

Hostage to Norms: States, Institutions and Global Forest Politics

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When the sun rose over the headquarters of the United Nations Organization at six o'clock in the morning on February 11, 2000, a photographer for the *Earth Negotiations Bulletin* pulled the heavy curtains of Conference Room 4. The sun rays of dawn entered a room full of fatigued diplomats with crumpled clothes and weary faces. They had spent the night as well as the previous two weeks trying to reach a compromise on international forest policy. Negotiations had now reached the end of a five-year long process of deliberations. Countries advocating the creation of a global treaty had met enduring and concerted opposition. After futile attempts to bridge irreconcilable differences, delegates decided to forgo a legally binding agreement and to create instead yet another institutional platform for nonbinding discussions, the United Nations Forum on Forests (UNFF). This would be the fourth institutionalized initiative in a series of failed efforts to create international forest policy.

The story of forestry negotiations raises at least two important questions. First, why have efforts at regime formation failed? After an impressive spate of multilateral meetings, states have not created a legally binding agreement on forest management. While there are elements of soft law such as Chapter 11 of Agenda 21 as well as tools for private forest governance operated by nonstate actors, a forest policy regime based on hard international law is absent.¹ This outcome is peculiar when compared to the large number of successfully created treaties on other environmental problems. A distinct historical development in international relations of recent decades has been the phenomenal proliferation of environmental policy agreements. Much of the booming academic literature

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1. Humphreys 2003; and Gulbrandsen 2004. In this study regimes are defined as legally binding international policy agreements among states that involve explicit rules and concrete policy commitments. The only treaty exclusively related to forests is the *International Tropical Timber Agreement* (ITTA), a trade regime without monitoring and compliance mechanisms that pertain only to the tropics.

on global environmental politics focuses on the formation and implementation of policy regimes. Scholars typically focus their attention on cases where legal regimes were formed, and ignore environmental issues unaddressed through international policy agreements. As I have argued elsewhere, such negative cases provide valuable opportunities to study factors that affect collective action and processes of institution building.²

The repeated failure at launching forest policy coordination is particularly notable given the prominence of deforestation in public discourse. Environmental norms have grown over the last decades and facilitated the creation of multilateral institutions.³ Forests, in particular, are emblematic of the natural environment and their degradation resonates with the public. In an age of strengthening norms of multilateral environmental management, one might expect that if obscure ecological problems such as persistent organic pollutants can trigger treaty formation,⁴ then the probability of a policy agreement on forests, with their symbolic value and public resonance, would be high. And while nongovernmental forest certification schemes and other nonstate governance mechanisms have emerged,⁵ state deliberations on forestry have become notorious in diplomatic circles for their apparent futility.

The second, equally important question is why governments continue to engage in international deliberations. The sustained and universal state participation in multilateral talks on deforestation is puzzling, considering what seems to be a permanent cul-de-sac. Virtually no progress was made over fifteen years of debates, the differences appear irreconcilable, and key players offer no indication they may change their positions in the foreseeable future. Diplomats and policy-makers openly state that they have no hope for agreement on contentious issues. And yet, governments not only continue the talks but also create international institutions. What is more important, these institutions are purposefully stripped of policy-making capacity. The presence of an institution in the absence of motives is bewildering. One would not expect proponents of multilateral action to seek utterly impotent institutions and opponents of multilateral action to propose institutions in the first place! Why do governments create blank international institutions that are deliberately designed to be idle?

Theoretical Propositions

The forest case offers a valuable opportunity to refine our understanding of the relationship between norms, governance and international institutions. The analysis offered here answers calls by Keohane, Wendt, Fearon and others for synthesis between rationalist and reflectivist approaches in the study of world politics. It evaluates the impact of environmental norms on state behavior at the

2. Dimitrov 2003.

3. Meyer et al. 1997; and Hough 2003.

4. 2001 *Stockholm Convention on Persistent Organic Pollutants*.

5. Lipschutz 2001; Cashore et al. 2004; and Bernstein and Cashore 2004.

international level, using a widely accepted definition developed in a classic collaborative volume on the topic: norms are “collective expectations for the proper behavior of actors with a given identity.”⁶ They provide standards of appropriate conduct and prescribe or proscribe social practices. As shared ideas, norms exist at various levels of generality, from narrowly specific norms such as the “polluter-pays” principle to the broader norms on sustainable development that affect multiple and diverse areas of social activity. Enormously elastic concepts, norms could be divided into subnorms and other ideational components, or grouped and amalgamated into higher meganorms. This raises difficult questions of concept identification and classification such as whether the idea of sustainable development, for instance, is a single norm, a cluster of norms, or something else.

The focus here is on the norm of environmental multilateralism (NEM), defined as the collective expectation that governments address global ecological issues in a collective, multilateral manner. NEM is premised on a principled agreement regarding the value of healthy natural environments and shared understanding of the merits of joint environmental management. Unlike relatively narrow norms encapsulated in individual environmental agreements (e.g., the injunction to manage international trade with endangered species), NEM is a broad norm that operates across various environmental issues and is not necessarily contingent on the existence of legal instruments.

Four interrelated arguments regarding norms, institutions and interstate governance are advanced. First, NEM has not been sufficient to facilitate the creation of a forest policy regime. The collective decision not to create a forest convention is shaped by other factors including other norms (neoliberal norms of free trade and development),⁷ vested corporate interests in forest exploitation,⁸ opposition by the United States,⁹ scientific uncertainty about the cross-border consequences of deforestation, and shared doubts about the added value of coordinating forest policy. This serves as a reminder of the limits of normative influences: norms may enable regimes by reshaping state interests but they rarely “cause” policy behavior such as regime formation.

