



**1ST COST TRAINING SCHOOL
ON INTERNATIONAL ENVIRONMENTAL NEGOTIATION
AS A GOVERNANCE PROCESS
23-27 November 2009, Glyfada Training Centre, Athens, Greece**

Organized by: MEPIELAN Centre (Mediterranean Programme for International Environmental Law and Negotiation)/Panteion University of Athens, Greece

Under the auspices of: The Panteion University of Athens, Greece

The European Cooperation in Science and Technology (COST) Action IS0802 *Transformation of Global Environmental Governance (TGEG) Working Group 3 Governance Architecture and Processes*

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REPORT OF THE 1ST COST TRAINING SCHOOL

by Professor EVANGELOS RAFTOPOULOS

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1. BACKGROUND

By the decision of the Second Management Committee Meeting of the COST Action IS0802 *Transformation of Global Environmental Governance (TGEG)*, held on 29 April in Bonn, Germany, my proposal was approved to organize a Training School on International Environmental Negotiation as a Governance Process within the framework of Working Group 3 in Athens by MEPIELAN Centre/Panteion University of Athens. The decision was approved by the COST Office in Brussels and as a local host I promptly circulated a detailed Announcement of the Training School

among the members of the COST Management Committee, the three Working Groups as well as to the larger scientific community of the COST Countries. This Announcement was also put up in the website of MEPIELAN Centre (www.mepielan.gr) as well as in the website for COST Action IS0802 (TGEG): (www.glogov.org). After an intense organizational effort lasted for five full months, the *1st COST Training School on International Environmental Negotiation as a Governance Process* was very successfully organized by MEPIELAN Centre/Panteion University of Athens from 23 to 27 November at the Glyfada Training Centre in Athens.

2. OBJECTIVE OF THE TRAINING SCHOOL

The aim of the Training School was to convey an in-depth understanding of a newly developing interdisciplinary approach to international environmental negotiation as a governance process, and to give to the selected participants and observers the opportunity to familiarize themselves with, and trained on, the fundamentals of such an approach as well as on the international environmental negotiation of certain specific environmental issues of current importance. The courses of the Training School were designed to equip participants with the analytical tools for the conduct of international environmental negotiation as a governance process, to foster group discussion and to prepare participants for negotiations on some of the specific environmental issues addressed by the Training School. For this purpose, simulation and practical exercises, specifically prepared by the Lecturers-Trainers, were conducted.

3. ORGANIZATION OF THE TRAINING SCHOOL

The *1st COST Training School on International Environmental Negotiation as a Governance Process* was organized by **MEPIELAN Centre** under my direction and scientific responsibility. MEPIELAN Centre is an international research and training Centre located at Panteion University, Athens Greece. MEPIELAN Centre was established in 2008 by the Panteion University to provide a new strengthened institutional base for the activities previously carried out under the auspices of MEPIELAN Programme (Panteion University), a successful international programme of international seminars, workshops and publications carried out between 2002 and 2007 under my scientific supervision, and supported by the Mediterranean Action Plan/United Nations Environment Programme (MAP/UNEP) and, at the beginning, by the Greek Ministry of the Environment, Physical Planning and Public Works.

The Training School covered **five teaching and training days of 44 hours total duration**, each divided into morning and afternoon sessions. Each session was conducted by the designated lecturer and was coordinated by the director of the Training School while some of the lecturers were also present participating in the discussion. The **language** of the Training School was English. The **venue** of the Training School was the modern Glyfada Training Centre, located in the beautiful coastal resort of Glyfada, only 15 km from the center of Athens and 24 km from the Athens International Airport “Eleftherios Venizelos”.

The Faculty for the 1st Training School was composed of internationally recognized scholars and experts drawn from partner institutions in Europe and invited international experts. More specifically, it included the following trainers and panellists:

- Dr. **Steinar Andresen**, Senior Research Fellow and Member of the Management Committee of COST IS0802, Fridtjof Nansen Institute (FNI), Norway
- Ms. **Valerie Brachya**, Director, Environmental Policy Centre, Jerusalem Institute for Israel Studies, and Hebrew University, Israel
- Dr. **Maguelonne Déjeant-Pons**, Head of the Spatial Planning and Landscape Division, Council of Europe - DG IV, Council of Europe
- Professor **Meinhard Doelle**, Dalhousie Law School, Dalhousie University, Halifax, Canada
- Dr. **Nilufer Oral**, Lecturer in International Law, Istanbul Bilgi University, Law Faculty, Istanbul, Turkey
- Professor **Evangelos Raftopoulos**, Director of MEPIELAN Centre, Panteion University of Athens, Greece
- H.E. Mr. **Kees van Rij**, Ambassador of the Netherlands to Greece
- Professor **Michael Scoullas**, National and Capodistrian University of Athens, Greece, Chairman of Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO/ECSDE)
- H.E. Mr. **Sverre Stub**, Ambassador of Norway to Greece
- Mr. **Ivica Trumbic**, Project Manager UNEP GEF

Participants: In conformity with the COST Regulation, the Training School was attended by a closed circle of 21 Ph.D students, selected postgraduate students, and early stage negotiators serving Greek NGOs and GREENPEACE, who were predominantly – but not purposively – drawn from Greece, as well as from Germany and the United Kingdom. The Training School was also attended by 20 observers from Greek universities, scientific institutes and centres, public administration, foreign embassies, private sector, NGOs and the WHO/EURO. The Trainees will receive a *Certificate of Attendance*, signed by the Rector of the Panteion University and by the Director of the Training School and the Director of MEPIELAN Centre, within this week.

For all participants (Trainers and Trainees) who came to Greece from abroad, accommodation was provided in the *Best Western Hotel Fenix*, located about 12-minute walk from the Glyfada Training Centre.

5. PROGRAMME, COURSES & EVENTS AT THE TRAINING SCHOOL

The Programme of the Training School was organized in three levels:

The Introductory Level, which addressed the key issues and challenges of international environmental negotiation process and facilitated the building of a group spirit between trainees and trainers

The General Level, which dealt with the fundamental aspects of international environmental negotiation as a governance process and contained three interrelated courses:

- **A General Course on Approaching International Environmental Negotiation as a Governance Process**
- **The Relationship between Science, Law and Politics in the Negotiating Process of International Environmental Agreements**
- **Negotiating Transgovernmentalization of Environmental Governance in the context of a Region in Conflict**

The Issue-Specific Level, which examined the negotiation process of specific environmental issues as a governance process and contained the following courses

- **Governance of Climate Change: The Negotiation Process**
- **Coastal Zones Governance: Negotiating the New Integrated Coastal Zones Management Protocol (ICZM Protocol) in the Mediterranean**
- **The Negotiating Process of Landscape and Spatial Planning in the framework of Council of Europe: An Insider's View**
- **Governance of Marine Environment in the Black Sea: The Negotiating Process**

More specifically:

A. The Introductory Level

The Introductory Level covered the first day (23 November 2009) and was organized in two sessions. The Morning Session was a closed session, where the Director of the Training School and Trainer (*Professor Evangelos Raftopoulos*) presented the philosophy and the organization of the Training School and together with another Trainer (*Ms. Valerie Brachya*) they conducted a first general and open discussion with the trainees on the basic problems and issues of international environmental negotiation and on some basic factors affecting its phases and its progress.

The Afternoon Session was an open formal session. After the formal opening addresses given by invited academics, a PANEL DISCUSSION on **Key Challenges in the International Environmental Negotiation Process** has taken place. Moderator of the Panel was *Professor Evangelos Raftopoulos* and Discussants were:

- H.E. Mr. *Kees van Rij*, Ambassador of the Netherlands
- H.E. Mr. *Sverre Stub*, Ambassador of Norway
- Dr. *Steinar Andresen*, Senior Research Fellow, Fridtjof Nansen Institute (FNI), Norway
- Ms. *Valerie Brachya*, Director, Environmental Policy Centre, Jerusalem Institute for Israel Studies, Israel
- Professor *Michael Scoullas*, Chairman of MIO/ECSDE, President of the Global Water Partnership/Mediterranean
- Mr. *Ivica Trumbic*, Project Manager UNEP GEF

The purpose of this PANEL was to discuss the key challenges of the international environmental negotiation process and portray some of the themes that were to be examined, during the next days, in the Training School. It very successfully served as a stimulating introduction to the Training School courses and, in my view, it offered an exciting and highly educational exercise because of the multi-disciplinary foundation of the panel. The panel was composed of distinguished diplomats and academics with a long and invaluable experience in, and contribution to, important aspects of international environmental negotiation. In an eloquent and insightful manner, the key challenges of international environmental negotiation were identified and skillfully discussed in three rounds by the discussants, which included:

- ✓ The catalytic importance of knowledge of international environmental negotiation and the need for its scientific understanding and its systematic teaching
- ✓ The role of science and the interface science and politics in the negotiation of international environmental agreements and the precautionary principle
- ✓ The difference between the US model and the European model of international environmental negotiation, the present role of international institutional mechanisms and structures as well as of conventional environmental regimes, the need for the emergence of environmental champions and the emerging EU leadership in the global negotiation of environmental issues (climate change negotiation)
- ✓ The role of the relevant stakeholders in international environmental negotiation, the need for continuity in their involvement and for a more balanced, not overestimated approach to the role of NGOs and research institutes, the importance of assessing the role of the media in environmental negotiation as a governance process
- ✓ The importance of knowledge of international environmental negotiation and its fundamental linkages to international law as well as to social, economic and technological issues
- ✓ The importance and the special impact of negotiating transgovernmentalization of environmental governance in building new community relationship and responsibility in the context of a region in conflict
- ✓ The special challenges posed by environmental negotiating process at the regional seas level, with specific reference to the structural, functional and contextual aspects of the negotiation process of the innovative Mediterranean regime of integrated coastal zones management (The Integrated Coastal Zones Management Protocol)

The three round panel discussion was followed by a vivid and very interesting discussion between the panelists and the audience. After the end of the Panel Discussion, **an open reception** was given by MEPIELAN Centre at the Glyfada Training Centre attended by all participants in the Training School and many guests, including representatives from the Greek Public Administration, Embassies, International Organizations, NGOs, research institutes and the Private Sector.

It should be stressed that the Training School event raised the interest of the **Greek State Television (Digital ERT)** which televised its formal opening, the Panel Discussion and the interviews given, after the end of the first day, by the Director of the Training School, Professor *Evangelos Raftopoulos*, H.E. Mr. *Sverre Stub*,

Ambassador of Norway, Professor *Michael Scoullas*, Chairman of MIO/ECSDE, as well as by one of the Trainees, Dr. *Marcelin Tonye Mahop*, Research Assistant, School of Law, Queen Mary, University of London.

B. The General Level

The General Level covered the next two days (24-25 November 2009) and was organized in three sessions. On Tuesday, 24 November 2009, there was an All Day Session on **Negotiating Transgovernmentalization of Environmental Governance in the context of a Region in Conflict** (Lecturer: *Ms. Valerie Brachya*).

In the morning, the aspects of environmental governance in the context of the Middle East region were excellently presented by the lecturer, who is a very experienced and knowledgeable negotiator with direct involvement in this process. She analyzed the aspects of negotiating in the context of a region of conflict, the differences in values, issues and concepts characterizing the Middle East context, the environmental issues at stake and the drawbacks of an “island” situation, the barriers to negotiation and cooperation, the role of “transgovernmentalization” and the opportunities for “transgovernmentalization” at government level as well as outside government, the opportunities for agreements and the difficulties of their implementation, the characteristics of a “transgovernmentalization” mechanism and the found and missed opportunities in the Middle East. She also presented the role of NGOs in environmental governance in the context of the Middle East region (Friends of Earth Middle East as a regional organization, “good water neighbours” as an example of community cooperation, negotiating the text of an environmental agreement by NGOs and the relationships between NGOs and governments). In the afternoon, Ms. Brachya conducted a successful *Simulation Exercise* on negotiating transgovernmentalization where the trainees were divided into the relevant stakeholder groups (UNEP, Israel, Palestine, EU, Arab League, USA) and they generated a negotiating situation from understanding interest and positions.

On Wednesday, 25 November 2009, the Morning Session was devoted to the presentation of a **General Course on Approaching International Environmental Negotiation as a Governance Process** (Lecturer: *Prof. Evangelos Raftopoulos*).

