onset of the partnership since the original scope of the project, per the RFA, did not envision the involvement of more than the three pre-identified countries.
3. Course book. The partnership developed a 385-page book that includes a series of four lengthy fact patterns (“*situaciones de hechos*”) and supporting documents. The intention is that any one of them could be used to design a semester-long course on environmental law and policy issues. The themes and questions they address vary depending on the particular focus of the teacher. A second segment of the book is a series of 25-30 page chapters on TOT training topics of interest in the region (e.g., avoiding corruption in environmental protection). The chapters provide a focused, critical, analytical account of a topic and are followed by a wide range of didactic materials, including study questions, short case studies and inter-active exercises such as role-playing exercises and structured debates. (Given the large size of this document, HED is sending it separately from this report.)

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<sup>7</sup> While Costa Rica hosted two workshops, since it was not one of the three pre-identified CAFTA-DR countries, no Costa Rican nationals participated in the TOT training.

4. **Teacher’s training manual.** The purpose of this manual is to help environmental law and policy faculty members design and structure courses and use course materials. Most higher education faculty members in the region are not full-time employees of their home institution and thus have relatively little time for course preparation. The partners, therefore, designed this relatively short manual (47 pages) to be a user-friendly introduction to course design and delivery. The manual promotes a more interactive approach to teaching, a method new to most teachers in the CAFTA-DR region. It is not designed to teach the substantive law of any one country or region, but rather to help create a richer teaching and learning experience. (Given the large size of this document, HED is sending it separately from this report.)
5. **Final external evaluation.** The external evaluator concluded that this partnership project was “clearly effective”, filling a need for expanded and improved environmental law and policy education in the CAFTA-DR region. The core *diplomado* teaching materials developed by the partners are all in Spanish, easily accessible, applicable to all the host countries, and readily adaptable across disciplines and career paths. A major recommendation was that the partnership continues to collaborate with project “alumni,” including participants in the TOT trainings, participants in the *diplomado* trainings, and graduates from the related degree programs, for the purposes of further broadening and strengthening the professional environmental law and policy network across the region. (Given the large size of the evaluation report, HED is sending it separately from this report.)

**Objectives Assessment**

| Objectives  | Results   | Performance Assessment |  |
|---|---|------------------------|--|
|   |   | Did Not Achieve        | Achieved   |
| <b>Objective 1:</b> Identify a diverse cadre of high performing motivated individuals, strengthen their foundations, and train them to function as trainers in their countries and across the region in the area of environmental law | A total of 21 trainers from diverse backgrounds trained from the three original host countries: six from the Dominican Republic, nine from Guatemala, and 6 from Nicaragua  |                        | ✓<br>Trained trainers represented 13 different universities across the CAFTA-DR region |
| <b>Objective 2:</b> Institutionalize a practical, action-oriented <i>diplomado</i> in Environmental Law within one institution in each of the partner countries that is staffed by those trained program participants                 | UMG and USAC to include <i>diplomado</i> materials for environmental law pedagogy in the Environmental Law Master’s program and the Environmental Management Planning Master’s program and on environmental law in general for the existing Environmental Law Master’s program (USAC) |                        | ✓<br>Delivered at two universities in Guatemala and committed to continue delivery     |
|   | UPF delivered <i>diplomado</i> in inter-active environmental law and policy curriculum for professors nationwide and commits to integrate material into the curricula of the existing Master’s in Environmental Law program and a new PhD program in Environmental Law                |                        | ✓<br>Delivered at one university in Nicaragua and committed to continue delivery       |

|   |  |  |   |
|---|--|--|---|
|   | UNIBE delivered abbreviated <i>diplomado</i> using course materials in April 2013 and will launch a new Master’s program in Environmental Law with the materials in September 2013   |  | ✓<br>Delivered at one university in the Dominican Republic and committed to continue delivery                 |
| <b>Objective 3:</b> Develop among the participants a commitment to networking and a cooperative working spirit that promotes a comparative regional focus and fosters research collaborations                                     | Examples: (1) UPF’s offer to apply TOT training towards fulfillment of requirement for MSc degree in existing Environmental Law program for four Dominican and two Nicaraguan participants; and (2) UNIBE’s invitation to one of the Guatemalan participants from UMG to visit the Dominican Republic and help facilitate <i>diplomado</i> workshops in the fall of 2013. <sup>8</sup> Participants were involved in research efforts to the extent that they collaborated in drafting the <i>diplomado</i> course book. |  | ✓<br>As professional network grows, opportunities for more formal research collaboration will likely increase |
| <b>Objective 4:</b> Solidify advisory, public relations, opinion mobilization, and advocacy and conflict resolution skills within this group and prepare them to train others in those areas through the <i>diplomado</i> program | TOT participants strengthened their knowledge and skills in these areas.   |  | ✓<br>Several participants served as trainers in El Salvador <i>diplomado</i> workshops                        |

**Financial Snapshot**

The Associate Cooperative Agreement had a budget of \$900,893 (excluding cost share), against which \$899,325 was expended and \$1,568 remained.

The table below provides the total financial expenditure and cost share amounts reported by GSU from October 5, 2009 through July 14, 2010, before the sub-cooperative agreement was transferred to Tulane. The table also shows the total financial expenditure and cost share amounts reported by Tulane from July 15, 2010 through March 28, 2013, the end date of both the sub-cooperative agreement and the Associate Cooperative Agreement. Overall, the partners reported expending 100% of the total award of \$769,998 and contributing \$186,053 in total cost share, or 97% of the total proposed cost share of \$192,528.

<sup>8</sup> All four Dominican candidates passed their oral thesis defense in Fall 2012 while the two Nicaraguan candidates will defend in Fall 2013.

| <b>Partnership-Level Expenditures and Cost Share<sup>9</sup></b> |   |                    |                                |
|--|---|--------------------|--------------------------------|
| <b>GSU</b><br>(10/5/09-7/14/10)                                  | <b>Amount Reimbursed by ACE/HED</b>       |                    |                                |
|  | Award Amount                              | Expenditures       | % of Award                     |
|  | \$177,230                                 | \$177,230          | 100%                           |
|  | <b>Cost Share</b>                         |                    |                                |
|  | Proposed Cost Share                       | Expenditures       | % of Proposed Cost Share       |
|  | \$68,878                                  | \$68,878           | 100%                           |
| <b>Tulane</b><br>(7/15/10-3/28/13)                               | <b>Amount Reimbursed by ACE/HED</b>       |                    |                                |
|  | Award Amount                              | Expenditures       | % of Award                     |
|  | \$592,768                                 | \$592,768          | 100%                           |
|  | <b>Cost Share</b>                         |                    |                                |
|  | Proposed Cost Share                       | Expenditures       | % of Proposed Cost Share       |
|  | \$123,650                                 | \$117,175          | 95%                            |
| <b>TOTAL</b>   | <b>Total Amount Reimbursed by ACE/HED</b> |                    |                                |
|  | Total Award Amount                        | Total Expenditures | % of Total Award               |
|  | \$769,998                                 | \$769,998          | 100%                           |
|  | <b>Total Cost Share</b>                   |                    |                                |
|  | Total Proposed Cost Share                 | Total Expenditures | % of Total Proposed Cost Share |
|  | \$192,528                                 | \$186,053          | 97%                            |

**N.B.:** ACE will be unable to submit final financial reports until the spring or summer of 2014, by which time final indirect cost rates for FY2013 will have been approved by USAID. ACE will, therefore, not be able to submit the following reports within ninety (90) days of the completion of the award:

- Final SF425 report;
- Final 2013 “Indirect Rate Certification”; and
- Final audit report (A-133) for FY13.

An interim final financial status report (SF425) for the Associate Cooperative Agreement, however, can be found in Appendix D.

### Challenges and Lessons Learned

The partners cited three implementation challenges of note over the course of the project. The first challenge related to cultural differences among the three different groups of participants. The partners noticed that tension developed between the Dominican and Guatemalan groups during the TOT workshops, while the Nicaraguans tended to play the role of “peacekeepers.” Per the partnership’s final overall report (Appendix B), a gross generalization is that Dominicans tend to be “extroverted and loquacious” while Guatemalans tend to be “extremely formal, deferential, and reserved.” Although the partners made an effort to create an open working environment in which people could freely express their views and comments, challenges remained in terms of cultivating a positive working relationship among the participants. Despite these negative attitudes somewhat easing over time, the situation clearly brought to the attention of the partners the real need to take into account cultural differences in the planning of workshops and other formal gatherings. In retrospect, the partners feel it probably would have been a good idea to organize a session at the first sign of these tensions to discuss cultural differences and how best to address them. That said, the U.S. partnership director felt that the participants, for the overwhelming part, remained focused on the task at hand

<sup>9</sup> All amounts in U.S. Dollars

which, per Objective One of the partnership, was to acquire the necessary tools to become effective trainers for future *diplomados*.

As an important lesson learned, the partners recommend exercising caution before grouping together countries merely on the basis that they share a common language. In the words of the U.S. partnership director:

“There are significant cultural differences between the partner countries, and work might in the end have been more efficient if there was more emphasis on building selected relationships rather than bringing together technical experts from various countries all together at one time. That is, mere treaty membership of a signatory country might not be the best reason to justify a joint project. More targeted work between partnership directors and selected in-country actors skilled at working across lines of culture and national identity might achieve as good or better results.”

The second challenge was a tropical storm and a volcanic eruption which interrupted the delivery of a workshop in Nicaragua which, in turn, delayed the implementation of subsequent TOT workshops. All the workshops were eventually delivered but the experience underscored the importance of remaining flexible to adjust to unexpected developments that can impact planned activities.

The third challenge related to the working relationship with some of the Guatemalan participants. Initially, the U.S. partnership director anticipated that they would be the “strongest” host country partners because, on average, their academic preparation was better than that of the Dominicans or the Nicaraguans. By the end of the partnership, however, two of the core Guatemalan participants had left their academic duties because their programs were terminated or they found better-paying work elsewhere. Of the three indigenous participants, one became a deputy in the national congress and the Rigoberta Menchú Foundation suffered financial setbacks that limited their ability to disseminate this curriculum with indigenous audiences. These developments impacted the partnership negatively because there was a lack of continuity for the Guatemalan participants and an important avenue of sharing partnership materials with a key constituency was jeopardized. Moreover, in the final scheduling of the workshops, URL refused to host the *diplomado* training without additional funding, contrary to what they had originally committed to do. This situation put tremendous stress on the relationship between URL and Tulane and resulted in URL ultimately pulling out of the partnership. Fortunately, however, the partnership was able to count on the strong support of other participants from Guatemala who were keen on seeing the *diplomado* implemented in their country. As a result, *diplomados* were delivered at both the largest public university in the country, USAC, and at a private university recognized as a strong player in the environmental field in Guatemala, UMG.

The partners added that, if they could start the project all over again, they would make three changes in particular. First, they would work intensively with fewer U.S.-based experts and more local experts and assign the former additional responsibilities such as report writing. They would also take on more of the initial teaching load and develop deeper working relationships with the participants.

Second, the partners would engage the local experts much earlier into the collaboration so that they would have a larger role in developing the curriculum from the onset. On occasion, however, the partners did rely on the expertise of the participants early on. For example, the seventh workshop (“Water Law”) largely consisted of directed presentations and activities developed by the participants incorporating their own national laws.

Third, the partners would hold fewer extended workshops with all in-country partners and would instead devote those resources to bringing select partners to help conduct workshops in the other

partner countries. This would both reduce overall travel costs and promote the goal of longer-term working relationship development, and would devote resources to in-country capacity building.

From HED's perspective, this collaboration would have been well served if each of the host countries had a clearly identified partnership director, if only for the purposes of facilitating the compilation of information and assisting the U.S. partnership director in the writing of reports for HED and other audiences. Without any true in-country counterparts, much, if not most, of the reporting and overall administrative burden fell on the shoulders of Tulane. The lack of pre-designated host country partnership directors sometimes posed a challenge for HED (and the Mission) compelling HED to rely almost exclusively on the information provided by Tulane for its reports rather than also getting the perspective of the overseas partners for a more complete and better balanced picture of development progress and results.

Perhaps the most important lesson learned by HED was the need to engage with the Mission on a more active basis, not only to keep key personnel even better apprised of partnership activities and results, but to also stay better attuned to Mission programmatic priorities and prospects for further funding. In this case, an HED team's visit to El Salvador in February 2012 – along with Dr. Crawford – at the invitation of Mr. Rubén Alemán, the AOR, proved to be extremely positive as he strongly encouraged the expansion of partnership efforts into El Salvador with ICTA-FEPADE as the lead host country institution. Although the Mission was unable to obligate any further funds, Tulane took full advantage of the additional monies provided by HED to establish what is now a very dynamic partnership with ICTA-FEPADE, a partnership which has been well publicized in the local press. This face-to-face gathering of key individuals from USAID, Tulane, and HED (and ICTA-FEPADE) went a long way toward solidifying the professional rapport and trust between all parties and helped HED to highlight the contributions of this partnership. (A copy of HED's trip report is found in Appendix E.)

### Serendipities

As mentioned previously, the greatest serendipity of this partnership project was the expansion of activities into El Salvador which ignited the beginning of a strong and dynamic partnership between Tulane and ICTA-FEPADE. Without the Mission's encouragement and pre-identification of this technical institution, the granting of an extension of the Associate Award through March 31, 2013, and, of course, the additional \$120,000 from HED, it is highly improbable that this expansion into a fourth CAFTA-DR country would have ever happened. The U.S. partnership director was then able to leverage funds from Tulane to expand training activities into a fifth signatory country, Panama – another completely unanticipated development since the project's inception in 2009, but a key factor that helped expand the partnership's impact in the region.