Second, the norm of environmental multilateralism helps explain the creation of global institutions such as the United Nations Forum on Forests as well as universal state participation in it. Examination of alternative explanations concludes that the establishment of the UNFF is not a function of hegemonic preferences, economic interests, desire for social learning, civil society pressures, transboundary externalities or organization inertia. Rather, a normative “logic of appropriateness” guides states to participate in multilateral policy deliberations. Evidence suggests that the mechanism for NEM’s impact is internalization and not external social sanction. Decision makers have internalized the norm

6. Katzenstein 1996, 5.

7. Lipschutz 2001; and Humphreys 2003.

8. Dauvergne 2001; and Gulbrandsen 2004, 2005.

9. Davenport 2005.

and do not comply with it merely to avoid reputational costs and shaming by other social actors.

Third, “good” norms can produce undesirable results and exercise negative rather than positive influence in world politics. In conjunction with anti-treaty forces, NEM fuels initiatives void of policy content and fosters the construction of wasteful international institutions that give multilateralism a bad name. The current stalemate in international forestry negotiations is produced by a combination between material and ideational factors. Socioeconomic interests in forest exploitation reduce the incentives for policy coordination. At the same time, NEM makes it prohibitive to disengage from international discussions on a prominent ecological issue. As a result, this norm holds governments hostage in a hollow institution deliberately designed to be idle. Eventually, the fruitlessness of this process serves to nourish skepticism about the effectiveness of global institutions.

Finally, the forest episode of world politics suggests that norms, institutions and governance are not coterminous. Existing scholarship displays a strong tendency to treat them as closely related components of one conceptual complex, its common premise being that institutions are instruments for providing governance and norms serve as basis for both. Political developments in global forestry challenge these academic assumptions as they portray a conceptual disconnection between institutions and governance. Global forestry institutions provide no mechanisms for governance—not because they fail in implementation but because they are “decoys” deliberately designed to preempt governance.

Clearly, a single case study is not sufficiently strong basis for making generalizations about world politics at large. The aim here is not to complete a research agenda but to create one, by drawing attention to types of state behavior that receive little attention yet have important implications for academic research on collective action and global governance. My point is not that institutions never or rarely serve as a basis of governance; rather, they are not necessarily *intended* to provide governance. States do not always or often build vacuous institutions but they do at least sometimes. This occurrence, regardless of its frequency, raises fundamental issues about the connection between governance and institutions that International Organization scholarship can ill afford to ignore.

The argument concerns intergovernmental policies, without denying the importance of voluntary approaches to environmental management and non-state forest governance through market mechanisms such as forest certification.¹⁰ This study also focuses on the role of norms at the international level and does not seek to address their influence upon national or local policies. The presence of norms even in the absence of an international regime may have im-

10. For extensive analyses on forest-related nonstate governance, see Lipschutz 2001; Bernstein and Cashore 2004; and Cashore et al. 2004

portant domestic, local or even transnational effects that likely differ from state to state. Why some countries manage their forests sustainably and others do not or how industries affect national government policies are questions that lie beyond the scope of this project.

The remainder of the article offers a critical evaluation of the norms literature and its contributions to International Relations (IR) theory; recounts the history of global deliberations on deforestation; considers alternative explanations of the collective decision to create the UNFF; and builds the argument that the norm of environmental multilateralism holds considerable explanatory power. The concluding section examines critically the relationship between norms, institutions and governance, and suggests the need to reconsider fundamental theoretical assumptions in the study of international organization.

Norms in World Politics

The theorizing of norms in the study of IR evolved out of research on international institutions after a classic volume positioned norms center-stage, by identifying them as integral components of regimes.¹¹ A wave of studies demonstrates that implicit rules and shared understandings influence world politics. Norms are volatile but real ideations that create standards of appropriate behavior that give rise to reciprocal expectations about social conduct.¹² They affect state identity and interests as well as their conduct at domestic and/or international levels.¹³ Examples range from specific norms prohibiting particular weapons¹⁴ to broader ideas such as collective security¹⁵ and further to an even higher level of generality such as norms of multilateralism and cooperation¹⁶ or the legal norm of *pacta sunt servanda* ("agreements must be kept").¹⁷ An aggregate result of this multitude of normative influences is that world politics displays a measure of order and regularity even in the absence of formal institutions. In recent years, scholars have further elaborated on norms by specifying types of norms,¹⁸ types of their effects on domestic practices and foreign

11. In his commonly cited definition, Stephen Krasner described regimes as "sets of implicit or explicit principles, norms, rules, and decision-making procedures" (Krasner 1983, 2). Excellent literature reviews are made in Raymond 1997; and Finnemore and Sikkink 1998.
12. Katzenstein 1996; and Krasner 1983. Norms have been defined as "standards of behavior in terms of rights and obligations" (Krasner 1983, 2) and "collective expectations for the proper behavior of actors with a given identity" (Katzenstein 1996, 5). Alternatively, Axelrod (1986, 1097) centers his notion of norms on actual behavior: "A norm exists in a given social setting to the extent that individuals usually act in a certain way and are often punished when seen not to be acting in this way."
13. A distinction has been drawn between *regulative* norms that prescribe or proscribe behavior, and *constitutive* norms that shape identity (Jepperson et al. 1996.). Similarly, others distinguish between permissive and restrictive norms (Kegley and Raymond 1994).
14. Price 1995.
15. Cortell and Davis 1996.
16. Axelrod 1986; and Ruggie 1993.
17. Kunz 1945.
18. Jepperson et al. 1996; and Raymond 1997.

policy,¹⁹ when norms matter,²⁰ how they evolve²¹ and the mechanisms through which they affect behavior.²²

Three features of existing norms research merit particular attention. First, this literature displays a selection bias toward positive cases: previous investigations focus on cases where norms made a distinct impact on state behavior. Arguments often draw empirical support from the security issue area that is presumably affected strongly by power and material interests. If norms affect the “high politics” of security, they are expected to be even more—or at least as—influential in the “low politics” of human rights or the environment. Few scholars seem to heed the advice of Jeff Legro who stresses the importance of examining “failed cases” of norms impact. “Research on norms has tended to overlook the emerging rules, principles, prohibitions, and understandings that might have had an influence but did not. . . . Why norms did not emerge or were not consequential is as important as why they did.”²³ This admonition becomes particularly salient when norms fail to affect outcomes in environmental politics where their influence is expected to be strong.