International Environmental Negotiation was analyzed as a structured, non-linear process of engineering the possible formation and the dynamic operation of conventional environmental regimes in relation to a horizontally functioning and developing international order. As such, it should be conceived as a theory, method and a set of techniques and procedures of multilateral governance in a process of preparing, constituting and renewing conventional environmental regimes through continuous consensus building within/by reference to, a polycentric international order. In this framework, he presented the general context and the nature of international negotiating process, and then he analyzed the three phases of international environmental negotiation as a governance process. More specifically, he analyzed the Pre-Negotiation Phase as a process of transformative governance and its two levels, the level of diagnostic governance (issue identification and identification of relational order and participants’ conduct) and the level of multilateral governance (initiation, Ad hoc Multilateral Conference, techniques). Then, he dealt with the Regime-Constitutive Negotiating Phase as a process of

constitutive governance, illuminating the importance of its initiation, its textual and contextual aspects (context identification, the knowledge context and the localized context), its form identification, its pattern identification, and the technique aspects of constitutive governance. Finally, he presented the Regime-Renegotiation Phase as a process of relational governance, focusing on its initiation, the operators of relational governance, its textual and contextual aspects, and its techniques. A **Practical Exercise** on negotiating the rapid ratification and implementation of the Integrated Coastal Zones Management Protocol, 2008, was successfully carried out, where the trainees were divided into six groups of participants (five States and one NGO) in a “Meeting of Working Group of Experts” and generated a common plan of action.

In the Afternoon Session, a lecture was delivered on **the Relationship between Science, Law and Politics in the Negotiating Process of International Environmental Agreements** (Lecturer: *Dr. Steinar Andresen*).

The lecturer, a distinguished expert, made an excellent contribution to this important topic, by making a conceptual clarification of “science”, “knowledge” and “local knowledge” and presenting a balanced approach to the fundamental question “why we need science in environmental management” its new sources and the role of epistemic communities. He analyzed the role of science in the process of negotiation and effective operation of the regimes established by Multilateral Environmental Agreements (MEAs), highlighting the function of “consensual knowledge” and the variable role played by science in the evolution of these environmental regimes through the formation of three generations of MEAs. Finally, he considered, in general, the differing impact of science on international negotiating process pinpointing the factors that affect, positively or negatively, this impact (e.g. global political conflicts, conflict of values, political attention, visibility of the issues and problems, economic interests, technological availability, public attention).

After the end of Day III of the Training School, a **dinner** was provided by MEPIELAN Centre for the trainers and trainees at the well-known **Tartaare Restaurant** in Glyfada.

C. The Issue-Specific Level

The Issue-Specific Level covered the next two days (26-27 November 2009) and was organized in four sessions.

On Thursday, 26 November 2009, the Morning Session addressed **the Governance of Climate Change: The Negotiating Process** (Lecturer: *Prof. Meinhard Doelle*).

The lecturer, a distinguished academic involved for many years in the negotiation of climate change regimes, delivered an excellent, insightful lecture on the international climate change regime in the context of integration. He considered the complex evolution of the climate change regime and the perspective of opportunities to negotiate the integration of biodiversity concerns into the development of the climate change regime. More specifically, he presented the historical evolution and the current legal state of the climate change regime (UNFCCC, Kyoto Protocol), he explained the most important aspects and the problematique of the Kyoto Protocol

regime (Emission Reduction Targets, Flexibility Mechanisms, reporting and review, compliance, the system of obtaining credits through the enhancement of carbon sinks, the role of developing countries), and he underlined the important role of the IPCC and the impact of its Reports. He also highlighted the factors affecting the negotiating process for a new climate change regime, its stages as well as the outside influences on the UNFCCC negotiating process. After the end of his lecture, he conducted a successful *Simulation Exercise* on forest sinks negotiation which allowed the trainees to consider changes to one particular aspect of the current climate regime, the use of forests in reducing concentration of greenhouse gases in the atmosphere. The trainees were divided into five groups (EU, USA, Canada, Russia, Brazil) and, taking into account the failure of the current rules to integrate biodiversity into the use of forests as sinks, they generated a negotiating situation leading to integrated positions.

In the Afternoon Session, a lecture was delivered on **Coastal Zones Governance: Negotiating the New Integrated Coastal Zones Management Protocol (ICZM Protocol) in the Mediterranean** (Lecturer: *Mr. Ivica Trumbic*).