A second serendipity was the receipt of an MSc degree in Environmental Law by four of the Dominican participants in the TOT trainings. Early into trainings, the participants asked if GSU (the original recipient of the HED award), and then later, Tulane could award them not just a *diplomado* at the conclusion of the trainings, but an actual degree. When informed by the US partnership director that this was not possible since the curriculum was all in Spanish and had not been approved as a degree program by GSU and Tulane prior to the start of the partnership, they were "extremely disappointed." They explained that most national ministries of education in the CAFTA-DR region require that, in order for students to receive accreditation, the trainings must be conducted by professionals who have at least a master's degree in the field. Fortuitously, the Rector and Vice Rector of UPF happened to learn of this situation over dinner during one of the training workshops in Granada and offered to have the training fulfill the coursework requirement of UPF's existing master's program in Environmental Law. A series of analytical essays regarding the national environmental laws of the participants' host country would meet the thesis requirement. Ultimately,

six of the TOT training participants took advantage of the opportunity, with the four Dominicans traveling to Nicaragua in the fall of 2012 for their successful oral defense. Two candidates from Nicaragua expect to defend in late 2013. (See also Success Story #3.) This serendipity provides another example of the increased degree of cooperation between individuals and partnering institutions.

### Sustainability and Future Opportunities

Overall, prospects for sustainability and future opportunities appear to be promising. Tulane and a number of its various partner universities in the CAFTA-DR have continued to collaborate beyond the HED award end date of March 31, 2013. Tulane has already signed a Memorandum of Understanding (MOU) with ITCA-FEPADE in El Salvador and UNIBE in the Dominican Republic to facilitate the exchange of faculty, students, and staff and academic programming. One of the Dominican partners received a grant from UNICEF and traveled to Tulane as a visiting scholar at the end of the partnership for an entire semester. One of the Nicaraguan participants, at Tulane's invitation, delivered lectures at the Law School and the Center for Inter-American Policy and Research. One of the Guatemalan participants will be teaching a course at Tulane University Law School's Payson Center for International Development in the Fall 2013 term.

Additionally, Tulane law students continue to be placed in internships/externships in the Dominican Republic, Guatemala, and Nicaragua during the summers as a result of the professional and personal relationships which have been built through the partnership. In 2011, two students were placed with the Center for Human Rights and Justice on the Nicaraguan Atlantic Coast (CEDHJUCAN). In 2012, one student was placed at the CAFTA-DR Environmental Affairs Secretariat in Guatemala. In 2013, one student was placed with Grupo Jaragua, a biodiversity protection NGO in the Dominican Republic<sup>10</sup>, two students with the CAFTA-DR Environmental Affairs Secretariat, and one with CEDHJUCAN.

Since 2010, on the basis of affiliations made through this partnership, URL has sent one or two teams to the Moot Court in Law and Sustainable Development (held in various locations in Latin America) jointly sponsored by Tulane's law school with a Brazilian and a Colombian partner institution. In the first year of the competition, the URL team placed second. Dominican and Nicaraguan teams have also been invited but have not yet raised sufficient funds to attend.

As an example of continued cooperation between host country institutions, UNIBE extended an invitation to one of the Guatemalan participants (Dr. Mario Mancilla, an environmental lawyer, professor at UMG, and deputy director of the CAFTA-DR Secretariat for Environmental Affairs) to visit the Dominican Republic and help facilitate *diplomado* workshops in the fall of 2013.

In the summer of 2012, independent of the partnership but as a direct result of it, three Guatemalan participants were invited to teach in a Spanish-language summer legal study course held in Antigua, Guatemala, sponsored jointly by the University of the Pacific School of Law, the University of Denver School of Law, and the Seattle University School of Law. Some of them also brought their best students to participate in the course. One of the participants recently accepted an offer to teach in Antigua for a second time during the summer of 2013.

In July 2013, the U.S. partnership director will travel to the Dominican Republic to publicize the new Environmental Law Master's degree, as a guest of UNIBE. He expects to return in September or October, at Tulane's expense, to teach in that program. He is also scheduled to return to Guatemala in September or October 2013 to help facilitate *diplomado* workshops at both UMG and USAC, again at

<sup>10</sup> The student ultimately took another opportunity with a different organization

Tulane's cost. Similarly, he will visit Nicaragua in October or November 2013 to facilitate *diplomado* workshops in Estelí at the Universidad Nacional Autónoma de Nicaragua. Dr. Crawford is also in conversations with the participants from Nicaragua's Atlantic Coast about possible workshops for community members there, using a modified version of the materials (for non-lawyers with little formal education.)

Based on the above on-going and planned activities, it would appear that, from HED's perspective, the prospects of sustainability for this partnership look bright in all the host countries. In the meantime, the partners continue to explore other opportunities, including adapting the materials for use by non-academic, "non-environmental" constituencies. According to Dr. Crawford, the partnership materials could easily be adapted – "made simpler and more easily digestible by non-university audiences." He envisions that trainings could be conducted for community groups and school-age children, for both in- and after-school activities. Trainings focused on traditional and/or indigenous populations in the CAFTA-DR region could be especially beneficial because of their key role as stewards of natural resources. Such new initiatives would be an important and laudable means of sustaining and expanding the reach of the partnership's enhanced capacity in environmental education and protection.

Although beyond the original scope of the collaboration, the partners might consider building their capacity in proposal writing with an eye toward securing additional funds, whether it be for the continuation of on-going activities or the launching of new initiatives. (To HED's knowledge, the partners did not submit any proposals over the course of the project.) Given that most of the participants (trainers) are based out of the capital cities of their home countries, they should take advantage of their relative good access to the Internet and receive training not only on how to write effective proposals but also which potential funding organizations to target. With the sustained impact of the partnership manifesting itself via numerous future *diplomado* trainings (led by the trained trainers), the incorporation of partnership materials into masters and doctorate level curricula at host country institutions, and the dissemination of the *diplomado* course book and accompanying teacher's manual, the visibility and impact of this partnership effort can only be expected to grow, which should improve the prospects for leveraging new resources.

## Success Stories

The partners shared three well-crafted final success stories with HED for this collaborative project. In conjunction with the partners, HED expects to further elaborate on these stories (with photos) and disseminate them more broadly within the USAID and higher education communities.

### 1. TIMING IS EVERYTHING

Since the 1990s, like many Latin American countries, El Salvador had a constitutional provision requiring environmental education. However, as in many parts of the world, that provision was not widely enforced and the nation's leaders decided to try and reverse that trend and provide mechanisms and detailed requirements to fulfill the constitutional vision of widespread environmental education in El Salvador. Decree Law Number 65 of 2009 sought to change that for higher education. Decree Law 65 laid out specific measures that institutions of higher education in El Salvador had to take to assure that they were in compliance with the constitution's environmental education mandate.

Into this breach stepped the CAFTA-DR Environmental Law and Policy Capacity-Building Partnership. Rubén Alemán, a USAID program officer based at the regional mission in San Salvador, managed to help bring the project – originally designed to build professional capacity in the Dominican Republic, Guatemala and Nicaragua only – to El Salvador as well, with the help of additional funds identified by HED. Alemán introduced the Project Director, Tulane University Law School professor Colin Crawford to Daniel Cohen, the President of ITCA-FEPADE, a technical

school with a main campus in San Salvador with and four regional campuses spread across the country. They also met with the school's chief academic officer, Dr. Elsy Escobar, and her staff, to explore the application of a recently minted environmental law and policy curriculum in the academic careers of non-law students. The group quickly concluded that the fact that they did not have a law faculty was not a problem. As Dr. Escobar noted, "it is essential for everyone, from information technology professionals to engineers, to know something about our environmentally destructive behaviors and to understand how law and policy provide tools to try and correct those behaviors and live more harmoniously with our environment. We were excited by the prospect of adapting this curriculum for use in our technical career tracks."

"For us at ITCA-FEPADE", Dr. Escobar continued, "The CAFTA-DR Environmental Law and Policy Partnership could not have arrived at a better time. We were in search of a way to comply with our obligations under Decree Law 65, but without much experience in the environmental area. The Project Director visited us for two intensive weeks and conducted interactive seminar trainings with us— several months apart. We were able to include a wide range of stakeholders in the trainings, including administrators, faculty and students from our campuses across the country, and environmental professionals from the private and public sectors. This gave us the foundation we need to integrate environmental education into all of our careers, and we intend to do that going forward."

## **2. THERE IS ALWAYS ROOM FOR IMPROVEMENT**

Universidad Mariano Gálvez, in Guatemala City, Guatemala, has long been noted in the country for its environmental studies masters' degrees, notably an Environmental Law Master's degree and a Master's degree in Environmental Management. "We are pleased that we have developed a good reputation in environmental studies. But we are always looking for ways to improve what we do," reports José Guzmán Shaúl, the environmental engineer and lawyer who directs both programs, both of which provide opportunities for working professionals in environmental careers to improve their skills and knowledge by pursuing a master's degree at night and on weekends. "We were absolutely delighted when one of our most popular faculty members, Mario Mancilla, came to me with a proposal to enhance the programs with a component focused on environmental education pedagogy.

Mancilla, who works by day as the Deputy Director of the new Environmental Affairs Secretariat created to hear complaints of environmental harm or mismanagement among the country signatories to the Central American-Dominican Republic free trade treaty with the US ("CAFTA-DR), had been a dedicated participant in the USAID-HED Environmental Law and Policy Capacity-Building Partnership. "I said to José that we could add the curriculum and materials developed in the Partnership to our existing master's programs and thus achieve a new level of distinction for our academic excellence in Guatemala and the region," explained Mancilla.

"Mariano Gálvez already had programs that were quite strong substantively, but I knew that this Partnership had developed materials that reflected the latest, dynamic pedagogy and that using these materials would be a good challenge to the traditional way to teach law in our country. In Central America as in many parts of the world, we have lots of excellent laws. We knew that. But we also knew that a greater challenge is enforcement. Many of our good laws do not get enforced. Often this is because of a failure of the law to assess properly what is possible in the society, given not just financial and human resources, but also culture, society and history. The Partnership's interactive curriculum provides a clear-eyed way to assess just what law can do, or how it can be made to work better."

As a result of Mancilla's efforts, in late 2012, Partnership Director Colin Crawford, from Tulane University Law School, went to Guatemala City and, along with Mancilla, facilitated several *diplomado* workshops for the two classes of environmental masters' candidates at Mariano Gálvez, including lawyers, civil servants, biologists, sociologists, teachers, engineers and architects. "We

were terrifically pleased with the result,” reflected the degrees’ director, Guzman Shaúl. “We intend to incorporate the work of the Partnership into our degrees on a permanent basis, beginning in late 2013. We could not be more pleased at how this material arrived, to help make us even better at what we do.” Both, Mancilla and Guzmán are now interested to explore new ways of cooperation with Tulane using the curriculum and materials developed by Professor Crawford and Tulane University as a foundation. Said Mancilla: “We hope this is only the beginning of a fruitful relationship.”

### **3. BUILDING ON ENVIRONMENTAL LAW SUCCESS**

Yomayra Martínó Soto was in the process of finalizing a master’s in Economic Regulation Law at the Pontificia Universidad Católica Madre y Maestra (PUCMM-RSTA) in Santo Domingo, Dominican Republic when she was chosen to be one of the six Dominican participants in the CAFTA-DR Environmental Law and Policy Capacity-Building Partnership sponsored by USAID and HED. So she knew what it takes to get a program approved, from internal approval at UNIBE to pushing the proposal through the red tape required by the country’s Education Ministry.

Over the course of a year and a half of intensive workshops in environmental law and policy, she realized that she was ideally placed to take the material she was using even further than anyone expected it to go. “It occurred to me that this material could form the foundation for a master’s in environmental law in my country,” said Martínó Soto. “And this is really important because someone with a master’s degree is recognized as an authority to teach a subject. In fact, this is a requirement of our Education Ministry.”

The Partnership was not, however, expecting to or required to produce a master’s degree curriculum. Colin Crawford, a Tulane University Law School faculty member and the Partnership Project Director, reports that “we were required only to produce a *diplomado*.”

Martínó Soto was not alone in hoping for more than a *diplomado* out of this Partnership (even though that was all that had been guaranteed at the outset. As one of her Dominican colleagues was fond of saying, “a *diplomado* is just a piece of paper. A degree is a qualification.” Into the breach stepped strong partners from the Universidad Paulo Freire, a “popular” university in Managua – meaning one dedicated to making higher education widely available. The Rector, Adrián Meza, and Vice Rector, Suzy Duriez, have been active promoting the need for environmental education in all subjects, and already had an established environmental master’s program. They agreed to count the time spent in the Partnership seminars (more than 400 hours) towards a course time requirement and then worked with interested partners to craft a series of research essays based upon the seminar contents. The result? Four Dominican participants and two Nicaraguans (of the Partnership’s total 18 partners) will end up having a master’s in environmental law. For Martínó Soto, this meant that she would have the qualification necessary to create an environmental master’s in her country. She and UNIBE plan to welcome their first class in the Fall 2013 and the newly-minted Dominican masters will form the core of her teaching faculty. “Really, the whole process just could not have worked out better for us,” Yomayra concluded with satisfaction. “This can lead to the creation of a whole new generation of environmental law leaders in the Dominican Republic.” Martínó Soto herself has, in fact, just been appointed as a local representative of the national Environmental Ministry – so at least this graduate of the Partnership is on her way to being an important voice in that generation in the Dominican Republic.

**Appendix A: Request for Applications (RFA)**



# Request for Applications (RFA): CAFTA-DR Environmental Law Capacity Building Initiative

**Date Issued: November 14, 2008**  
**New Deadline: March, 11, 2009**

HED expects to make **one (1) award** of up to **\$650,000** for a higher education partnership to strengthen environmental law capacity building in the Dominican Republic, Guatemala and Nicaragua as part of the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR) and the Environmental Cooperation Agreement (ECA). The award will be incrementally funded over a three-year period contingent on funding from the U.S. Agency for International Development (USAID).