Second, previous studies focus on normative impacts on actual policy rather than symbolic social behavior. They probe how norms prescribe substantive behavior: humanitarian intervention,²⁴ environmental protection,²⁵ human rights practices,²⁶ maintaining alliances,²⁷ providing transparency in security policies,²⁸ decolonization,²⁹ and supplying foreign aid.³⁰ In addition, a number of studies examine the role of norms that prohibit certain practices: the use of military force,³¹ the use of nuclear and chemical weapons and landmines,³² slavery,³³ apartheid,³⁴ piracy, drug trafficking, and the killing of elephants and whales.³⁵ In all of these cases, analyses seek to demonstrate that norms affect the substantive policies of state actors.

Third, the norms literature is “normative” in its orientation, passing a value judgment on the influence of norms and frequently evaluating their impact as positive. Most relevant scholarship portrays norms as good things that facilitate moral or ethical behavior such as providing foreign aid, defending hu-

19. Cortell and Davis 1996; and Katzenstein 1996.

20. Checkel 1997.

21. Finnemore and Sikkink 1998.

22. Katzenstein 1996; and Onuf 1989.

23. Legro 1997, 34.

24. Finnemore 1996.

25. Bernstein 2001; and Haas 2002.

26. Risse, Ropp, and Sikkink 1999.

27. Kegley and Raymond 1982.

28. Florini 1996.

29. Goertz and Diehl 1992.

30. Lumsdaine 1993.

31. Barnett 1995; and Kegley and Raymond 1986.

32. Price 1995; 1998.

33. Ray 1989.

34. Klotz 1995.

35. Nadelmann 1990.

man rights, or abstaining from the use of weapons of mass destruction. Theorists would probably recognize that not all norms are always positive: sovereignty and economic liberalism, for instance, generate considerable controversy by virtue of their potential negative ramifications. Yet, the concept of norms evokes the image of good and the majority of previous analyses focus on their positive influence in world affairs.

The forest case does not easily fit in existing analytical frameworks and challenges key assumptions in the relevant literature. Deforestation presents a most likely case of environmental politics that is presumably more susceptible to the impact of norms. Yet, environmental norms have not facilitated coordinated policy to combat deforestation. They have not prevented even politically weak states from opposing a policy regime for sustainable forest management. Second, here norms affect not substantive policy conduct but the *symbolic* behavior of governments who created an ostentatious international institution as lip service to the environmental problematic. Third, the overall result of the norms' impact is not positive but negative. Symbolic norms-driven processes waste institutional energy, distract attention from other avenues of action, divert resources from policy on the ground, and tarnish the concept of multilateralism.

International Discussions on Deforestation

The forest cover of the planet is known to dwindle due to a number of human activities including commercial logging, clearing of agricultural land and pastures, and road and dam construction. In the context of proliferating environmental agreements and strengthening environmental values, the absence of global forest policy was becoming conspicuous by the late 1980s. The 1990s saw an impressive array of global and regional initiatives regarding deforestation.³⁶ At their 1990 annual meeting, the group of industrialized countries called for creating a forest convention. Subsequent global negotiations took place within four consecutive institutional settings: the United Nations Conference on Environment and Development (UNCED), the Intergovernmental Panel on Forests (IPF), the Intergovernmental Forum on Forests (IFF), and the UNFF.

Forest Discords at Rio

The plan to include negotiations on a forest convention on the agenda for the 1992 UNCED was abandoned at the preparatory stage due to sharp disagreements among governments on the need for such a treaty. While the US, Canada and European countries emphasized the principle of global responsibility in preserving forests, developing countries stressed sovereign rights to utilize natu-

36. Early initiatives on forests are recounted in Humphreys 1996.

ral resources. They viewed proposed international regulations as methods of raising trade barriers: a treaty would put limitations on their timber exports and/or oblige them to engage in sustainable forest management that makes harvesting more expensive. The Rio conference produced only the *Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests*. The insignificance of the document is reflected in the very small group of states who cared to participate in negotiating its text.³⁷ Officially known as the “Forest Principles”, the declaration reaffirms the sovereign rights of states over their forest resources (Principle 2 (a)). After Rio, parties to the 1983 *International Tropical Timber Agreement* considered expanding the scope of the treaty to include boreal and temperate forests. The US and the European Union firmly objected to changes in the treaty and succeeded in preserving its exclusive focus on tropical regions. Developing countries considered such a position as duplicity: the North was pressing them to protect tropical forests but was unwilling to reciprocate with temperate and boreal forests.

Negotiations at the IPF and the IFF

During debates at the UN Commission on Sustainable Development in April 1995, countries recognized the need for an international dialogue dedicated exclusively to forests. To this end, they established the Intergovernmental Panel on Forests, a two-year *ad hoc* forum for discussion. The IPF convened four times between 1995 and 1997, and developed proposals for action on technology transfer, forest research, criteria and indicators for sustainable forest management, and trade. Yet again countries could not agree on major issues such as the need for a convention or financial assistance for forest policies in developing countries. At the UN General Assembly, they decided to continue the policy dialogue and established an *ad hoc* Intergovernmental Forum on Forests, widely perceived as a mere continuation of the IPF.³⁸

The most controversial issue at the IPF and the IFF was whether to seek an international policy agreement, and the bargaining process was characterized by virtually complete stagnation.³⁹ Throughout the eight rounds of talks during sessions of the IPF and the IFF, the positions of the main protagonists in the negotiations remained virtually unchanged. A large group of countries advocated a treaty: Canada, Finland, Norway, France, Switzerland, the Russian Federation, Malaysia, South Africa, and Poland, among others. Stressing the absence of a holistic international approach to forest management, treaty advocates empha-

37. Kolk 1996.

38. Resolution 1997/65 of ECOSOC.

39. A complete account of forest-related international negotiations is provided by the *Earth Negotiation Bulletin* at their website at http://www.iisd.ca/process/forest_desertification_land.htm (accessed 17 July 2005).

sized that existing agreements do not adequately address the problems confronting the world's forests and supported creating a "legally binding instrument." On the other side of the fence, the United States and Brazil were leaders of an anti-treaty coalition that included Australia, New Zealand, Japan, the United Kingdom, China and most developing countries. This camp advocated a "non-binding arrangement" that would not entail policy obligations. Brazil repeatedly upheld the Forest Principles as a sufficient instrument. When negotiating text documents, the US delegation, together with Australia and Brazil, rejected references to an international policy "agenda" and preferred the less committal "dialogue."