The lecturer, who in his former capacity as Director of Priority Actions Programme, an important Regional Activity Centre of the Mediterranean Action Plan and the Barcelona Convention, was the initiator and the driving force of the new and innovative ICZM Protocol, 2008, presented an in-depth and thorough analysis of the long, complex, multilevel negotiating process that resulted in the ICZM Protocol within the Barcelona Convention system. He highlighted the Mediterranean region-identity factors that put pressure on the Mediterranean Coastal Areas (population, urbanization, tourism, ship pollution, river pollution, agricultural pollution, urban pollution, hot spots) as well as the risks threatening the region. He analyzed the various phases and stages of the long negotiating process of the ICZM Protocol (2001-2008), emphasizing the importance of the scientific and legal involvement in, and contribution to, this process and the protocol-development option, the role and nature of negotiating teams, and the necessity of further involvement of the negotiators of this Protocol in its ratification process.

After the end of Day IV of the Training School, two **major events** were organized by MEPIELAN Centre: a *Visit to the Benaki Museum and the Museum of Cycladic Art* was organized for the trainers and trainees (18.30-20.30), followed by a **formal Dinner at the Benaki Museum Terrace**, a unique spot at the centre of Athens, in which a joyful and friendly atmosphere dominated among the participants.

On Friday, 27 November 2009, the Morning Session included two lectures. First, a lecture was given on **the Negotiating Process of Landscape and Spatial Planning in the framework of the Council of Europe: An Insider's View** (Lecturer: *Dr. Maguelonne Déjeant-Pons*)

The lecturer, who is the Head of the Spatial Planning and Landscape Division, Council of Europe - DG IV since 2001, delivered an inspiring lecture exploring, in the most insightful manner, the key aspects of the negotiating process in the formation and implementation of the European Landscape Convention, 2000. She analyzed the contextual factors related to the negotiation of the European Landscape Convention and its "added value" in international environmental governance, she explained the philosophy behind its text and the reflection of public interest in it, and she

emphasized its special weight as the first Convention of sustainable development. Furthermore, she pinpointed the areas where intense attention was paid during the negotiation of the Convention (definitions, international measures, implementation measures) in an effort to attain an adequate level of effective environmental governance. Most importantly, she very usefully illuminated the steps and actions taken by the Council of Europe which paved the way for negotiated entry into force and implementation of the Convention and included: Conferences of Contracting and Signatory States to the Convention until its entry into force (2004), Conferences and Workshops for the better implementation of the Convention and its good governance, awareness-raising and information, reports and information documents, national observatories for regions. A vivid discussion with the trainees followed her presentation.

The final lecture was on **the Governance of the Marine Environment in the Black Sea: The Negotiating Process** (Lecturer: *Dr. Nilufer Oral*).

The lecturer, a well-known expert in the law of the sea and in environmental law with special emphasis on the Mediterranean and the Black Sea regions, gave a stimulating, insightful and interactive lecture on the negotiating process related to the environmental governance of the Black Sea for the protection of its marine and coastal environment. She explored the multifarious factors substantially affecting the present rather problematical level of environmental governance by the Bucharest Convention for the Protection of the Black Sea and its Protocols, 1992, evidenced by the poor legal framework, the insufficient public involvement, the inadequate financial mechanism, the non-uniform level of participation by the Contracting Parties in the relevant IMO Conventions and the lack of action on biodiversity and on invasive species. She underlined the fundamental institutional problem emanating from the coexistence of two regional organizations, the Black Sea Commission, responsible for the implementation of the Bucharest Convention system, and the considerable broader Black Sea Economic Cooperation, established in 1999 and composed of 12 States, highlighting the serious governance gaps between them. Finally, she presented proposals for negotiating a more effective and efficient environmental governance of the Black Sea region recalling the Danube Commission as a successful example.

The Concluding Session was held at 15.30, where the trainees completed an **Evaluation Report** prepared by MEPIELAN Centre and the Director of the School made his Concluding Remarks and closed the Training School at 17.00.

6. FINAL REMARKS

The Training School on International Environmental Negotiation as a Governance Process was a very successful event in every respect.