For further information regarding this RFA, please contact **Josh Henson**, program associate at (202) 243-7690 ; [jhenson@hedprogram.org](mailto:jhenson@hedprogram.org).

Background  
Context  
Partnership Description  
Goals and Objectives  
Monitoring and Evaluation  
Eligibility  
Application Review Guidelines  
Partners  
Additional Information  
Application Format, Submission, and Review  
Terms of the Solicitation

## Background

### U.S. Agency for International Development and Higher Education for Development

Higher Education for Development (HED) mobilizes the expertise and resources of the higher education community to address global development challenges. HED accomplishes this by administering a cooperative agreement (AEG-A-00-05-00007-00) funded by the United States Agency for International Development (USAID). Under the Leader with Associate Cooperative Agreement, signed in September 2005, HED manages a competitive awards process to access expertise within the higher education community in coordination with the American Council on Education (ACE), the American Association of Community Colleges (AACC), the American Association of State Colleges and Universities (AASCU), the Association of American Universities (AAU), the National Association of Independent Colleges and Universities (NAICU), and the National Association of State Universities and Land-Grant Colleges (NASULGC).

Funding by USAID's Bureau for Economic Growth, Agriculture and Trade, Office of Education (EGAT/ED), as well as USAID's functional and regional Bureaus and worldwide Missions, supports higher education partnerships to advance global development through economic growth, good governance, and healthy societies. These partnerships provide training, applied research, program evaluation, policy analysis, and program implementation, which are critical to promote USAID's foreign assistance goals. More information on USAID and its role in economic and humanitarian assistance worldwide over the past 40 years is available at [www.USAID.gov](http://www.USAID.gov).

## Context

## Central America University Environmental Law Network (RUDA)

In 2000, the Central American Commission for Environment and Development (CCAD) with the support of USAID and the U.S. Environmental Protection Agency (EPA) helped create the Central American University Environmental Law Network (RUDA) and a network of environmental enforcement officials in Central America to strengthen the teaching and application of environmental law in the region. One of RUDA's initial activities was to create an environmental law textbook written by Central American lawyers with case studies from the region. This recently completed textbook is a result of the collaboration of CCAD with the United States Environmental Protection Agency (EPA), USAID, the United Nations Institute for Training and Research (UNITAR) and others. In addition, RUDA is developing a model Environmental Law Certificate or diplomado in collaboration with the University of Alicante, Spain and National University of Mexico (UNAM) that can be adapted and implemented in Central America and a long distance e-learning course on International Environmental Law with UNITAR.

All of the CAFTA-DR countries have described the need for long-term capacity building to improve environmental law enforcement and compliance in the region. Although much environmental law and enforcement training has taken place over the years in Central America, there has been very little institutionalization of such training. A higher education partnership will strengthen university environmental law and policy programs in Central America, enhance the RUDA network, and increase cooperation among universities and environmental authorities in CAFTA-DR countries. In addition, a higher education partnership will expand environmental law research and community outreach in the region to establish a foundation for training related to long-term environmental law and policy capacity building in the region.

## Partnership Description

USAID is developing a regional higher education initiative that will enable U.S. and CAFTA-DR universities to provide law training and assistance to member countries. This initiative will help CAFTA-DR countries meet their respective obligations under the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR) by improving the capacity of higher education institutions to offer training and practical experience needed to develop and enforce environmental laws and the capacity of environmental law working professionals.

Under this initiative, a U.S. higher education institution, or consortium comprised of one or more U.S. institutions specializing in environmental law, will partner with three lead universities (one in Guatemala, one in the Dominican Republic, and one in Nicaragua) and the Central American University Environmental Law Network (RUDA). The U.S. institution(s) and their partners will assist RUDA to develop and implement a regional environmental law diplomado and work with RUDA and the Dominican, Guatemalan, and Nicaraguan lead universities to implement the regional diplomado with local specific content at the country level. The partnership will also help plan and implement environmental law clinics in the Dominican Republic, Guatemala, and Nicaragua and create experiential learning opportunities for students and faculty in environmental law. Partners will also strengthen the ties among law schools and national and local environmental authorities, the judiciary, and prosecutors.

To expand the impact of the initiative, the lead higher education partners in the Dominican Republic, Guatemala, and Nicaragua will be responsible for collaborating with other local higher education institutions that offer law degrees in their respective countries. In an effort to strengthen their environmental law programs, RUDA and the lead higher education institutions in the partnership will meet at least once a year to exchange ideas, share approaches, and discern opportunities to advance their work. One representative from each lead partner should attend the RUDA regional meeting in Central America and/or the meeting of the CAFTA-DR Environmental Cooperation Commission each year, as appropriate.

## Goals and Objectives

Based on consultations with environmental authorities and universities in CAFTA-DR countries, this initiative will address the following goals and objectives related to environmental law.

### Goal I

As a result of partnership activities, universities in the Dominican Republic, Guatemala, and Nicaragua will have greater institutional capacity and stronger human capacity to improve the development and implementation of regional environmental laws and practices

### Objectives:

- a) Partners will review current curricula related to environmental law and practices at the member institutions to identify curriculum changes and needed faculty development.
- b) Based on the outcomes of the curriculum review, partners will collaborate to develop courses and new curricula leading to a regional diplomado (conducted in Spanish) for working professionals and faculty that support the environmental provisions of CAFTA-DR and can also be tailored to meet specific national needs for the Dominican Republic,

Guatemala, and Nicaragua.

- c) Partners will collaborate to strengthen university institutional capacity to teach environmental law and to design and deliver environmental law clinical programs.
- d) Partners will include internships/externships/experiential learning opportunities that provide participants with practical experiences in the field of environmental law.
- e) Partners will promote experiential learning opportunities that build strong ties for higher education with national and local environmental authorities, the judiciary, and prosecutors.

#### **Goal II**

As a result of partnership activities, the Central American University Environmental Law Network (RUDA) will become a more effective regional organization to promote appropriate environmental law practices.

#### **Objectives:**

- a) Partner collaborations related to regional environmental issues will result in a stronger RUDA organization.
- b) Partners will collaborate on curricula design to ensure that the newly developed national Diplomados in legal studies meet requirements for the model regional diplomado being developed by RUDA.
- c) Partner collaborations will result in increased joint legal research projects related to topics about regional environmental law.

## **Monitoring and Evaluation (M&E)**

The application must describe a monitoring and reporting plan for the partnership activities and expected outcomes including an initial baseline assessment of the curriculum needs in the Dominican Republic, Guatemala and Nicaragua. The monitoring and reporting plan should demonstrate how progress toward objectives will be tracked, and how results of partnership activities will be summarized.

An external evaluation of partnership impact at the conclusion of the funding period must be included in the M&E plan, and the qualifications of the designated external evaluator described in the application. The M&E plan must include a detailed description of how results will be communicated and reported to USAID through HED.

## **Eligibility**

HED welcomes applications from the member institutions of ACE, AACC, AASCU, AAU, NAICU, and NASULGC, and from other regionally accredited, degree granting, U.S. higher education institutions. U.S. colleges and universities may apply individually, or in partnership with other institutions. HED encourages applications from or with the participation of minority-serving institutions.

## **Application Review Guidelines**

Peer reviewers will use the following criteria to evaluate the applications:

### **I. Application Alignment with the Goals and Objectives of the RFA, and Overall Partnership Design (15 Points)**

### **II. Institutional Capacity Building (25 points)**

Specificity of plan for collaborative review of curricula for training in environmental law, policy and enforcement;  
 Evidence that the proposed courses and curricula focus on meeting identified needs for training in both the participating countries (the Dominican Republic, Guatemala, and Nicaragua) and the region;  
 Evidence that planned curriculum development for diplomados, conducted in Spanish, will support the environmental provisions of CAFTA-DR;  
 Appropriateness of plans to implement the diplomados and related activities to the environmental law priorities of the Dominican Republic, Guatemala, Nicaragua, and the region; and

Detail of plan to strengthen RUDA and its institutional and organizational capacity.

### III. Human Capacity Building (15 points)

Feasibility of outreach plan to make country-level diplomados accessible to working professionals and professors in environmental law;  
Appropriateness of plans to create internships/externship programs, including clinical programs, in the environmental law field; and  
Comprehensiveness of proposed faculty training to strengthen the capacity of participating Dominican and Central American higher education institutions in environmental law and policy.

### IV. Expertise and Collaboration (20 points)

Relevance of expertise of key U.S. university partner personnel regarding Latin American legal systems, environmental and civil law, policy, and curriculum development in the Latin American context;  
Demonstrated ability of key U.S. partner personnel to communicate adequately in Spanish;  
Appropriateness of detailed plan to coordinate with partner institutions, which includes evidence of institutional commitment among all partners (faculty and administrators in the U.S., the Dominican Republic, Guatemala, and Nicaragua); and  
Realistic plan for sustaining collaboration among partners beyond the life of the award.

### V. Cost Sharing and Cost Effectiveness of Overall Budget (10 Points)

Total cost sharing (at least 25% of the award amount), including expected cash and/or in-kind contributions from all partners; and  
Demonstrated cost-efficiency in the allocation of funds among activities and the equitable distribution of funds among U.S. and Dominican/Central American partners.

### VI. Monitoring and Reporting (15 Points)

Evidence of a sound methodology for conducting an initial assessment of the curricula and faculty knowledge and skills at the Dominican/Central American partner institutions;  
Clearly defined plan for monitoring partnership activities and outcomes; and  
Detailed plan for an external assessment of the partnership's impact at the end of partnership activities employing an external evaluator.

**Total: 100 Points**

## Partners

Lead Partners  
University Partners

The partnership must identify a lead partner university in the Dominican Republic, Guatemala, and Nicaragua. Each country lead institution will be responsible for providing coordination with other law schools in that country interested in joining this environmental law capacity building initiative. HED and USAID encourage prospective applicants to build on current relationships with host country universities.

For more information regarding other possible local universities partners interested in participating, please contact Josh Henson, HED's program associate, at (202) 243-7690 or [jhenson@hedprogram.org](mailto:jhenson@hedprogram.org).

### Central American University Environmental Law Network (RUDA) Partners

University partners are required to work within the university membership framework of the Central American University Environmental Law Network (RUDA).

Primary contact:  
Maria Antonieta Rivas Leclair  
RUDA

Telephone:  
(505) 266-1418 or (505) 250-3849 mornings  
(505) 270-8128 afternoons

E-mail:  
iacaupf@cabienet.com.ni  
rileclair@yahoo.com

### Collaboration Encouraged

Under the Environmental Cooperation Agreement, each CAFTA-DR country has designated an environment and trade "focal point" to help coordinate environmental cooperation affiliated with the Free Trade Agreement. These focal points often are the leads on trade and environment matters related to the obligations set out in Chapter 17 of CAFTA-DR.

U.S. applicant higher education institutions are encouraged to contact the representatives of the CAFTA-DR environment focal points in the three targeted countries to ensure that the proposed partnership meets the needs of the local partner universities and those of the environmental authorities.

The following is a list of the CAFTA-DR environment focal points for the Dominican Republic, Guatemala, and Nicaragua along with other government contacts designated by the host country governments:

### Dominican Republic

#### Licenciada Rosa Otero

Secretaría de Estado de Medio Ambiente y Recursos Naturales  
Calle Presidente González esq. Ave. Tiradentes,  
Edificio La Cumbre, Ens. Naco,  
Santo Domingo, República Dominicana  
Telephone: (809) 567 4300 ext. 275  
Fax: (809) 368 2667  
Cellular: (809) 819-4919  
E-mail: rosa.otero@medioambiente.gov.do

### Guatemala

#### Lic. Carlos Abel Noriega

Ministerio de Medio Ambiente y Recursos Naturales  
20 Calle 28-58, Zona 10  
Ciudad de Guatemala, Guatemala  
Telephone: (502) 2423 0509 / 2423 0500  
Fax: (502) 2423 0500  
Cellular (502)5462-6414  
E-mail: canoriega@marn.gob.gt

and

#### Licenciada Ana Beatriz Tello de Pacheco

Directora General de Cumplimiento Legal  
Ministerio de Ambiente y Recursos Naturales  
Telephone: (502) 24230512 ext. 2312  
Cellular: (502) 59781265  
E-mail: abdepacheco@marn.gob.gt

### Nicaragua

#### Lic. René Castellón

Ministerio de Ambiente y Recursos Naturales  
Km 12½ Carret. Norte, Frente a Corporación de Zonas Francas  
Managua, Nicaragua  
Telephone: (505) 263-1994 / 233-1173  
Cellular: (505) 465-3392  
Fax: (505) 233-1795  
E-mail: citesni@marena.gob.ni  
E-mail: rmanzanarez@marena.gob.ni

## Additional Information

## Web Links

CAFTA-DR Environment Chapter 17

Environmental Cooperation Agreement

CCAD – USAID CAFTA-DR Environmental Cooperation Program

Read additional information on CAFTA-DR

# Application Format, Submission and Review

Application Format  
How to Submit an Application  
Peer Review

## Application Format

Please provide the contents of the application in the following order:

1. Title Page (Please complete HED form in full and obtain signatures of authorized officials.)
2. Table of Contents
3. Abstract (not to exceed 3 typed, double-spaced pages, 12-point font, 1-inch margins). The abstract should contain a summary of the narrative, workplan and budget.
4. Narrative (not to exceed 20 typed, double-spaced pages, 12-point font, 1-inch margins) Address the criteria listed in Application Review Guidelines I-VI (see above).
5. The 20-page application must describe a monitoring and reporting plan for the partnership, including an initial baseline assessment, that shows how progress and results will be communicated and reported to USAID through HED.
6. Appendices (Attachments beyond the stated appendices will not be read nor taken into consideration):
  - \* Annual workplan for the funding period (Use HED form).
  - \* Budget forms (Use HED form. Complete all tabs).
  - \* Résumés of the proposed U.S. institution director(s) and host institutions personnel, not to exceed 2 one-sided pages per person.
  - \* Signed letters of support from the presidents, chancellors, or other chief executive officers of the cooperating institution in the United States.
  - \* Signed letters of support from appropriate university leaders of the Dominican and Central American partner institutions as well as partnership directors. University leaders from the host country partners may include deans, rectors, or university presidents.
  - \* Signed letters of support from key collaborating partners. This may include RUDA, NGOs and private sector partners.
  - \* Signed letter from appropriate official at applicant institution verifying that all costs cited conform to established institutional policies and practices. Include a copy of the U.S. institution's Negotiated Indirect Cost Rate (NICRA).