The treaty debate was closely related to financial matters. Developing countries were afraid that if they committed to a binding agreement, the North would not provide resources for its implementation and leave them without means to comply with their obligations. At the fourth session of the IFF, African countries such as Zambia and Nigeria indicated that they would consider joining a treaty if a global forest fund was created. On the last day of the session, the group of developing countries openly stated "we do not have a principled objection to a treaty if the money is provided to implement it."⁴⁰ All industrialized countries, however, were adamant in their position that additional financial resources were not justifiable. Even treaty supporters curtly stated that there was money already provided on a bilateral and multilateral basis but, they argued, recipient countries were not using this money efficiently.

Remarkably, most nongovernmental organizations (NGOs) at the negotiations bitterly opposed an international convention. In 1992 they had been enthusiastic supporters of a treaty but their position changed in the mid-1990s.⁴¹ In formal statements, the Global Forestry Action Project and other groups read searing statements about the futility of treaty negotiations. Publications of IUCN and the WWF offered extensive analyses of the problematic to argue that it was premature to begin negotiating a convention.⁴² The counter-intuitive NGO position was motivated by two considerations. First, they felt negotiations would divert attention from existing initiatives and suspend sustainable forest policies while governments and industries were waiting for the resulting convention.⁴³ Second, they were skeptical about the content of any resulting treaty. Witnessing the deep disagreements among governments and their refusal to pledge new financial resources for forest policy, the NGOs calculated that a treaty would be weak and would serve to legitimize the exploitation of forests.

40. Statement of Nigeria, on behalf of the group of developing countries, during the fourth session of the IFF, New York, February 11, 2000.

41. Humphreys 2004.

42. IUCN 1999; and Tarasofsky 1995.

43. Author interviews with Stuart Wilson, Forests Monitor, and Bill Mankin, Greenpeace, former Director of Global Forestry Action Project, a collaborative initiative of Sierra Club, Friends of the Earth, and the Natural Wildlife Federation.

As one of their representatives stated: “NGOs have been against a convention. It won’t include anything we would like, and at the same time [treaty negotiations] would suspend policy progress for ten years.”⁴⁴

Outcome: The United Nations Forum on Forests

The denouement of the negotiating process came at the IFF’s last session in early February 2000. After long hours, consensus could not be reached and the final decision amounted to rejecting the idea of a forest convention. The IFF decided to create instead the UN Forum on Forests, an international institution with universal membership that reports to the UN Economic and Social Council. In order to appease the pro-treaty coalition, the plenary adopted what NGOs dubbed the Monty Python paragraph: the UNFF would evaluate its own effectiveness after five years of work and then would “consider with a view to recommending the parameters of a mandate for developing a legal framework on all types of forests.”⁴⁵ The awkward wording was product of linguistic acrobatics, negotiated over the course of an entire night until it was made sufficiently obscure as to allow both sides to save face. One delegate remarked: “In five years’ time, a vast array of lawyers will spend large amounts of public money trying to interpret what the negotiators meant.”

The grotesque character of global forestry deliberations became even more apparent at the new UNFF whose first session was held in June 2001 in New York.⁴⁶ While countries agreed to disagree on all substantive policy matters, when it came to the particular mandate and design of the UNFF, they cooperated in eviscerating the new institution. Countries did not want a body with teeth, for varying reasons. For some, an ineffective UNFF precludes interference with sovereignty while for pro-treaty countries a fruitless Forum was desirable in order to underscore the need for a convention. The hollow design of the institution is therefore a result of convergence of disparate preferences and not a product of a grand global conspiracy.

Treaty opponents and proponents worked together to strip the international arrangement of substantive content. Arguments about the unique policy needs of each country were used to ensure that states are not bound by any decision of the UNFF. The United States tried to portray the institution as a success in order to undermine arguments for a legal treaty. At the same time, their delegation did their best to deprive the UNFF of any capacity to generate policy. Throughout discussions, they made numerous proposals to delete key paragraphs from draft texts, including references to financial provisions, targets and timetables, and concrete responsibility for monitoring and reporting. Devel-

44. Stuart Wilson, Forests Monitor, interviewed May 2004, Geneva.

45. Final Report of the IFF to the UN Commission on Sustainable Development (E/CN.17/IFF/2000/14), available at <http://www.un.org/esa/sustdev/ecn17iff2000-sprep.htm>, accessed October 2004.

46. The account of UNFF sessions is based on participatory observation.

oped countries together succeeded in removing trade issues from the program of work. The North thus reserved its right to import timber products from developing countries while blaming the South for cutting trees.

The decision texts that describe the UNFF's "Plan of Action" and "Programme of Work" are masterpieces of Machiavellian diplomacy.⁴⁷ With meticulously chosen words, they contain all the right ideas but commit no one to do anything about them. The adopted documents allow countries to set their own priorities and do not require them to report on policy implementation. In short, this global institution is collectively and purposefully designed to be an empty eggshell: it has no mandate for decision-making, leaves everything for countries to do, lets them choose what they want to do, does not provide them with financial assistance to do it, and has no right to hold them accountable for the results of their (in)action.