First, the object and the substantive content of the Training School is innovative

It dealt with the negotiating process in the framework of the protection of the environment and sustainable development. *Environmental Negotiation Process* is an area largely neglected in Europe, despite its catalytic importance in the development

and the pragmatic understanding of international environmental regimes and order. Its knowledge is rather fortuitous and often relegated into a bunch of general techniques and tips applicable to any bargaining situation. In the US the knowledge of negotiation and of international environmental negotiation in particular, is flourishing for the last 30 years. **The Harvard Negotiation Project** has created a powerful school of negotiation knowledge with immense influence on the thinking of those who practice, study or discover the importance of negotiating process in all aspects of preparing, forming, and applying international regimes.

However, we need to go *beyond the knowledge of negotiation process as a generically conceived strategy* and to develop a **more European approach** that conceives, claims and teaches international environmental negotiation (IEN) as a *discursive approach of multilateral governance projecting a transformative view of international law*. The approach that this training school advocates is that International environmental negotiation needs to be understood in relation to the process of preparation, constitution and evolution of conventional environmental regimes and also in relation to a horizontally developing international order.

And MEPIELAN Centre/Panteion University of Athens has humbly embarked upon, and is elaborating, a knowledge of IEN as a governance process of international relations. And this Training School sailed with this flag. Our purpose and ambition is to institutionalize this Training School at the Panteion University of Athens under the auspices of the COST Action. This 1st Training School used the language of negotiations (English), the lectures were conducted by well-known, internationally distinguished experts in the field and they are addressed to an international audience of of Ph.D students, selected postgraduate students, and early stage negotiators drawn from the COST Countries, especially from those that are parties to this particular COST Action that concerns *“The Transformations of Global Environmental Governance*.

Secondly, the Training School was a success as an international educational and training event within the aims of the COST Action IS0802 attracting high visibility in Greece

This Training School brought together a group of internationally distinguished academic and experts with long experience in international environmental negotiation, a closed circle of selected international trainees, and a number of observers from various sectors (universities, institutes, research centres, public and private sector, and NGOs) within the framework of the COST Action IS0802 *“Transformations of Global Environmental Governance: Risks and Opportunities”*. It further aimed at promoting a cooperative network among COST Action institutions and centres on this subject. The Training School is one of the five events *“Transformations of Global Environmental Governance: Risks and Opportunities”* of the COST Action IS0802 approved for this year.

The high quality of the Training School attracted, apart from the catalytic financial support of the COST Action amounting to €9,000, a generous and decisive financial support of the Panteion University of Athens amounting to €16,500. The Training School was effectively advertised by the website of MEPIELAN Centre

(www.mepielan.gr), the website for COST Action IS0802 (TGEG) (www.glogov.org) as well as by posters prepared by MEPIELAN Centre. The event was also put up in the electronic pages of the Greek newspapers as well as in bi-monthly electronic *Newsletter*, No.1, of the COST Action IS0802. Being rated by the *Greek State Television (Digital ERT)* as a highly interesting and an innovative educational and training event because of its content and its international character, it was televised while, in addition, Digital ERT invited me for a special interview of 15 minutes for the Training School on 8 December 2009 which was broadcast live.

The Training School Secretariat, composed of *Mr. Sokrates Zachos*, Head, MEPIELAN Centre, *Ms. Kiki Monezi*, MEPIELAN Centre, *Ms. Alkisti Florou*, MEPIELAN Centre, and *Mr. George Raftopoulos*, MEPIELAN Centre, made an excellent work for the preparation, organisation and during the operation of the Training School, and their contribution and personal devotion for 5 months to the materialization of the Training School was invaluable, decisive and highly appraised.

All the above remarks, educational and organizational, are entirely confirmed and supported by the Evaluation Reports completed by the Trainees as well as by the enthusiastic and most encouraging comments in the emails sent to me by the trainers and observers after the end of the Training School. It is now hoped we will be assisted so that the lectures, in the form of papers, and the simulation exercises of the Training School will be *published as a book* produced by a reputable publisher in the field.

I would like to stress the excellent cooperation I have had with the Chair of the COST Action IS0802 *Professor Philipp Pattberg*, and the Vice-Chair, *Professor Aarti Gupta* and the invaluable support they offered me, in a truly collegiate spirit, for the realization of this Training School. I would also like to underline the professional, friendly and very effective cooperation and pertinent assistance I have had by the COST Action Office, *Dr. Julia Stamm*, Science Officer ISCH, and *Ms. Felicitas Ambrosius*, Administrative Officer.

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