## How to Submit an Application

**Applications must be received at HED by 5:00 p.m., Eastern Time (ET), March 11, 2009.** Faxed or electronically transmitted applications will not be accepted. All elements of the application must be received by the deadline. HED recognizes that original, signed cover letters and letters of support from host country partners may be subject to delays due to factors beyond the applicant's control. Only in these exceptional cases, faxed or scanned copies of the application title page and letters that include all necessary signatures may be submitted in the application, provided signed originals are received at HED within seven (7) calendar days of the deadline.

Applicants should submit the original application plus seven (7) hard copies of the complete application package containing title page, table of contents, abstract, narrative, and appendices (all on loose-leaf paper, clipped together — no three-ring binders, staples, or plastic bindings), and a diskette or CD (with files saved as Microsoft Word/Excel for PC) containing the entire application, including all budget forms, budget narrative, and other appendices.

Applications should be sent to: (\*NOTE: This is a NEW address.)

Collaborative Partnership: CAFTA-DR  
Higher Education for Development  
One Dupont Circle NW, Room 420  
Washington, D.C. 20036-1193

Once an application has been received, there is to be no contact with the HED program office until the completion of the peer review process in order to ensure fairness to all parties concerned.

### **Peer Review**

Applications will be reviewed by expert panelists, which include representatives from higher education, international development, and USAID. Awards will be made on the basis of reviewers' recommendations of merit, and USAID. Peer review of applications is slated for April 2009 with partnership activities commencing in June 2009.

Letters of communication from members of the U.S. Congress in support of an application are discouraged as these may be thought to prejudice the peer-review process. Such letters will not be forwarded to peer reviewers.

Notification about awards is expected following the completion of peer review. Upon final announcement of awards, the person named in the application as partnership director may submit a written request for copies of the peer reviewers' scores for the application. No personal reviews will be granted, and no comparative score tabulations will be shared.

## **Terms of the Solicitation**

Cost Share  
Execution of Awards  
Post-award Briefings  
TraiNet Requirements  
Health and Accident Insurance  
Reporting

### **Cost Share**

The minimum suggested total cost share from all U.S. partners is 25 percent of the award amount. Reported cost share must be auditable. Non-auditable contributions may not be used to meet the minimum, but can be indicated separately and attached to the budget detail form. Indirect costs for host country partner institution(s), if included, should be categorized as non-auditable contributions.

Higher education institutions are expected to leverage support from the private sector in addition to the cost sharing provided by their institutions. Applicants should itemize all cost sharing and in-kind contributions.

Cash and in-kind contributions will be accepted as part of the applicant's cost sharing when such contributions are: (a) verifiable from the applicant's records; (b) not included as contributions for any other federally-assisted program; (c) reasonable for the accomplishment of partnership objectives; and (d) not paid by the federal government under another grant.

In-kind contributions may include, but are not limited to: waivers of tuition and fees for students participating in academic exchanges; donation of library and classroom materials to the partner; ICT infrastructure and Internet Service Provider subscription subsidy for the partner and exchange students; faculty salaries; travel and/or per diem for faculty and administrators to participate in professional exchange and development programs; and indirect costs.

### **Execution of Awards**

Awards will be executed as sub-agreements between the designated U.S. university, college, community college, or consortium, and the American Council on Education (ACE), through the Higher Education for Development (HED) office, under USAID Cooperative Agreement AEG-A-00-05-00007-00. The institution recommended for award will receive a draft version of the sub-agreements to review. The award recipient will be expected to submit a marking plan related to USAID branding as part of the sub-agreement that clearly indicates the support provided by USAID for activities conducted under the award.

Please note that no award nor cost share funds may be expended prior to a fully executed (i.e., signed by both parties) sub-agreement between ACE and the designated U.S. institution unless pre-award expenses have been approved as a part of the negotiation of the sub-award. Activities are expected to commence immediately after the sub-agreement is executed.

Award funds will be disbursed to the designated U.S. university, college, community college, or consortium, based on the applicant's implementation of the work plan, stated budget, and submission to HED of financial, tax, and narrative progress reports. It is the

designated U.S. institution's responsibility to provide disbursements (reimbursements) for its collaborating partner(s) in accordance with the agreed-upon activity schedule and budget.

### **Post-award Briefings**

Partnership directors, and/or their designees, are required to participate in two post-award briefings. The first briefing, conducted in a virtual format, will review reporting, monitoring and evaluation requirements. The second briefing via a conference call will address general requirements of the award.

### **TraiNet Requirements**

To comply with the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), Department of State, and USAID regulations regarding tracking and monitoring of Exchange Visitors, foreign nationals whose costs are paid, fully or partially, using USAID program funds for training, non-training, and invitational travel must enter the U.S. on a J-1 visa (non-immigrant Exchange Visitor visa) sponsored by USAID, unless otherwise waived according to the procedure in ADS 252.3. J-2 visa applications for family members are not supported per USAID policy. USAID expects that all DS-2019 documents (paperwork needed for J-1 visas) and in-country or third country training be processed through the USAID Training, Results and Information Network (TraiNet) system. Institutions may not directly access the Student and Exchange Visitor Information System (SEVIS) to issue DS-2019 documents internally. Information regarding USAID sponsored J-1 visa requirements may be found online at the Participant Training website. Administrators must adhere to the regulations detailed under TraiNet, Visa Compliance System (VCS), the Student Exchange Visitor Information System (SEVIS), and USAID's Automated Directives System (ADS) 252-Visa Compliance for Exchange Visitors, and 253-Training for Development. U.S. institutions should allow at least 12 weeks for the processing of visas when planning activities in the United States.

TraiNet management requires a significant commitment of staff time and applicants are encouraged to take this into consideration when developing the program budget.

### **USAID Health and Accident Coverage (HAC) Insurance Program**

The U.S. institution is responsible for enrolling each participant traveling to the United States or a third country in the official USAID Health and Accident Coverage (HAC) insurance program. Participants entering the United States on J-1 visas are required to obtain HAC from the official USAID vendor. Institutions may not use award funds to cover their own institutional HAC insurance. Click here for information on the USAID HAC insurance program. The cost of HAC for participants must be included in the budget.

### **Reporting**

Awardees will be required to submit to HED:

Financial reports are due quarterly to record expenditures for the following periods: Jan. 1-March 31, April 1-June 30, July 1-Sept. 30, and Oct. 1-Dec. 31;

Semi-annual narrative progress reports for the following reporting periods may be sent via e-mail: April 1-Sept.30 and Oct. 1-March 30;

Both financial reports and semi-annual progress reports are due within one-month after the corresponding reporting period closes: Jan. 31, April 30, July 31, and Oct. 31;

A final narrative report (due 30 days after the conclusion of program activities); and

Final financial reports (due no later than 90 days after the sub-agreement closing date).

## Appendix B: Tulane's Final Overall Partnership Report

### CAFTA-DR Environmental Law and Policy Capacity-Building Partnership

#### **PARTNERSHIP FINAL REPORT**

Prepared by  
Colin Crawford, PhD  
Robert C. Cudd Professor of Environmental Law &  
Executive Director,  
Payson Center for International Development  
Tulane University Law School

May 21, 2013

#### **I. Partnership Overview**

##### **a. Description of partnership context and partnership objectives**

The CAFTA-DR Environmental Law and Policy Capacity-Building Partnership was originally to have been a three-year partnership to improve the capacity of environmental law and related academic environmental professionals in three countries that signed the August 5, 2004 CAFTA-DR free trade agreement with the US, namely the Dominican Republic, Guatemala and Nicaragua. Subsequently, HED identified additional funds to expand the partnership in a fourth country signatory to the CAFTA-DR free trade agreement, namely El Salvador. This added an additional nine months to the project. Because Tulane University Law School's Payson Center for International Development is also working in Panama, yet another country signatory to CAFTA-DR, at no cost to the funders, during the final phases of the project, the Partnership expanded into Panama as well. In sum, five countries ended up benefitting directly during the term of the Partnership.

The Partnership aimed to achieve its aims via two basic deliverables. First, in cooperation with the selected environmental professionals, the partnership conducted a series of workshops in all partner countries and in Costa Rica. The nine weeklong workshops focused on the development of an interactive curriculum that aimed to break with the extreme formalism of most law (and for that matter, most academic) instruction in Latin America and the Caribbean (LAC). In addition, and second, the workshops were used as the basis to prepare course materials designed to be complementary to the substantive legal instructional materials in environmental law used in any LAC country. The materials reflected the inter-active methodology developed and perfected over the course of one-and-a-half years of workshops.

##### **b. Summary of activities and work over the life of the partnership**

The Partnership was divided in four phases. Phase One was a series of fact-finding missions in the three original partner countries. The Partnership Director (Tulane University Law School professor Colin Crawford, henceforth "Crawford" or the "Partnership Director") and one other US-based technical expert visited each of the three countries for up to five business days, interviewing a wide range of stakeholders interested in environmental law and policy, broadly defined. The purpose was to refine the list of topics to be addressed in the intensive workshops. Following these visits, the final list of topics was chosen, based on the most common concerns and themes among the countries. Phase Two consisted of the nine weeklong workshops, held with the minimum participation of six participants from each of the original partner countries (18 minimum) with occasional additional participation from distinguished local and other partner professionals where time and budgets permitted. Phase Two lasted approximately one-and-a-half years, with constant review and

refinement of materials as they were developed at the workshops. Phase Three consisted of the production of a course book with extensive exercises so that environmental law and policy questions can be explored in LAC classrooms using the interactive teaching method developed in this Partnership. In addition, in Phase Three a teaching manual was prepared, designed to complement the course book and assist teachers using the materials in their classes. Phase Four consisted of a series of nine *diplomado* workshops, of between one day and a full week in duration, including full workshops that resulted in the delivery of a full *diplomado* in environmental law and policy. Phase Four workshops were held in the three original partner countries and in El Salvador and in Panama.

**c. Description of partnership’s most significant achievements**

The Partnership’s most significant achievements can be divided into three types. First, the Partnership built capacity among some of the region’s top environmental professionals by introducing them to a wide range and variety of pedagogical techniques reflecting the most current thinking about the need to involve students actively in their learning. The faculty thus learned by doing, assuring their ability to replicate these methods, since they were provided with an opportunity deeply to understand them because they had practiced them. Second, the Partnership, because of these extended, intense workshops, reinforced regional networks among environmental law and related environmental professionals. These relationships have and continue to bear fruit –for example in the invitation extended to Dr. Mario Mancilla (Guatemala, of the CAFTA DR Secretariat for Environmental Affairs) by the leadership of the Universidad Iberoamericana to visit the Dominican Republic and help facilitate workshops there in Fall 2013. Third, the Partnership produced a group of exercises that insure wider replicability because compiled in a course book with an accompanying teacher manual. These exercises were delivered in the Phase Four workshops/*diplomado* sessions to a wide range of stakeholders (academic administrators, faculty, public servants, students, e.g.), all of whom will receive free access to the materials, which will also be deposited with the workshop participants and in the partner institutions (in physical form, for their libraries) so that the project will be truly sustainable. Because the materials largely created hypothetical cases and not current, actual cases, they should not date quickly, as would otherwise be the case.

**d. Summary of impact on host-country development and prospects for sustainability**

In each of the partner host countries and in Panama (not included in the funding), this Partnership leaves a fully developed curriculum that is being implemented in Master’s and Doctoral programs in three of the four countries (Dominican Republic, Guatemala and Nicaragua) and that will be implemented across curricula and in different career tracks in a higher education institution with national reach in the fourth partner country, namely El Salvador. (This is also true in Panama, a country signatory to DR-CAFTA and a country where workshops were delivered at a cost to Tulane only.) Moreover, the curriculum was developed with the input and by training faculty in all partner countries, so there is a cohort ready and able to apply the curriculum in their activities and classes. Therefore, the prospects for sustainability are very strong.

**e. Partnership period of performance, funding amount, leveraged funds, and cost**

The period of performance was July 15, 2010 through March 38, 2013; total funding amounted to \$592,768. In addition, the total cost share was \$117,175.21. In sum, the total cost was \$592,768.

**II. Partnership Results**

**a. Partnership’s key achievements and all major outputs produced.**

The Partnership was designed to achieve two important goals: (1) improve capacity in the teaching of environmental law and policy by delivering a series of dynamic, intensive, highly interactive workshops using the most current legal pedagogy, in order to provide Partnership participants with pedagogical techniques and methods for environmental law and policy instruction that will provide them models to break with the highly formalistic pedagogy dominant in most law (and most other

subjects) classrooms in the LAC region; and (2) create a record of that capacity-building in the form of a course book with multiple exercises that will enable the Partnership participants and others subsequently trained by them or who obtain the materials to apply them in their environmental law and policy courses. These materials were to be developed to be complementary to the teaching of the substantive environmental law and policy of any country. In addition to the course book, an accompanying teaching manual was to be developed, again incorporating the lessons and techniques shared with Partnership participants in (1) above, so that they and future professors of environmental law and policy using the course book would have a clear guide on how to proceed. Both of these key achievements were produced successfully. They are attached to this report as Appendix C.