Recent sessions have become notorious in diplomatic circles for their apparent lack of purpose. They produce resolutions that merely reiterate existing proposals for action without specifying means of implementation. Delegates privately confide in the corridors that the resolutions are only intended to show signs of life in the institution. When occasionally a new proposal is tabled, countries such as the US (supposedly enthusiasts) remind the forum that the UNFF is not a body that can engage in action. High-level officials such as the head of the Canadian delegation call the institution a "circus," while others question the rationale behind its existence in more diplomatic ways.⁴⁸

The Last Straw

The last session of the UNFF in May 2005 was a particularly embarrassing failure. It had been eagerly anticipated for years, since the meeting was mandated to evaluate the Forum's achievements and consider the need for an alternative international arrangement (read, treaty). A promising starting point of the session was a near-consensus that the status quo is unacceptable. Even the US by this point publicly conceded that the UNFF is seriously lacking. The EU came ready for a showdown and threatened to abandon the process if they did not receive guarantees for significant changes. They arrived in New York determined to obtain policy commitments under a "code of practice" and insisted on quantifiable and timebound global and national goals. In the ensuing fight, demands for "quantifiable" global targets were dropped, national commitments became "voluntary", and targets at neither level had to be achieved, only pursued. When these major concessions were not reciprocated on other issues, negotiations collapsed. The meeting neither produced a new international ar-

47. The Plan of Action and the Programme of Work are contained in E/CN.18/2001/3/Rev.1

48. In its opening statement, the Swiss delegation at the third session of the UNFF stated: "The outside world is looking with some confusion onto what is going on within the UNFF process. Presently, it is unclear whether the UNFF will indeed play its role as the director of the international forest orchestra, or whether it will simply become irrelevant."

rangement on forests, nor strengthened the current one. The inability to prepare even a weak political declaration for the high-level ministerial segment was an embarrassment for all. The session did not produce even a statement, only a nominal document of three paragraphs to show that the meeting took place, with an appendix containing the charred remains of the draft negotiated text.

Explaining Treaty Absence

The collective decision not to create a forest treaty is not particularly puzzling since a number of factors work against international policy coordination in forest management. These obstacles include the large number of actors involved, the distribution of power across negotiating coalitions, concerns with relative gains, material interests in commercial logging and agriculture, the policy impact on economic sectors, and the distribution of costs and benefits among domestic actors. In his work, Dauvergne documents the deeply entrenched corporate interests in logging.⁴⁹ Humphreys and Lipschutz argue that global forest politics is dominated by neoliberal principles of capitalism and free trade that explain the absence of a convention.⁵⁰ Davenport focuses on the hegemon's interests and the unwillingness of the US to build a pro-treaty coalition in the early 1990s.⁵¹ Another principal obstacle is the absence of reliable scientific information on the transboundary consequences of deforestation; hence there is no perceived interdependence that would justify policy coordination.⁵² The socio-economic costs of protective policies are high since forest utilization is a complex cross-sectoral issue that affects a number of socio-economic realms: agriculture, timber industries, hydroelectric energy. Concerns with relative gains and losses are also acute since the geographical distribution of forests is uneven and a global treaty would impose unequal obligations on states, with countries with extensive forest cover bearing a heavier burden. In short, various factors work to thwart agreement on international forest policy.

This aspect of the story shows that environmental norms have not facilitated international regime formation. The evidence should not be taken to disprove the existence of norms or their influence on state behavior altogether. A norm rarely "causes" regime creation, dictates compliance or guarantees action.⁵³ Rather, norms enable regime creation by helping states redefine their interests, identifying focal points of agreement, and generating interest where none existed before. Norms are also counterfactually valid since their violation does not signal their non-existence.⁵⁴ Moreover, as the following section elaborates, it is precisely norms that explain other important aspects of state behavior.

49. One example is Dauvergne 2001.

50. Humphreys 2003; and Lipschutz 2001.

51. Davenport 2005.

52. Dimitrov 2003.

53. Jepperson et al. 1996; and Nadelmann 1990.

54. Kratochwil and Ruggie 1986; and Kowert and Legro 1996.

Inadequate Explanations of the UNFF

While the failure to create a policy regime can be explained in multiple ways, the creation of the UNFF, an idle international institution without decision-making powers, cannot be adequately understood through established theoretical perspectives in IR studies. Why do governments deliberately create and finance blank international institutions? One would logically expect proponents of policy coordination to seek institutions with *some* policy content, and opponents of multilateral action to oppose further global initiatives. The fact that these two camps collaboratively created a hollow UNFF constitutes a puzzle for various schools of thought. As this section elaborates, basic facts in the story defy theoretical explanations that emphasize social learning, hegemonic power, economic interests, transnational externalities, domestic politics, reputational costs, transnational society, and organizational inertia.

Consider first the possibility that states created the UNFF as a mechanism for *social learning*. Negotiations often facilitate dialogue and enhance awareness of the need to address ecological issues through remedial policy action. Classical game theory as well as constructivist research show that reiterated games and continuous interactions over time result in common expectations about proper behavior, a degree of mutual trust and mutual learning.⁵⁵ In this case, however, little evidence supports the idea that the benefits of social learning formed the rationale behind establishing the institution. When the decision to create the UNFF was made in 2000, only two delegations (the US and Brazil) spoke about the benefits of further dialogue, a rhetoric widely perceived to conceal their genuine desire to preempt a policy agreement. The majority of countries made numerous statements during sessions of the IFF and later the UNFF that they see no value in further dialogue. Two of the most frequent, painfully familiar themes in country statements at forest meetings are frustration with talkshops and the need to move from dialogue to action. Some major players such as the European Union threatened to disengage from the UNFF if an action-oriented international policy instrument is not forthcoming.