**b. Detailed discussion of the partnership’s development outcomes, specifically what significant impact the partnership has had.**

The Partnership’s development outcomes can be measured both in terms of what has been achieved to date and what will be achieved in the future based on Partnership activities.

What has been achieved to date? With respect to what has been achieved to date, the principal development outcomes are at least four. First, the Partnership conducted ten weeks of trainings of at least 18 professionals per training from all original partner/host countries (the “TOT events”, for “training of trainer” events.) Second, trainings were delivered in the form of *diplomados* in each of the Partnership countries by the Partnership trainers who had already been trained, in conjunction with the Partnership Director. In addition, such trainings were facilitated in the delivery of *diplomado* sessions, delivered by the Partnership Director in El Salvador (with USAID/HED financing) and in Panama (at Tulane cost). Third, and the results of the trainings were distilled into a course book to be used to enrich and introduce the interactive study method into classes with environmental law and policy law elements – either in whole or in part.

The participants came from a wide range of universities and technical institutes, both public and private, elite and “popular” (meaning, in Spanish, higher education institutions catering to populations who otherwise would not have easy access to higher education opportunities.) In the Dominican Republic and Guatemala, the participants were entirely based in the respective capitals of those countries, despite a recruiting effort to receive applications from across the country. Even so, however, many of the participants in those countries have projects that take them elsewhere in the country. A participant based at the Universidad San Carlos de Guatemala, for example, regularly uses some of these materials and techniques, she reports, in activities outside of the capital. In Nicaragua, the group chosen demonstrated remarkable geographical diversity. Only one of the participants was based in the capital, with three others in different regions of the more developed western half of the country and two in each of the principal cities of the Atlantic coast, namely Bluefields and Puerto Cabezas.

With respect to the first activity mentioned above, namely the TOT sessions, the core list of participants is as follows:

- DOMINICAN REPUBLIC
  1. Addy Tapia de la Cruz, law professor at the Universidad Iberoamericana (UNIBE) (nominated by UNIBE), and a criminal lawyer and former prosecutor;
  2. Andrés Chalas, sometime law professor at UASD and other institutions and the Dominican Environmental Prosecutor;
  3. Euren Cuevas, law professor at various universities and the founder and President of a major environmental non-profit in the country, the Institute for Lawyer’s for Environmental protection (INSAPROMA in its Spanish acronym);
  4. José Almonte, professor at the Universidad Autónoma de Santo Domingo (UASD) (public) and then sub-secretary at environmental law ministry in Santo Domingo;

5. Maria Antonia Tavares, law professor at the Instituto Tecnológico de Santo Domingo, where, among other things, she runs community service projects throughout the country; and
  6. Yomayra Martinó Soto, environmental and energy law professor at UNIBE (nominated by UNIBE) and environmental law consultant.
- GUATEMALA
    1. Amilcar Pop Ac, lawyer and indigenous activist (and now deputy in the national assembly);
    2. Benito Morales, then chief legal counsel at the Fundación Rigoberta Menchú Tum (for indigenous rights)(did not attend all sessions, but alternated with Lucia Xiloj (below) and others at the foundation);
    3. César Sandoval, agricultural engineer and researcher at the Institute for Agriculture, Natural Resources and the Environment (IARNA in its Spanish acronym) at the Universidad Rafael Landívar (URL);
    4. Doris Martínéz Meglar, political scientist specializing on environmental politics and eco-tourism, then at the Universidad del Valle;
    5. Lucia Xiloj, then a member of team of legal counsel at the Fundación Rigoberta Menchú Tum (for indigenous rights) (did not attend all sessions, but alternated with Benito Morales (above) and others at the foundation);
    6. Lylian Toledo, environmental lawyer, professor and administrator (director of master's degree in environmental law, among other activities) at the Universidad San Carlos de Guatemala;
    7. Mara Bocaletti, environmental lawyer and consultant then at URL;
    8. Mario Mancilla, environmental lawyer and professor at Universidad Mariano Gálvez (in master's program in environmental law and master's in environmental management, among other duties) and deputy director of the CAFTA-DR Environmental Affairs Secretariat; and
    9. Sandra Casteñeda, environmental lawyer and sometime professor at the Universidad San Carlos de Guatemala and then a staff lawyer at the Center for Legal and Social Action for the Environment (CALA in its Spanish acronym).
  - NICARAGUA
    1. Anabel Omeir, lawyer and retired judge in Bluefields on the Atlantic Coast, and law professor at Bluefields Indian and Caribbean University;
    2. Jorge Prendiz Bonilla, lawyer and geologist based in Rivas on the Pacific coast, former Minister of Geology and Mines, and law professor at the Universidad Católica Centroamericana (UCA), Managua campus;
    3. Lisandro Marena D'León, former national environmental prosecutor and environmental lawyer, based in Estelí and environmental law professor at the Estelí campus of the Universidad Autónoma de Nicaragua;
    4. Lottie Cunningham, environmental lawyer and Mesquito human rights activist based in Puerto Cabezas on the Atlantic Coast and Director of the Center for Justice and Human Rights in the Atlantic Coast of Nicaragua (CEJDHUCAN in its Spanish acronym);
    5. Manfredo Molina, environmental sociologist based in Chinandega in the northwest region of the country, and administrator and professor of environmental studies at the Methodist University of Chinandega; and
    6. Meriluz Mendoza, official at the Ministry for Development, Industry and Commerce specializing on environmental compliance, based in Managua, and environmental lawyer at the Universidad Paulo Freire, Managua.

In the case of two of the three partner countries listed above, namely the Dominican Republic and Guatemala, the number was not capped at six for every workshop. In the case of Guatemala, from the start the Partnership made extra spaces available to indigenous participants, even though they had little background in environmental law and policy, because of the importance of natural and environmental resources to indigenous people (who are a majority) in that country, as well as the fact that indigenous people play a key (perhaps the key) role going ahead in guarding the Guatemalan environment. In the case of the Dominican Republic, the Partnership made spaces in the workshops there for up to three local specialists in environmental studies. These persons had been applicants to participate for the entire duration of the Partnership and had not been chosen for space and budget reasons. The Partnership therefore took advantage of their presence in country to make for a more rich intellectual experience, in the process expanding the circle of those trained in this inter-active method. There were no similar requests or evidently available persons in Nicaragua who sought similarly to participate.

The subjects of the trainings were those chosen as a result of initial fact-finding to determine the most important environmental law and policy issues to form the backbone of the curriculum. In the end, nine specific, substantive topics were chosen with an additional workshop to be devoted to the design of models of relatively low-cost environmental law clinics.

On the basis of that fact-finding, the final workshops delivered, over the course of an 18-month period, including dates, topics, facilitator(s) and subjects, were as follows:

1. March 8-11, 2010: Administrative Law & Environmental Protection, facilitated at the Universidad Rafael Landívar, Guatemala City, by Professor Roberto Corrada of the University of Denver Sturm College of Law;
2. April 26-30, 2010, a workshop in two parts as follows: (1) International Trade Law & the Environment, facilitated by Professor Darren Rosenblum of Pace University Law School and (2) Conflict Management Techniques, facilitated by Professor (and environmental legal consultant) Franklin Paniagua, of the University of Costa Rica Faculty of Law, at the Universidad Iberoamericana campus in Cap Cana, Dominican Republic;
3. May 24-28, 2010: International Environmental Law, facilitated by Professor Carmen Gonzalez of Seattle University Law School, at hotels in Antigua and Quetzelquetenango, Guatemala (NOTE: this workshop was cut short abruptly with the eruption of the principal live volcano in Guatemala City and a tropical storm on the Pacific Coast which caused flooding in Quetzelquetenango and other Guatemalan cities – Professor Gonzalez finished the part of the workshop she was not able to facilitate originally in (4) below);
4. October 18-22, 2010: International Environmental Law (conclusion – see explanation in (3) above) and the Human Right to the Environment, facilitated, respectively, by Professor Carmen Gonzalez and by Professor Berta Hernández-Truyol of the University of Florida Levin College of Law, at a hotel in Granada, Nicaragua;
5. October 25-29, 2010: Coastal and Marine Law, facilitated by Dr. Daniel Suman, of the Rosenstiel School of Marine and Atmospheric Science at the University of Miami and an adjunct professor of marine and coastal law at the University of Miami School of Law, at a hotel in San Juan del Sur, Nicaragua;
6. November 15-19, 2010: Climate Change and Law, facilitated by Professor Colin Crawford and Dr. Daniel Suman, at the Center for Public Policy Investigation (CIAPA in its Spanish-language acronym), a Tulane University affiliate institution in San José, Costa Rica;
7. February 13-18, 2011: Water Law, facilitated by Professor Colin Crawford and Partnership participants, at the Universidad Iberoamericana, Santo Domingo, Dominican Republic;
8. May 17-20, 2011: Extractive Industries, Property Law and the Environment, facilitated by Professor Érika Fontáñez-Torres of the University of Puerto Rico School of Law, at a hotel in Selva Negra, Nicaragua;

9. May 20-26, 2011: a dual workshop, first, (1) a recap of basic principles of free trade and law, facilitated by Zhandra Marín, SJD candidate at Tulane University Law School, and (2) a recap of the pedagogy techniques presented in the first workshop (see (1) above), facilitated by Professor Roberto Corrada, also at a hotel in Selva Negra, Nicaragua; and
10. September 5-29, 2011: design of environmental public interest law clinics, facilitated by Dr. Daniel Bonilla of the Faculty of Law at the University of the Andes in Bogotá and then a Visiting Professor at Fordham University Law School, at CIAPA, in San José, Costa Rica.

In the above list, it should be noted that it reflects the final schedule and not the original schedule. That is, the second workshop was cut short by natural events (volcanic eruption and tropical storms) that necessitated cutting it short so as to assure the safety of participants. Later, as the trainings progressed, some alterations were made to accommodate the wishes of partners. Specifically, participants asked for a review of free trade principles at the end of the trainings, and by popular acclaim asked for a return visit by Professor Roberto Corrada, a pioneer in interactive legal pedagogy. As a result, changes were made to the schedule both to make up for classes sacrificed in the second training, and to satisfy the interests of participants at the end of the program.

For a summary of the benefits derived by these train the trainers workshops (TOTs) by those who were trained, please see the external evaluation, which is attached as Appendix A to this report. In addition, a sample of some statements from Partnership participants, taken mid-stream in the TOT process, is attached as Appendix B; these observations were sent after the Partnership Director indicated that he would welcome written statements of the utility of any of the activities conducted by the Partnership to date. Moreover, upon request, the Partnership Director has on file evaluations for each workshop completed by participants (those trained, i.e.). These evaluations, in Spanish, are uniformly positive. If they have any criticism it was that too little time was available for sustained work and reflection, which is unsurprising given the intensive format.

The second development outcome discussed in this section, namely the course books prepared for continued use and delivery of *diplomados* and other advanced qualifications (including degree qualifications) in the future, the materials were conceptually divided into three major segments. The course book itself, which consists of didactic materials, contains two of these segments. The first is a series of four lengthy fact patterns (“*situaciones de hechos*”) and supporting documents. The intention is that any one of them could be used to design a semester-length course on environmental law and policy issues. The themes and questions they address vary depending on the particular focus of the teacher. The second segment is a series of 25-30 page chapters on the key TOT training topics and other themes covered in the TOT trainings of interest in the region (e.g. avoiding corruption in environmental protection; these later topics were added following discussions with and recommendations by workshop participants over the course of the TOT trainings.) The chapters provide a focused, critical, analytical account of a topic and are followed by a wide range of didactic materials, including study questions, short case studies and inter-active exercises such as role-playing exercises and structured debates.

The third segment consists of a teacher’s manual that aims to aid faculty in environmental law and policy course design and in their use of the materials. This was important for at least two reasons. First, the majority of higher education faculties in the region are not full-time employees of the institution and so have comparatively little time for course preparation. Therefore, the teacher’s manual is designed to provide a user-friendly introduction (by design the manual is relatively brief in length.) Second, it was important to have a teacher’s manual because, from the start, the inter-active method will be new to most teachers in the region. Consequently, it was essential to provide a guide that explained the use of the materials since, once again, the course book was never designed to teach the substantive law of any one country or region, but to provide enhanced learning techniques to provide for a richer and more realistic learning experience (meaning, for example, one that would

highlight the potential and limits of law and policy in addressing environmental concerns.) Again, the course book and teacher's manual are attached as Appendix C.

The third development outcome achieved to date consisted of the *diplomado* workshops delivered in all of the original Partnership countries as well as in El Salvador (financed by US AID/HED) and Panama (financed by Tulane). These included nine *diplomado* workshops in total, as follows: one *diplomado* workshop delivered in the Dominican Republic, four in Guatemala (at three different institutions), two in Nicaragua, four in El Salvador (three to administrators and faculty, and one for students) and two in Panama (at two different institutions – one, at the Universidad Católica Santa Maria de la Antigua (USMA), for students, and one at the Universidad Panamericana, for faculty and administrators and students from that institutions and various others.)

Two special highlights from the *diplomado* workshops deserve special mention. First, the El Salvador workshops were particularly gratifying, not least because they were unanticipated when the Partnership began. With the help of a Program Officer at the El Salvador regional US AID mission, a local institution was chosen (ITCA-FEPADE) to be the local partner. ITCA-FEPADE could not have proven a more energetic or enthusiastic partner, and embraced the notion with exceptional enthusiasm, not least because the Partnership thus helped the technical institute satisfy a national legal requirement that environmental law and policy education be included in all professional and higher education courses. This Salvadoran experience is described in part in Appendix D attached to this report (Success Story 1: Timing Is Everything). Second, the Guatemalan workshops went especially well because they demonstrated the adaptability of the new curriculum. Specifically, Universidad Mariano Gálvez decided to adapt the materials for use in a special coda to their two existing environmental studies masters' degrees, as units for environmental education. It was enormously gratifying to see participants recognize the adaptability of the materials for many purposes related to the teaching and pedagogy of environmental law and education. The Guatemala experience is described in part in Appendix E attached to this report (Success Story 2: There Is Always Room for Improvement.)

The fourth and final development outcome was particularly rewarding because it demonstrated the ability of such Partnerships to achieve far beyond what is anticipated and required by the terms of the Partnership funding. In this case, early in the TOT workshops, the participants expressed a desire not only to receive a *diplomado* at the conclusion of the TOT trainings. Instead, they expressed a desire to receive some degree qualification. This was important, they argued, not only as recognition of their time commitment and involvement with the Partnership. An academic qualification, they said, would also go further in assuring that they would be able to build environmental law and policy capacity going ahead. Indeed, many viewed an academic qualification as essential. This is because, they said, most national education ministries in the region now require that, in order to receive accreditation, professional training be conducted only by someone who has a master's degree in the field. Thus, for example, environmental law and policy *diplomados* at the university level could be facilitated only by those who already hold a master's degree or higher in environmental law and policy. Initially, participants pushed to see if Georgia State University (the original recipient of the financing) and later Tulane University could award such a qualification. The Partnership Director explained, however, that since the trainings were all in Spanish and the content had not been approved as a degree program prior to commencement of the Partnership, this would satisfy neither university nor accrediting agency requirements. To be frank, this news was extremely disappointing to the Partnership members.

Fortunately, however, as luck would have it, the Rector and Vice Rector of the Universidad Paula Freire, in Managua, came to a dinner early at one of the first workshops in Granada. They heard this concern and came to the Partnership with a proposal: they were prepared, provided submission of sufficient documentation to satisfy the Nicaraguan Education Ministry, to design a program of study based on the workshops that would result in the award of their existing Master's Degree in

Environmental Law. In the end, what was offered to all participants was the following: the time and effort spent in the TOT trainings would count as the course work requirement of UPF's environmental law master's. A series of analytical, research essays on questions of the national law of the participant, based on the themes of the TOT workshops, would constitute the thesis requirement. The essay/thesis substitute would be evaluated by a thesis committee, and would include both written and oral evaluation. In the end, five of the 18 total participants decided to take advantage of this opportunity, four from the Dominican Republic and one from Nicaragua. The four Dominicans went to Managua in the Fall of 2012 for their oral defense and were subsequently awarded their Master's in Environmental Law, subject to some final revisions. The Nicaraguan candidate expects to defend in late 2013. This process is described in part in Success Story 3: Building Environmental Law Success, which is attached to this report as Appendix F. That nearly a third of the core participants opted to commit extra time, effort and study to avail themselves of this opportunity must be adjudged one of the significant achievements of this Partnership because it reveals the degree of engagement and commitment of the in-country partners to maximize the benefits of the Partnership opportunity.

What will be achieved in future? There are four distinct development outcomes that can be anticipated in the future. First, as the testimonials of the participants confirm, the capacity building was a success in that TOT workshop participants relate that they have and will continue to use these materials in their regular environmental law classes. Second, the materials are being used to strengthen the curriculum of existing master's degree programs in environmental law, including in at least three institutions, namely the Universidad San Carlos de Guatemala, Universidad Mariano Gálvez and the Universidad Paulo Freire (UPF) in Nicaragua. Moreover, at UPF, the materials will also be used in the new Environmental Law Doctorate program, which they intend to inaugurate, pending having a class of at least 15 enrolled, in late 2013.

The third and fourth development outcomes to occur in the future are especially gratifying because they were unanticipated and go beyond the original list of deliverables required for this project. The third consists of entirely new curricular additions as a result of the Partnership. This will happen in two locations. First, in the Dominican Republic, a newly approved Master's in Environmental Law will be offered beginning in Fall 2013 at the Universidad Iberoamericana; the Partnership Director is schedule to travel to Santo Domingo to help promote the inauguration of this new degree in July 2013. Second, at Universidad Paulo Freire in Managua, their existing Master's in Environmental Law will use Partnership materials and they intend to use the materials in the new PhD in Environmental Law that they plan to launch in 2013.

The fourth development outcome will also feature the curriculum, but in an unexpected way. Specifically, the expansion into El Salvador means that the materials will be used for a wide variety of technical careers with an important environmental component, such as engineering. ITCA-FEPADE, the Partnership host in El Salvador, has committed to using the materials in all of its degree programs, with the potential, this, to affect literally thousands of El Salvadorans who will have the opportunity to use the materials. The enthusiasm of ITCA-FEPADE for this Partnership is revealed in part by their efforts to publicize the Partnership and their involvement in it throughout El Salvador, both arranging radio and newspaper interviews and coverage for the Partnership. Sample of the newspaper articles generated by the work of ITCA-FEPADE, along with notices of the public lectures they requested the Partnership Director to give in order to publicize it, are attached as Appendix H to this report.

**c. Description of significant challenges to implementation and how those were addressed (e.g. language barriers, security issues, other).**

Three barriers to implementation over the course of this Partnership can be identified. Two of them occurred during the course of the TOT workshops; the other occurred during the scheduling of the final *diplomado* workshops.

The first challenge occurred during the course of the TOT workshops. Specifically, there were constant tensions between the Dominican and Guatemalan groups; the Nicaraguans tended to play the role of peacekeepers. To be sure, there were members of each group that got on well with the others. At the same time, however, the principal thing both groups had in common was their language. In every other respect, the groups could not have been more different. To generalize, Dominicans are extroverted and loquacious, while Guatemalans are extremely formal, deferential and reserved. As the Partnership tried to create an open working environment in which people could freely disagree with and offer helpful criticism, this proved to be more difficult than anticipated. Dominican culture does not frown on interruptions; this behavior is not favored in Guatemala. So there was often grumbling by Guatemalans about the brusque and disrespectful (to them) style of the Dominicans. Similarly, the Dominicans would complain about the Guatemalans as uptight and snobbish. Over time, these attitudes softened somewhat on both sides, but they emphasized for the Partnership the need, no matter how small the country, to take into account cultural difference and try and provide opportunities to engage those cultural differences openly and respectfully. In retrospect, it probably would have been advisable to organize a session at the first sign of these tensions to discuss cultural difference and what can be learned from it.

Second, as noted with regard to the second TOT workshop discussed above, a tropical storm and a volcanic interruption interrupted the delivery of the second workshop, which affected the scheduling of subsequent TOT workshops, in addition to cutting into the budget. This was discussed in an earlier quarterly report submitted to HED, and in the end all worked out well, but it did teach a lesson about flexibility.

Third and finally, working in Guatemala proved more difficult than expected. Initially, the Partnership Director anticipated that they would be the strongest host country partners because, on average, their academic preparation was stronger than that of the Dominicans or the Nicaraguans. Moreover, the Partnership Director and the technical experts who accompanied him on the Phase One fact-finding visits concluded that, intellectually, the Guatemalans were more sophisticated than the participants from other countries. Although this judgment was correct, the tensions always just below the surface in that country created complications. By the end of the Partnership, two of the core Guatemalan participants had left their academic duties because their programs were terminated or they found better-paying work elsewhere. Of the three sometime indigenous participants, one became a deputy in the national congress (and is now a prominent political figure) and the Rigoberto Menchú Foundation suffered financial setbacks that limited their ability to disseminate this curriculum with indigenous audiences. Although having someone aware of this Partnership in the national congress is not necessarily a bad thing, it does mean that an avenue of sharing these materials with a key constituency was not assured.

Moreover, in the final scheduling of the workshops, the Universidad Rafael Landívar balked at hosting the *diplomado*, as they had originally committed to do. If they were to do so, they said, it would be necessary to receive a large payment from the Partnership to pay for lodging, transportation and living expenses for attendees from across the country, as well as to cover the cost of refreshments and awards in Guatemala. The Partnership Director explained that this was not possible since there was no funding remaining (or ever budgeted) for this purpose, not to mention that URL had been given two of six Guatemalan spots and the idea of the TOT workshops was to train trainers to then multiply the work (the Partnership Director calculated that per participant the Partnership had already invested approximately \$25,000.00 per participant in the TOT workshops alone, approximately the cost of a U.S. master's program at a private university.) URL then insisted that the additional funding be directed their way instead of to El Salvador. Once again, the Partnership Director explained that this was not how things worked. Nonetheless, URL pulled out. Fortunately, however, the Partnership Director was able to call on the initiative of two Partnership participants who were interested in

implementing the *diplomado* in their country. As a result, *diplomados* were delivered in Guatemala with both the largest public university in the country, namely the Universidad San Carlos de Guatemala, and with a private university recognized as a strong player in the environmental field in Guatemala, namely the Universidad Mariano Gálvez.

All's well that end's well. Appendix I to this report includes a selection of the participant evaluations from the final *diplomados* with various partners as well as some letters expressing an intent to continue cooperation.

#### **d. Photographs**

Appendix J to this report includes a selection of group photographs from the TOT trainings and from some of the *diplomado* sessions.

### **III. Conclusion**

#### **a. Summary of the key lessons learned and advice for future implementers**

The Partnership leadership is pleased with the overall results. The Partnership satisfied the principal objectives of the grant and achieved unexpected developments consistent with the objectives but securing much more than was intended, from developing a curriculum that will be used well beyond law schools to a curriculum that will form the backbone of new degree programs, to increase the status and visibility of environmental law and policy education in the LAC region. In addition, the ongoing relationships created by the Partnership demonstrate that, although the regional University Environmental Law Network (RUDA in its Spanish acronym) was in fact more of a paper entity than a body that would be strengthened and supported by the Partnership, that such Partnerships have a real and positive effect in building regional cooperation and joint efforts; long lasting professional connections were created by this Partnership, as evidenced by the ongoing work of many participants, described in part below.

This being said, the Partnership Director believes that one can always improve upon past results. Were the Partnership leadership to redesign this proposal going forward, it would make the following adjustments:

- Rely less on US-based experts and work more intensively with local experts. To be precise, if we were to do this again we would work intensively with only 1-2 US-based experts. Not only would they have additional responsibilities (such as drafting portion so the final written work product), they would also share more of the initial teaching and develop deeper working relationships with the participants;
- Work the local experts in at an earlier stage after the initial objectives were shared and demonstrated, so that they would have a role in developing the curriculum more actively from an earlier stage. This happened in any event in topic selection and as the partnership went on, they had a more active role. For example, the seventh workshop, on water law, largely consisted of directed presentations and activities developed by participants using their own national law; and
- Have fewer extended workshops with all in-country partners and instead devote those resources to bringing select partners to help conduct workshops in the other partner countries. This would both reduce overall travel costs and promote the goal of longer-term working relationship development, and would devote resources to in-country capacity building.

In addition, for future implementers, the Partnership would recommend caution before grouping together countries merely on the basis that the countries share a common language. There are significant cultural differences between the partner countries, and work might in the end have been more efficient if there was more emphasis on building selected relationships rather than bringing together technical experts from various countries all together at one time. That is, mere treaty

membership of a signatory country might not be the best reason to justify a joint project. More targeted work between Partnership directors and selected in-country actors skilled at working across lines of culture and national identity might achieve as good or better results.

**b. Analysis of how the HED partnership has affected policies and practices at both U.S. and host country partner collaborating institutions**

With respect to U.S. institutions, variations of the Partnership materials will be used, translated into English, in classes at Tulane University Law School and portions of them are likely to be used by other U.S.-based technical experts who were employed by the Partnership (all of whom will receive the materials electronically.)

The affects on host country partner collaborating institutions has been described in detail in this report above, but highlights of that work include:

- Implementation of *diplomado* curricula in all original host countries and El Salvador and Panama (the last at no cost to the Partnership and at Tulane cost only);
- Creation of a full set of complementary teaching materials using an inter-active pedagogy on environmental law and policy, and an accompanying teaching manual, available not only to host country partner collaborating institutions but also to anyone in the region interested in working with the materials; and
- Advancement of higher degree offerings in the region beyond what was anticipated by the original Partnership, including Master's and Doctoral programs in Environmental Law that will feature the materials developed.

**c. Discussion of whether or not your institutions will continue to collaborate and, if so, how**

Not only will our institutions continue to collaborate, they continue to do so. Tulane University Law School and two of the host country partner institutions, namely ITCA-FEPADE in El Salvador and UNIBE in the Dominican Republic have signed Memoranda of Understanding (MOU) providing for exchanges of faculty, staff and academic programming. One of the Dominican partners received a grant from UNICEF and visited Tulane as a visiting scholar at the end of the Partnership, for a full semester. One of the Nicaraguan participants was invited to lecture and did so at Tulane University Law School and for Tulane's Center for Inter-American Policy and Research in 2011. A copy of the two MOUs and the syllabus for the course to be taught at Tulane by the Guatemalan participant are attached as Appendix G to this report.

In addition, Tulane University Law School students began during the Partnership and continue to be placed to go to the Dominican Republic, Guatemala, and Nicaragua to work as legal interns in the summer, as a result of the Partnership relations that have been established. So this has proved to be very much a two-way street. Since 2010, on the basis of affiliations made in this Partnership, the Universidad Rafael Landívar has sent one or two teams to the Moot Court in Law and Sustainable Development jointly sponsored by Tulane University Law School with a Brazilian and Colombian partner institution, and held in Latin America. In the first year of the competition, the URL team placed second. Dominican and Nicaraguan teams have also been invited but have not yet raised funds to attend.