Realism would not be in a strong position here since forest discussions are not a function of hegemonic power. Although the United States was a leading advocate for a forest treaty in the early 1990s, they could not even keep the issue on the international agenda. After the hegemon reversed its position several years later, it has neither advocated international policy nor encouraged countries to engage in negotiations. On the contrary, the US has strongly and openly opposed substantive policy decisions at the international level and was particularly active in stripping the UNFF of policy capacity. The important reality is that the UNFF is a broadly multilateral institution, and the fact that the UNFF was originally an American proposal cannot explain the universal participation in it. Many Western delegations openly questioned whether there is any point in con-

55. Cutler et al. 1999.

tinuing a dialogue that has been distinctly counter-productive over more than a decade.

Realist expectations find little support in other aspects of the case as well. At first glance, US opposition could explain the failure to form a policy regime. Yet, US preferences changed 180 degrees in the mid-1990s, with no corresponding change in either other actors' preferences or in the collective outcomes. When the US was one of the strongest proponents of a treaty, developing countries succeeded in keeping treaty negotiations off the UNCED agenda. Because this general outcome has remained unaffected by the sharp turn of the US, we cannot reasonably explain it with American preferences. In short, hegemonic power cannot account for either the failure at regime formation or the continuation of international talks.

The establishment of the UNFF cannot be easily explained with *economic interests* either. To understand the inadequacy of interest-based explanations, it is important to emphasize the distinction between regulation and institution building. Economic interests often motivate the desire for global regulation. When uneven applications of environmental regulation create market disadvantages, states may choose to remedy the situation with international agreements that level the playing field. Such interests, however, cannot explain the creation of the UNFF because this institution is purposefully devoid of regulatory policy.

Perhaps developing countries have financial incentives to engage in international talks, hoping to receive financial aid for forest policies. This hypothesis, however, is not plausible because all Western countries refuse to provide additional aid. Even treaty proponents make it clear they will not give funds for implementation. This position has been consistent over the last ten years and it is unlikely that developing countries expect any changes on this issue.

Most countries do not participate in global initiatives in pursuit of maximizing material interests. On the contrary, they have economic disincentives to participate since any resulting policy for sustainable forest management would reduce economic benefits from logging and from clearing forests for agriculture.⁵⁶ The wood products industry alone is worth over \$400 billion per year, with global trade in 1995 worth \$152 billion.⁵⁷ In comparison, the environmental and social costs of losing forests are far lower. According to one estimate, losing one percent of global forest cover would cost \$47 billion, that is, nine times lower than the commercial benefits from logging it.⁵⁸

Then why do some countries want a global policy agreement? The motivation of treaty supporters was mixed, and closely related to domestic politics. The federal government of the Russian Federation saw a treaty as a means of wresting forest policies away from regional governors of its provinces. Canada, Malaysia and Finland believe a convention would serve their forest industries, and

56. Lipschutz 2001; and Humphreys 2003.

57. WRI 1999.

58. Myers and Kent 2001.

were betting on the prospect of a weak treaty that would fend off environmental criticism while giving green light to their logging industries by legitimizing lower environmental standards.⁵⁹ The pursuit of economic interests could thus explain why certain individual treaty supporters participate but cannot illuminate why many treaty opponents stay involved in multilateral deliberations. For instance, no material interest could explain why the US pushed for the creation of the UNFF.

Transnational externalities form the basis of another eligible explanation. According to this rationalist argument, countries keep trying to reach an agreement because they suffer negative transboundary consequences of deforestation, and may perceive it as such a serious transnational problem that they continue negotiations despite repeated setbacks. Facts do not support this explanation either. The absence of reliable scientific information on transboundary consequences of deforestation has been extensively documented.⁶⁰ Furthermore, the perception of political actors reflects this state of scientific knowledge. Interviews with decision-makers and negotiators reveal that they are dubious about cross-border effects of forest degradation. Even leaders of environmental NGOs openly recognize existing uncertainties: "The impacts [of deforestation] are not global; there is no threat to health and human well-being. The consequences are local and national. Both the causes and the consequences are in the locale."⁶¹ Therefore, there are no well established externalities that compel governments to stay engaged in international deliberations of collective action.

Astonishingly, even treaty advocates readily state that coordinated action is not necessary because forest problems could be effectively addressed unilaterally. A key Canadian negotiator reasoned, "For an issue to trigger an international (policy) response, there have to be global dimensions, there has to be impacts that are shared . . . Forests don't affect everyone in the same sense."⁶² Western countries give lip service to the issue but firmly rejected proposals to expand the International Tropical Timber Agreement to cover all types of forests. This evidence undermines the possibility that states engage in discussions because of genuine desire for coordinated policy to combat deforestation.

We also need to consider *domestic political costs* and the role of *transnational civil society*. Perhaps governments engage multilaterally because NGOs exert pressure on them, and created the UNFF to avoid the domestic political fallout and the reputational costs of passivity? The key litmus test for this hypothesis is

59. Domestic groups had pushed the Canadian government and industries toward sustainable forest management such as selective logging that increases production costs. This placed Canadian timber at a disadvantage in the market competition with timber products from developing countries that did not face domestic pressures and could clear-cut their forests. Uniform international regulation could create a level playing field and make Canadian timber exports more competitive on the world markets.

60. Dimitrov 2003.

61. William Mankin, Greenpeace, former Director of Global Forestry Action Project, a collaborative initiative of Sierra Club, Friends of the Earth, and the Natural Wildlife Federation.

62. Mike Fullerton, Canadian Forest Service, Division for International Affairs.

the position of environmental groups. If they lobbied governments to create international forest policy, one could then cogently argue that states created the UNFF to satisfy domestic groups' preferences. In reality, however, virtually all environmental NGOs who participated in the initiatives opposed a treaty and argued against future international discussions on forests.⁶³ When the proposal to create the UNFF was tabled during the final session of the IFF, prominent NGOs such as the World Conservation Union and the Forest Stewardship Council decried the proposed the UNFF as a futile and wasteful creation and repeatedly stated that they prefer governments not to engage in new initiatives. Today, environmental groups are decidedly uninterested in multilateral forestry discussions among governments. As one of their premier spokespersons stated: "It is hard to persuade NGOs that it is worth investing in multilateral forest processes."⁶⁴ When asked about his reaction to the outcome of the UNFF's fourth session, this veteran observer who attended the entire two-week meeting pointedly said: "I don't know. I wasn't listening."⁶⁵ Given the principled NGO opposition to multilateral intergovernmental initiatives, the creation of the UNFF and the continued state deliberations cannot be explained by civil society pressure or reputational costs.

Finally, we cannot rely on *organizational* factors to help us understand the outcome. Some scholarly work suggests that institutions gain momentum of their own and, once in place, it is difficult to dismantle them or to disengage from them. The argument that continued engagement is a function of institutional inertia does not hold ground since there are no permanent institutions involved in our case. The IPF and the IFF were *ad hoc* arrangements with strict time limits (1995–1997 and 1997–2000, respectively). Each of them had a small secretariat staffed with three people. The puzzle here is why states created a new institution in the first place. At the time of its creation, there were no organizational structures whose inertia could have driven further institutional buildup.

The Impact of NEM

The collective decision to create the UNFF cannot be understood in rationalist terms using the "logic of consequences" that focuses on the strategic rationality of action. Instead, state behavior in this case follows the "logic of appropriateness" that stresses standards of behavior and the normative rationality of action.⁶⁶ Recent studies document the emergence of global environmental norms through social discourse and institutional interaction, and posit that norms facilitate the creation of environmental governance structures.⁶⁷ Gulbrandsen sug-

63. Also confirmed by Humphreys 2004.

64. Bill Mankin, Greenpeace, interviewed May 14, 2004, Geneva.

65. *Ibid.*

66. March and Olsen 1989.

67. Hough 2003; Bernstein 2001; Meyer et al. 1997; Nadelmann 1990; and Haas 2002.

gests that international environmental initiatives help generate and disseminate domestic-level norms and principles of conservation and sustainable forest management.⁶⁸ Alternatively, here we see normative influence on developments at the international level. The norm of environmental multilateralism (NEM) can illuminate the seemingly senseless creation of idle forest-related institutions.

The central question is this: if governments do not want policy, why do they create institutions? The rationality of this bewildering decision lies in the normative social context. Given the vast differences in policy preferences and the persistent inability to agree on a course of action, states would all rather have had no institution at all, but NEM led them to create one. Governments created the UNFF not with substantive purposes in mind but merely as an alternative to the zero-policy option. When the decision to establish the UNFF was taken at the last session of the IFF, no one seemed enthusiastic about it: this was simply the only alternative to inaction. Governments cannot afford to give the impression that they are not busy “doing something” about an emblematic environmental issue such as deforestation. States give the impression that the UNFF is a high-profile institution, by having it report directly to ECOSOC, one of the principal organs of the UN. This elevated bureaucratic status stands in peculiar contrast with the UNFF’s utter lack of decision-making power. An international official confided, “The UNFF is not designed to do anything, there is no policy in it whatsoever. It is just a place one could go. This way countries can say ‘Look, we are doing something internationally.’”⁶⁹

The reason why treaty opponents avoid the zero-policy option can be properly understood in normative terms. Interviews reveal that policy-makers from around the world unanimously share the view that no country can afford to declare blanket opposition to initiatives on deforestation. “Why did the US advocate the creation of UNFF if they oppose any form of international forest policy? Why didn’t they seek zero-policy?” When faced with this question, twenty-eight diplomats and policy-makers from various countries invariably gave one and the same answer: “The US could never get away with that [advocating the zero-policy].” Political actors from developed and developing countries alike, treaty opponents and treaty supporters alike give this reply without hesitation. Some are even surprised at the question as if the answer should be self-evident. As one official put it: “Neither the US nor any other country can afford to say ‘Let’s go home’. *UNFF is their only way to avoid a treaty and at the same time appear busy.*”⁷⁰ Countries who oppose a treaty nevertheless feel obligated to demonstrate international involvement and advocated the creation of the UNFF.

Normative pressures help explain not only why some countries advocated

68. Gulbrandsen 2003.

69. Official of the International Tropical Timber Organization, interviewed May 2004.

70. Barbara Tavora, UNFF Secretariat, interviewed June 2003. Emphasis added.

the creation of the UNFF but also why other countries accepted the proposal even though they saw no merit in it. Many delegations at IFF sessions repeatedly stated it is pointless to open new institutional dialogues. Yet, these states, too, stay engaged in such dialogues and reluctantly accepted new institutions. As one diplomat put it: "We suffer to be here. UNFF serves no purpose. But we'll go with the flow."⁷¹ The norm of global environmental cooperation raises the expectation that governments will engage in international endeavors on combating deforestation. And all governments—regardless of their disparate views on substantive issues—stay involved in such endeavors to meet standards of appropriate behavior. At UNFF sessions today, countries spend two weeks every year negotiating declarations that replicate painfully familiar calls for action. The head of the Swedish delegation offered articulate testimony to the purpose of such declarations: "We produce the texts only to prove that we have been here."⁷² Thus, the UNFF can be seen as the institutional excuse of governments for not having an international forest policy.

Norms and interests need not be viewed in juxtaposition to each other since strategic rationality and norms interact in multiple ways.⁷³ In the words of Kratochwil, norms are "guidance devices which are designed to simplify choices and impart "rationality" to situations by delineating the factors that a decision-maker has to take into account."⁷⁴ In our case, it is the particular configuration of social norms and material interests that shape preferences and guide behavior. Prevalent material interests work against substantive policy action in forest management and, absent environmental norms, governments could have disengaged. In an age of mushrooming ecological treaties and widespread concern with environmental issues, however, not addressing a visible and highly symbolic environmental issue such as deforestation is too embarrassing. The combined influence of norms and material interests effectively shepherds states into creating a hollow institution. Hence norms explain the creation of the UNFF while material interests explain its particular design.