In the summer 2012, independently of the Partnership but as a direct result of it, three Guatemalan Partnership participants were engaged to teach in and send students to a Spanish-language summer legal study course held in Antigua, Guatemala and sponsored jointly by The University of the Pacific McGeorge School of Law, the University of Denver Sturm School of Law and Seattle University School of Law. Some of them also brought their best students to participate in the course. One of them just repeated a teaching role for that course in Antigua for the second year in a row, in June 2013.

In July, the Partnership Director will travel to the Dominican Republic to publicize the new Environmental Law Master's degree, as a guest of UNIBE. He expects to return in September or October, at Tulane expense, to teach in that program. He is also scheduled to return to Guatemala in September or October 2013 to help facilitate *diplomado* workshops at both Universidad Mariano Gálvez and Universidad San Carlos de Guatemala, at Tulane's cost. Similarly, he will visit Nicaragua at Tulane expense in October or November 2013 to facilitate diplomado workshops in Estelí (at the campus there of the national autonomous university, UNAN in its Spanish acronym). A Guatemalan participant from the Partnership is scheduled to give a one-credit course at Tulane University Law School's Payson Center for International Development in the Fall 2013 term, and other such opportunities will likely follow. The Partnership Director is in conversations with the participants from Nicaragua's Atlantic Coast about possible workshops delivered for community members there, using a modified version of the materials (for non-lawyers with little formal education.)

**d. Discussion of the prospects for sustainability as well as future opportunities**

The previous narrative clearly describes how the Partnership is well set on the road to be sustainable in the three original host countries and in El Salvador. Future opportunities would include adapting the materials for use by other constituencies. That is, there is a pressing need throughout the region for increasing public participation in civil society decision-making. This is a habit that needs to be cultivated if democracy is to flourish. Environmental questions are an ideal way to do this since they affect the nature of the environment in which people live, as well as the health of the population and the resources, flora and fauna upon which they depend. The Partnership materials could easily be adapted – made simpler and more easily digestible by non-university audiences. Trainings could thus usefully be conducted for community groups and for school-age children, in school and in after school activities. Trainings focused especially on traditional and/or indigenous populations in the region are especially needed, and these materials and the method developed in the process of producing them are especially needed, both for the health of those populations and because of their central role as stewards of natural resources. These would be important and welcome initiatives in the host countries that would further this Partnership's of environmental education and protection.

In closing, Tulane University Law School and in particular the Partnership Director are extremely grateful to US AID and above all to HED for their help, guidance and support in the execution of what we continue to believe has been a valuable, important and enriching Partnership of benefit to the DR-CAFTA signatory countries.

- A – final evaluation
- B – participant statements
- C- course books
- D – Success Story 1
- E – Success Story 2
- F – Success Story 3
- G – MOUs and Mario syllabus
- H – El Salvador news articles
- I - photographs

[Due to the large size of these appendices, HED sent these appendices to the Mission separately from this report.]

### Appendix C: List of Participants in the Training of Training Workshops

- **DOMINICAN REPUBLIC**

1. Addy Tapia de la Cruz, law professor at the Universidad Iberoamericana (UNIBE) (nominated by UNIBE), and a criminal lawyer and former prosecutor;
2. Andrés Chalas, sometime law professor at UASD and other institutions and the Dominican Environmental Prosecutor;
3. Euren Cuevas, law professor at various universities and the founder and President of a major environmental non-profit in the country, the Institute for Lawyer's for Environmental protection (INSAPROMA in its Spanish acronym);
4. José Almonte, professor at the Universidad Autónoma de Santo Domingo (UASD) (public) and then sub-secretary at environmental law ministry in Santo Domingo;
5. Maria Antonia Tavares, law professor at the Instituto Tecnológico de Santo Domingo, where, among other things, she runs community service projects throughout the country; and
6. Yomayra Martínó Soto, environmental and energy law professor at UNIBE (nominated by UNIBE) and environmental law consultant.

- **GUATEMALA**

1. Amilcar Pop Ac, lawyer and indigenous activist (and now deputy in the national assembly);
2. Benito Morales, then chief legal counsel at the Fundación Rigoberta Menchú Tum (for indigenous rights)(did not attend all sessions, but alternated with Lucia Xiloj (below) and others at the foundation);
3. César Sandoval, agricultural engineer and researcher at the Institute for Agriculture, Natural Resources and the Environment (IARNA in its Spanish acronym) at the Universidad Rafael Landívar (URL);
4. Doris Martínez Meglar, political scientist specializing on environmental politics and eco-tourism, then at the Universidad del Valle;
5. Lucia Xiloj, then a member of team of legal counsel at the Fundación Rigoberta Menchú Tum (for indigenous rights) (did not attend all sessions, but alternated with Benito Morales (above) and others at the foundation);
6. Lylian Toledo, environmental lawyer, professor and administrator (director of master's degree in environmental law, among other activities) at the Universidad San Carlos de Guatemala;
7. Mara Bocaletti, environmental lawyer and consultant then at URL;
8. Mario Mancilla, environmental lawyer and professor at Universidad Mariano Gálvez (in master's program in environmental law and master's in environmental management, among other duties) and deputy director of the CAFTA-DR Environmental Affairs Secretariat; and
9. Sandra Casteñeda, environmental lawyer and sometime professor at the Universidad San Carlos de Guatemala and then a staff lawyer at the Center for Legal and Social Action for the Environment (CALA in its Spanish acronym).

- **NICARAGUA**

1. Anabel Omeir, lawyer and retired judge in Bluefields on the Atlantic Coast, and law professor at Bluefields Indian and Caribbean University;
2. Jorge Prendiz Bonilla, lawyer and geologist based in Rivas on the Pacific coast, former Minister of Geology and Mines, and law professor at the Universidad Católica Centroamericana, Managua campus;
3. Lisandro Marena D'León, former national environmental prosecutor and environmental lawyer, based in Estelí and environmental law professor at the Estelí campus of the Universidad Autónoma de Nicaragua;

4. Lottie Cunningham, environmental lawyer and Mesquito human rights activist based in Puerto Cabezas on the Atlantic Coast and Director of the Center for Justice and Human Rights in the Atlantic Coast of Nicaragua (CEJDHUCAN in its Spanish acronym);
5. Manfredo Molina, environmental sociologist based in Chinandega in the northwest region of the country, and administrator and professor of environmental studies at the Methodist University of Chinandega; and
6. Meriluz Mendoza, official at the Ministry for Development, Industry and Commerce specializing on environmental compliance, based in Managua, and environmental lawyer at the Universidad Paulo Freire, Managua.

In the case of two of the three partner countries listed above, namely the Dominican Republic and Guatemala, the number was not capped at six for every workshop. In the case of Guatemala, from the start the Partnership made extra spaces available to indigenous participants, even though they had little background in environmental law and policy, because of the importance of natural and environmental resources to indigenous people (who are a majority) in that country, as well as the fact that indigenous people play a key (perhaps the key) role going ahead in guarding the Guatemalan environment. In the case of the Dominican Republic, the Partnership made spaces in the workshops there for up to three local specialists in environmental studies. These persons had been applicants to participate for the entire duration of the Partnership and had not been chosen for space and budget reasons. The Partnership therefore took advantage of their presence in country to make for a more rich intellectual experience, in the process expanding the circle of those trained in this inter-active method. There were no similar requests or evidently available persons in Nicaragua who sought similarly to participate.

**Appendix D: Interim Final Financial Status Report (SF425)**

**FEDERAL FINANCIAL REPORT**

(Follow form instructions)

|  |             |   |  |                                |   |                   |                  |
|--|-------------|---|--|--------------------------------|---|-------------------|------------------|
| 1. Federal Agency and Organizational Element to Which Report is Submitted<br><br>USAID   |             | 2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment)<br><br>EDH-A-00-08-00329-00 |  | Page<br>1                      | of<br>1   |                   |                  |
| 3. Recipient Organization (Name and complete address including Zip code)<br><b>American Council on Education</b><br>One Dupont Circle NW<br>Washington, DC 20036   |             |   |  |                                |   |                   |                  |
| 4a. DUNS Number<br><br>72638943  |             | 4b. EIN<br><br>53-0196573   | 5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment)<br><br>972600000 (CAFTA) |                                | 7. Basis of Accounting<br><br><input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual |                   |                  |
| 6. Report Type<br><br><input type="checkbox"/> Quarterly<br><input type="checkbox"/> Semi-Annual<br><input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Final-Preliminary   |             | 8. Project/Grant Period<br>From: (Month, Day, Year)<br>9/29/2008<br>To: (Month, Day, Year)<br>3/28/2013   |  |                                |   |                   |                  |
| 9. Reporting Period End Date (Month, Day, Year)<br>3/28/2013   |             |   |  | 10. Transactions<br>Cumulative |   |                   |                  |
| (Use lines a-c for single or multiple grant reporting)   |             |   |  |                                |   |                   |                  |
| <b>Federal Cash (To report multiple grants, also use FFR Attachment):</b>  |             |   |  |                                |   |                   |                  |
| a. Cash Receipts   |             |   |  |                                |   |                   |                  |
| b. Cash Disbursements  |             |   |  |                                |   |                   |                  |
| c. Cash on Hand (line a minus b)   |             |   |  |                                |   |                   |                  |
| (Use lines d-o for single grant reporting)   |             |   |  |                                |   |                   |                  |
| <b>Federal Expenditures and Unobligated Balance:</b>   |             |   |  |                                |   |                   |                  |
| d. Total Federal funds authorized  |             |   |  |                                | \$900,893.00  |                   |                  |
| e. Federal share of expenditures   |             |   |  |                                | 899,324.89  |                   |                  |
| f. Federal share of unliquidated obligations   |             |   |  |                                | \$0.00  |                   |                  |
| g. Total Federal share (sum of lines e and f)  |             |   |  |                                | \$899,324.89  |                   |                  |
| h. Unobligated balance of Federal funds (line d minus g)   |             |   |  |                                | \$1,568.11  |                   |                  |
| <b>Recipient Share:</b>  |             |   |  |                                |   |                   |                  |
| i. Total recipient share required  |             |   |  |                                | \$162,500.00  |                   |                  |
| j. Recipient share of expenditures   |             |   |  |                                | 186,052.77  |                   |                  |
| k. Remaining recipient share to be provided (line i minus j)   |             |   |  |                                | (\$23,552.77)   |                   |                  |
| <b>Program Income:</b>   |             |   |  |                                |   |                   |                  |
| l. Total Federal program income earned   |             |   |  |                                |   |                   |                  |
| m. Program income expended in accordance with the deduction alternative  |             |   |  |                                |   |                   |                  |
| n. Program income expended in accordance with the addition alternative   |             |   |  |                                |   |                   |                  |
| o. Unexpended program income (line l minus line m or line n)   |             |   |  |                                |   |                   |                  |
| <b>11. Indirect Expense:</b>   |             |   |  |                                |   |                   |                  |
|  | a. Type     | b. Rate   | c. Period From   | Period To                      | d. Base   | e. Amount Charged | f. Federal Share |
| Fringe Benefits- Perm  | Provisional | 30.89%  | 10/1/2012  | Until Amended                  | 3,989.78  | 1,232.44          | 1,232.44         |
| Fringe Benefits- Temp  | Provisional | 7.06%   | 10/1/2012  | Until Amended                  | -   | -                 | -                |
| Federal Overhead-Grant & Contract  | Provisional | 9.29%   | 10/1/2012  | Until Amended                  | 5,222.22  | 485.14            | 485.14           |
| Subaward Administration  | Provisional | 3.60%   | 10/1/2012  | Until Amended                  | 107,475.86  | 3,869.13          | 3,869.13         |
| G&A  | Provisional | 37.96%  | 10/1/2012  | Until Amended                  | 9,922.25  | 3,766.49          | 3,766.49         |
| <b>g. Totals:</b>  |             |   |  |                                | 126,610.11  | 9,353.20          | 9,353.20         |
| Note: Total Expenses include FY12 Indirect Cost Rate adjustment of \$3512  |             |   |  |                                |   |                   |                  |
| <b>13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b> |             |   |  |                                |   |                   |                  |
| a. Typed or Printed Name and Title of Authorized Certifying Official<br><br>Moses Yomi, CPA, CGFM, CGMA<br>Senior Director, Grants and Contracts   |             |   | c. Telephone (Area code, number and extension)<br>202-939-9333   |                                |   |                   |                  |
| b. Signature of Authorized Certifying Official<br><br><i>Yomi, Moses</i>   |             |   | d. Email address<br>Moses_yomi@ace.nche.edu  |                                |   |                   |                  |
|  |             |   | e. Date Report Submitted (Month, Day, Year)<br>27-Jun-13   |                                |   |                   |                  |
| 14. Agency use only  |             |   |  |                                |   |                   |                  |

Standard Form 425  
OMB Approval Number: 0348-0061  
Expiration Date: 10/31/2011

**Paperwork Burden Statement**  
According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.

**Appendix E: HED USAID/El Salvador Visit Report**



**CAFTA-DR STAKEHOLDER MEETINGS TRIP REPORT**

*San Salvador, El Salvador  
24 February 2012*



Submitted by:

**Charlie Koo and Kristin Bushby**  
*6 March 2012*

## **Introduction**

The primary purpose of this trip to El Salvador was to participate in an official presentation of the CAFTA-DR/Tulane University partnership at the USAID Regional Mission as well as at the CAFTA-DR Unit of the Central American Commission for Environment and Development (CCAD). At the AOTR's invitation, two representatives from HED and Tulane's Principal Investigator shared overall program objectives, results-to-date, planned future activities, and expected impacts to better ensure efforts by other stakeholders working in the region in the area of environmental law are not duplicated. The AOTR also arranged a lunch meeting at the Instituto Tecnológico Centroamericano (ITCA), a local technical institution seeking to incorporate a more robust environmental awareness component into its various curricula. Part of the day was also devoted to a discussion with the AOTR about possible activities to implement under a costed extension of HED's subaward with Tulane University of up to 12 months, with a particular interest in expanding efforts into El Salvador and Panama. Lower indirect cost rates for ACE has resulted in up to approximately \$130,000 in additional funding being available for the partnership.