What are the exact mechanisms of normative influence? There are two complementary views on how norms affect behavior. In the constructivist perspective, decision-makers internalize norms and rules through processes of social learning; while the rationalist view is that actors comply with norms when compliance is advantageous, given domestic or international pressures and opportunities.⁷⁵ These two mechanisms are not mutually exclusive and can affect behavior simultaneously. One study suggests that both influence domestic forest policy in Norway.⁷⁶ At the international level, evidence in this case suggests that the primary mechanism for normative impact is internalization and not ex-

71. Olav Bakken Jensen, Adviser, Norwegian Ministry of the Environment, interviewed June 2003.

72. Astrid Bergquist, Deputy Director, Division for Energy and Primary Industries, Ministry of Industry, Employment and Communications, Sweden. Interviewed June 2003 at the UNFF's third session in Geneva.

73. Finnemore and Sikkink 1998.

74. Kratochwil 1989, 10.

75. Checkel 1997; and Cortell and Davis 1996.

76. Gulbrandsen 2003.

ternal sanction. This conclusion is based on a simple logic of analysis. If governments complied with the norms for the sake of public audiences, one would expect that these audiences would demand or at least approve such a course of action. The facts of the story point in the exact opposite direction. NGOs were against creating the UNFF and opposed continued institutionalized deliberations. If states followed norms only to maintain images for public consumption, they would cater to environmental activists who provide the link between governments and publics. Instead, they went squarely against NGO preferences and created the UNFF. This suggests that decision makers have internalized the norm of environmental multilateralism and do not comply with it merely to avoid reputational costs and shaming by other social actors.

Indeed, policy makers and negotiators uniformly justify the apparently fruitless forestry conferences in normative terms. In both informal interviews and in official statements during negotiations, they speak at length about environmental values, the importance of sustainable forest management, the value of forests for societies and ecosystems, and the need for comprehensive approaches to forest protection. In their opening statements at global meetings, virtually every delegation recognizes the importance of healthy forests, stresses the need for sustainable forest management, and reiterates the commitment of their country to international forest-related processes. At forest-related conferences today, such speeches are repeated over the length of entire days. These events resemble lengthy multinational processions in which countries line up to pledge their commitment to sustainable forestry and their allegiance to environmental values.

Clearly, rhetoric is no proof that norms motivate actors. Political actors could and often do give lip service to norms that serve as justification rather than a genuine rationale for their behavior. Hence, norms rhetoric could possibly conceal other motivations to participate in multilateral initiatives. However, as the above analysis of alternative explanations suggests, it is hard to find “genuine” motivation other than internal normative pressures.

The end result is waste of financial resources, time, and institutional energy. Countries invest in maintaining a full-time UNFF Secretariat and organizing and holding annual sessions that last two weeks each and take place in expensive cities such as Geneva. More importantly, such hollow institutions give multilateralism a bad name. The unproductiveness of the UNFF fuels opposition to similar initiatives that may be effective and necessary. Although the UNFF was intentionally made futile, it gives ideological material to principled opponents of international organization such as the US administration who decry multilateral approaches and institutions as ineffective, and declare at global conferences that “Multilateralism does not work.”⁷⁷ The self-fulfilling prophecy is sadly ironic: actors who sabotage a multilateral institution use it as proof that such institutions are ineffective.

77. A formal statement by Terrence Miller, chief negotiator of the United States delegation at the third preparatory meeting on the Financing for Development conference, in October 2001, four weeks after the September 11 terrorist attacks on the World Trade Center.

Norms, Institutions and Governance

This story of global environmental politics problematizes the relationship between key concepts in the study of international organization. Ever since Krasner tied norms to regimes, IR scholars have discussed norms, governance, and institutions in conjunction with each other. Common to various definitions of both governance and norms is the element of regularity of expected or actual behavior, and this commonality secures a close link between the two. The literature treats governance, institutions and norms as overlapping parts of one conceptual conglomeration. The relationship among them is too often assumed but not analytically settled.⁷⁸ Published work implicitly or explicitly takes norms and/or institutions to be the essence of governance. In global forest politics, however, norms, governance and institutions are not coterminous. In this particular case, the UNFF is an international institution⁷⁹ that is not intended to provide governance.

The central point is not merely that the UNFF is inadequate and does not deliver. Ineffective policy arrangements are not singular or rare today. Weak institutions frequently result from disagreements on how to address an issue and/or lack of consensus on whether the issue should be addressed at all. Veto states usually manage to lower the least common denominator and weaken an agreement merely by participating in the negotiations (consider for instance, the US and the new International Criminal Court or the Kyoto Protocol to the *Framework Convention on Climate Change*). What is singular and what makes this case interesting is that the UNFF was deliberately designed not to deliver any policy output at all, and that *all* participating states wanted this. The weakness of this institution was not a result of disagreements but of agreement. The UNFF is *not intended* to provide governance in the first place. This divorce between governance and institutions is peculiar and challenges some fundamental assumptions in the literature on international organization.

One important question arising from this analysis that further research could usefully illuminate is when hollow institutions arise instead of no institutions. The forest case demonstrates that sometimes states deliberately set up “decoy” international institutions to preempt governance. Such behavior is also evident in other cases such as coral reef degradation where there is no policy regime but governments created the International Coral Reef Initiative that is void of a policy-making mandate.⁸⁰ Other times, when states decide that no governance regime is needed, they establish no institution at all. There are no international treaties on tax evasion, small arms proliferation or regulation of multinational corporation practices; but unlike the forestry and coral reef cases, no

78. Rosenau 1992.

79. Some may question whether UNFF is an institution or organization. Regime theorists point out that institutions are not to be conflated with organizations but consist of broader sets of norms and practices. The small UNFF Secretariat is an organization but the UNFF process is an institution containing a set of broadly participatory practices.

80. Dimitrov 2002.

organizations exist in these issue areas either. Under what conditions hollow institutions, rather than no institutions, arise is a promising question for further research.

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