## **Morning Debrief with the AOTR**

At the invitation of Mr. Ruben Alemán, Environment Specialist and the AOTR for the CAFTA-DR/Tulane University partnership, Sr. Program Specialist Charlie Koo and Program Management Associate Kristin Bushby from HED traveled to San Salvador with Dr. Colin Crawford, the project's Principal Investigator (PI) from Tulane, to provide an overview of the project. Before the meeting at USAID/El Salvador, Mr. Alemán came to the team's hotel (Courtyard by Marriott) for a debrief and discussion about overall USAID efforts in the region in environmental law. He emphasized the need for collaboration and vigilance against the duplication of efforts, showed two digital clips featuring USAID projects in the region, and reviewed the day's schedule.

Mr. Alemán discussed his recent trip to the Dominican Republic to meet with CAFTA-DR stakeholders, including Ms. Abby Lindsay (who is also working with HED on the IIT/Pathways to Cleaner Production partnership) under the greater umbrella of Pathways to Prosperity in the Americas (*Caminos a la Prosperidad en las Américas*). Pathways to Prosperity is a recent initiative launched by Secretary of State Hillary Clinton to encompass Department of State activities in the region and promote growth, prosperity, and social justice. When Phase I of CAFTA-DR ends on 30 September 2012, the next phase will be known formally as "CAFTA-DR/Pathways". The initiative, which will involve the direct participation of 15 Latin American countries and two observer countries, is comprised of 4 "pillars." The CAFTA-DR environmental law effort is envisioned to continue under the "Environmental Cooperation" pillar, with CCAD and the U.S. Environmental Protection Agency (USEPA) expected to continue in their leading roles.

In terms of the Tulane/CAFTA-DR partnership specifically, Mr. Alemán was quite enthusiastic about the idea of using the anticipated (up to) \$130,000 in additional funds made available from ACE's lowered indirect cost rates to expand the collaboration into two additional countries in the region: El Salvador and Panama. He suggested further exploring this possibility in the subsequent meetings at USAID, CCAD, and ITCA. HED reminded Mr. Alemán that before an expansion of partnership efforts could happen, ACE/HED's Associate Award (AA) with USAID would first need to be extended, after which ACE/HED's subagreement with Tulane would then be extended accordingly. The current end dates of the AA and the subagreement are 9/30/12 and 6/30/12, respectively.

Other important takeaways from the meeting:

- Since Panama was not formally aligned with CAFTA-DR during Phase I but will be an integral part of CAFTA-DR/Pathways, USAID/El Salvador is conducting a baseline assessment in the area of the environment to assess country needs and possibilities for involvement, which could potentially include the HED partnership.

- On April 14, 2012, CAFTA-DR/Pathways meeting being held in San Pedro Sula, Honduras. Mr. Alemán encouraged the U.S. PI, Dr. Crawford, to ask Ms. Lindsay about attending this meeting.
- Mr. Alemán also discussed several other environmental initiatives in the region, including a partnership with NASA-Servir, which is using satellite technology to monitor environmental changes and phenomena such as forest fires, volcanic activity, mudslides, and biodiversity vulnerability.

### **Meeting at USAID/El Salvador**

After the morning debrief, Mr. Alemán, HED and Tulane went directly to the Mission to meet with USAID staff members and present the partnership in greater detail. USAID staff members in attendance at the one-hour meeting were:

- Mr. Rubén Alemán, AOTR
- Ms. Dorita de Gutiérrez, Manager, Education Projects
- Ms. Andrea Stone, Environment Officer

USAID was keen on learning more about the CAFTA-DR partnership to ensure that efforts were not being needlessly duplicated by other USAID-funded efforts in the region focusing on environmental law. Following a brief overview of the HED program by the HED representatives, Dr. Crawford proceeded to highlight the primary accomplishments of the CAFTA-DR collaboration to date. He devoted a considerable portion of his presentation to the curriculum and training manuals currently being prepared for the newly developed Environmental Law *diplomado* (certificate) program, with the expectation that the program would start being rolled out in August/September 2012 in the three host countries of the Dominican Republic, Guatemala, and Nicaragua. He shared a preliminary draft of the training manual with USAID, featuring active learning exercises, including one involving the fictional re-establishment of a “Jurassic Park” in Costa Rica.

The overall objective of the partnership is to improve the teaching of environmental law in the CAFTA-DR region by making it more dynamic and less formalistic. The ultimate value-added of the partnership thus lies not in the exhaustive compilation and analysis of all the environment-related norms, regulations, and laws within and across all the host countries, but rather the introduction of a more holistic and active approach to the teaching of these topics. The partnership uses a dynamic learning process to bridge the existing gap between environmental regulations and their application in the Dominican Republic, Guatemala, and Nicaragua. USAID was very receptive to this approach and acknowledged that it was necessary. Ms. de Gutiérrez accurately captured the essence of the partnership as addressing the “how” rather than “what” of environmental law instruction. The “what” has already been thoroughly addressed during USAID’s “Phase I” of its overall environmental law initiative in the form of the numerous publications generated by CCAD (below), with technical assistance from UESPA.

Mr. Alemán mentioned that, during his recent visit to the Dominican Republic, he learned that a network of Dominican universities focusing on environmental sustainability through education had been established: la Red Ambiental Universitaria Dominicana (RAUDO). He wondered if the Tulane partnership could be incorporated into this network.

### **Lunch Meeting with the Instituto Tecnológico Centroamericano (ITCA)**

Given the institution’s keen interest in increasing the depth and scope of environmental awareness among its students, the AOTR thought it would be worthwhile for the HED/Tulane team to meet with ITCA to explore opportunities for collaboration, especially if planned activities during the costed extension period will ultimately include expansion into El Salvador. Per a pre-trip phone conversation, the AOTR was highly enthusiastic about the idea of making the *diplomado* program available to Salvadoran universities as well.

ITCA is a public institution administered since 1991 by the non-profit Entrepreneurial Foundation for Educational Development (Fundación Empresarial para el Desarrollo Educativo, FEPADE). ITCA was represented by:

- Mr. Daniel R. Cohen, President, Board of Directors
- Ms. Elsy Escolar Santo Domingo, Rector
- Ms. Frinée de Zaldaña, Vice Rector
- Ms. Guadalupe Elizabeth Carballo Ramirez, Manager, National and International Cooperation

Over a full-course meal served at a student-run and managed restaurant on campus, the ITCA hosts expressed their strong on-going interest in increasing environmental awareness within and beyond their campus, including in the area of environmental law and enforcement. Dr. Crawford was excited about bringing in ITCA as a partner institution since technical institutions, in his view, tend to be much more innovative and receptive to new pedagogies. Mr. Alemán spoke of ITCA highly before and after the meeting.

### **Meeting at the CAFTA-DR Unit of the Central American Commission for Environment and Development (CCAD)**

The Central American Commission for the Environment and Development (la Comisión Centroamericana para el Ambiente y el Desarrollo, or CCAD) was established during the 1989 Central American Presidents Summit in Costa Rica with the overarching goal of protecting the region's environment through the responsible and optimal use of natural resources and vigilance against contamination. Headquartered in San Salvador, CCAD works to: harmonize environmental law and policies; determine "priority action areas"; broadly disseminate information; and promote participatory, democratic, and decentralized environmental management. CCAD is a legal entity within the Central American Integration System (Sistema de la Integración Centroamericana, SICA), conceived in 1991 and supported by a U.N. resolution, which seeks to integrate and transform Central America into "a region of Peace, Liberty, Democracy, and Development, based firmly on the respect, tutelage, and promotion of human rights."

CCAD was represented by Ms. Alma Carolina Sánchez, Regional Legal Technical Assistant.

As mentioned above, during the first five years of USAID's overall initiative in the CAFTA-DR region, CCAD produced a number of publications towards consolidating the litany of norms, regulations, and laws related to the environment for each of the CAFTA-DR countries. Products included: compendia of environmental laws by country; manuals for the investigation of environmental crimes; manuals for the prosecution of environmental crimes; and manuals for the sentencing of environmental crimes. Dr. Crawford quickly recognized the potential for incorporating many of CCAD's research findings into the *diplomado* program and Ms. Sánchez encouraged the usage of these materials. Mr. Alemán provided HED and Tulane with several materials for future reference. Dr. Crawford was particularly interested in a manual that includes technical and legal guidance for the investigation of acts of aggression against the environment.

### **Next Steps for USAID/El Salvador, HED, and Tulane**

After the series of meetings, the USAID/HED/Tulane team agreed on the following next steps to ensure the continued smooth implementation of the CAFTA-DR partnership under the original \$650,000 funding and the implementation of the anticipated \$130,000 "scale-up" phase:

- USAID/El Salvador will compile contact information of all the major stakeholders in the CAFTA-DR effort under the current Phase I and through "Phase II" (Pathways to Prosperity in the Americas).

- USAID/El Salvador will complete its “desk study” and eventual baseline assessment of Panamanian higher education institutions with respect to their capacity in environmental law and recommend institutions for inclusion in the CAFTA-DR/Tulane partnership. Given Dr. Crawford’s familiarity with a number of Panamanian universities, he will also have a major say in selecting partner institutions.
- Tulane University will submit to HED its justification and budget for the proposed costed extension of up to 12 months for up to \$130,000.
- ACE/HED will formally request from USAID a 12-month no-cost extension to its Associate Award through 9/30/13.
- Pending the approval of the 12-month no-cost extension to ACE/HED’s Associate Award by the AO followed by a thorough review of Tulane’s proposed budget, HED expects to approve the costed extension of Tulane’s subagreement through 6/30/13 (assuming a 12-month extension request). The three months between the end of the subagreement and the end of the Associate Award is provided for the submission of all required final programmatic and financial documents by Tulane to HED.

#### **Serendipities/Unexpected Activities/Results**

- The HED/Tulane team was very appreciative of the enthusiastic reception received at ITCA. This meeting was a last-minute addition to the trip itinerary and ended up being well worth the effort. HED is grateful to the AOTR for making this connection and scheduling the meeting following the pre-trip phone call.
- The highly unanticipated early conversion of the *diplomados* into Master’s degrees at the partner Universidad Paulo Freire (UPF) in Nicaragua was valuable because while this was a long-term goal of USAID/El Salvador, it was not a specific objective for the life of the HED-Tulane partnership. This development speaks well about the collaboration between UPF and Tulane and prospects for the *diplomado* program being eventually converted into a master’s degree program at other partner universities in the region.
- The potential for meaningful collaboration between Tulane and CCAD was an unexpected but highly promising result of this trip.
- The potential to expand the partnership into Panama was another unanticipated yet exciting development.

#### **Conclusion**

The trip proved to be highly worthwhile and productive for all participating stakeholders. Following the HED/Tulane team’s meetings with USAID/El Salvador and CCAD, the delineation between the efforts of other USAID stakeholders – namely CCAD (in concert with USEPA) – and the HED Tulane partnership in the area of environmental law became much clearer as did the potential for collaboration, especially with regard to the on-going development of the curriculum and training manuals for the *diplomado*. To the extent that a major objective of this trip was to better safeguard against the duplication of efforts by the multiple actors in the CAFTA-DR region, the AOTR appeared quite pleased by the tenor and content of the discussions and commitment of the partners. He very much looks forward to the extension of both the AA and the subagreement for the HED partnership as USAID’s large-scale, long-term environmental initiative transitions from Phase I to CAFTA-DR/Pathways. Perhaps the most exciting outcome of this trip for both the AOTR and the HED/Tulane team was the real prospect of expanding partnership efforts into El Salvador (and Panama), including the potential participation of ITCA.

## **APPENDICES**

- A. Select Key Persons Met with During Debrief Trip
- B. CAFTA-DR Partnership in Brief
- C. Financial Information Update

## Appendix A

### SELECT KEY PERSONS MET WITH DURING DEBRIEF TRIP

#### **Tulane University**

Dr. Colin Crawford, PI  
Professor and Executive Director  
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Licda. Guadalupe Elizabeth Carballo  
Ramirez  
Manager, National and International  
Cooperation

## Appendix B

### CAFTA-DR PARTNERSHIP IN BRIEF

**Partnership Title:** CAFTA-DR Environmental Law Capacity Building Initiative

**Lead U.S. Institution:** Tulane University

**Lead Host Country Institutions:** Universidad Iberoamericana (Dominican Republic),  
Universidad Rafael Landivar (Guatemala), Universidad Paulo Freire (Nicaragua)

**U.S. Partnership Director:** Dr. Colin Crawford

**Partnership Dates:** 7/15/11 – 6/30/12 (6-month costed extension request by Tulane of up to \$130,000 expected)

**Associate Award Number:** A-00-08-0029-00

**Associate Award End Date:** 9/28/12 (6-month extension – with budget reallocation – request by HED expected)

**HED Award Amount:** \$472,768

**Expected Cost Share:** \$73,245 (15.5%)

**Development Area/Sector of Focus:** Environmental Law

**Overall Partnership Objective:** to improve the teaching of environmental law in the CAFTA-DR region

## Appendix C

### FINANCIAL INFORMATION UPDATE

#### Tulane/CAFTA-DR

HED Award Amount: \$472,768 (excluding an additional \$177,230 when the partnership resided with Georgia State University from 10/5/09 through 7/14/10)

Expected Cost Share: \$73,245 (excluding an additional \$68,878 when the partnership resided with GSU)

Through 12/31/11, Tulane has invoiced HED in the amount of \$399,041 (84%) of the total award and reported a total cost share of \$61,086 (83%) of the expected total. No problems to report.