


ANALYTICAL ESSAY

Empty Institutions in Global Environmental Politics

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Why are some institutions without any policy powers or output? This study documents the efforts by governments to create empty international institutions whose mandates deprive them of any capacity for policy formulation or implementation. Examples include the United Nations Forum on Forests, the Copenhagen Accord on Climate Change, and the UN Commission on Sustainable Development. Research is based on participation in twenty-one rounds of negotiations over ten years and interviews with diplomats, policymakers, and observers. The article introduces the concept of empty institutions, provides evidence from three empirical cases, theorizes their political functions, and discusses theoretical implications and policy ramifications. Empty institutions are deliberately designed not to deliver and serve two purposes. First, they are political tools for hiding failure at negotiations, by creating a public impression of policy progress. Second, empty institutions are “decoys” that distract public scrutiny and legitimize collective inaction, by filling the institutional space in a given issue area and by neutralizing pressures for genuine policy. Contrary to conventional academic wisdom, institutions can be raised as obstacles that preempt governance rather than facilitate it.

Keywords: environmental politics, global governance, international institutions

On December 18, 2009, in a live broadcast from Denmark, United States President Barack Obama and other heads of state announced to the world that a United Nations (UN) conference on climate change was a historic success. The main evidence for their claim was the newly minted “Copenhagen Accord.” In reality, this draft agreement was a nonbinding political declaration of two-and-a-half pages that involved no policy obligations for any country. The accord was part of a premeditated attempt to mask the failure of global climate negotiations over the previous two years. One month before the conference and behind closed doors, key country delegations had made the collective decision to abandon the ambition for a climate change treaty and establish instead a vacuous nonbinding agreement that would mislead the public into believing that the summit was productive. This stratagem to greenwash the conference was planned in advance and enjoyed broad political support by government delegations from many countries.

Through participatory research, the study presented here documents efforts by governments to create empty institutions that are deliberately designed to *not* deliver substantive policy. As a result, some multilateral agreements and permanent organizations are ostensibly stripped of capacity for policy development or implementation. The mandate of the United Nations Forum on Forests effectively prohibits it from formulating, implementing, or funding policy at either national or international levels. The Commission on Sustainable Development existed for twenty years as a permanent body without policy powers. Their policy impotence is a result of neither faulty design nor inefficient implementation. The vacuity of such bodies was a conscious choice by the governments who created them: the formal mandates were carefully designed to preclude the institutions from producing policy output.

*Empty institutions are defined as social arrangements that consist of relatively stable rules and procedures that exclude regulatory policymaking or policy implementation.*¹ They include explicit and implicit rules and procedures, may or may not involve a permanent bureaucratic apparatus, and entail an institutionalized process that includes budgets for regular (international) meetings and domestic preparation to participate in them. The focus of this project is on no-policy agreements and organizations negotiated by state governments at the international level, without prejudice to other types of institutional arrangements by state and nonstate actors that also deserve academic investigation.

The existence of such entities creates a theoretical puzzle: why do governments create empty institutions that could not deliver instead of no institutions at all? State efforts to negotiate international policy agreements do not always succeed but we would expect failure at regime formation to result in the absence of institutions. Today there are no policy agreements on competition policy, coral reefs degradation, or the control of tactical nuclear weapons (Dimitrov et al. 2007); UN agencies do not regulate biofuels production (Bastos Lima and Gupta 2013); and governments have discussed Arctic haze but never attempted to negotiate formal solutions (Wilkening 2011). The failure of international negotiations on prominent problems is an interesting topic that is the subject of a small literature on nonregimes. But why empty institutions instead of no institutions?

Primary data from participatory research on climate diplomacy and forest policy negotiations, in particular, supports several key propositions advanced below. First, empty institutions are political tools for hiding failure at international negotiations. They are face-saving devices that create public impressions of policy progress and help governments avoid reputational costs. Second, empty institutions are “decoys” that can serve to block international policy and legitimize collective inaction by camouflaging gaps in governance and neutralizing political pressures for genuine policy action. Their ability to preempt governance turns the tables on IR scholarship that treats institutions as tools for facilitating governance. Finally, normative forces provide enabling conditions that make empty institutions possible. The phenomenon is a product of mixed state motivations and the combined effects of the logic of consequences and the logic of appropriateness.

The article proceeds as follows. The next section presents a literature review that establishes the theoretical context and highlights the puzzle posed by the existence of empty institutions. I then describe the research project and present empirical evidence from three cases of international institutions that lack policy-making mandates. The third section considers normative and rationalistic explanations, formulates three hypotheses, and discusses enduring epistemological obstacles to finding definitive answers. Regardless of how we explain their origin, empty institutions have considerable theoretical and policy ramifications. The concluding section

¹This concept is consistent with mainstream notions of institutions as sets of rules (see below). I intentionally exclude norms and behavior from the definition in order to keep dependent and independent variables analytically separate and thus enable analysis of the impact of norms on institutions and vice versa.

discusses negative implications for global governance and theoretical implications for the literature on international organization, institutional effectiveness, and symbolic politics.

The Puzzle in Context

Why are some institutions without any policy capacity and output? Today there is a widespread perception that institutions are underperforming, and there is growing skepticism about multilateral initiatives (Finnemore 2014; Prakash and Potoski 2016). Major permanent institutions such as ASEAN do not seem to do anything, and governments make no efforts to reform them (Jetschke 2009). Some academic observers dismiss unproductive UN conferences as failures, talk-shops, and media events that create photo opportunities but do little to address global problems (Fomerand 1996; Hoffman 2011). Others take unproductive conferences seriously as arenas for norms reinforcement (Haas 2002) or interpret “summit theatre” through a Foucauldian perspective, as mechanisms for structuring the conduct of global politics and reifying power relations and political orders (Hajer 2005; Blühdorn 2007; Death 2011).

This disenchantment has shaped academic research agendas as many scholars of governance have turned away from intergovernmental institutions and toward productive research on private and transnational governance, with a strong emphasis on subnational and nonstate initiatives (Falkner 2003; Bäckstrand 2008; Andonova 2010; Hoffman 2011; Bulkeley et al. 2014; Michaelowa and Michaelowa 2017; Chan et al. 2018). There is indeed considerable evidence that local policy can be more effective than top-down implementation of international agreements. Even non-governmental organizations (NGOs) sometimes oppose treaty negotiations, for fear that international treaties would reduce incentives and resources for local policy action. This merely underscores the puzzle: Why do states create any international institutions when they do not want to act through them? Why empty institutions instead of none?

Conventional wisdom posits that institutions are devices intended to facilitate governance, by helping actors overcome collective action problems. Institutions and governance are inextricably linked in the academic literature on international relations (IR) that follows rationalist and contractarian intellectual traditions. The fundamental assumption that governance is the *raison d'être* of institutions forms the bedrock of institutionalist scholarship. Institutions promote collective action as they increase transparency and trust, decrease transaction costs, and counter the temptations of short-term self-interest (Keohane 1984; Ostrom 1990; Young 1999a).

Certainly, there is intellectual diversity and institutions are defined variously in the literature. Key contenders are the rationalist, behavioral, and constructivist notions, which focus on rules, practices, and shared ideas, respectively. Oran Young defined social institutions as recognized patterns of behavior or practices, around which expectations converge (Young 1980, 1986). Koremenos, Lipson, and Snidal (2001, 762) regard them as “explicit arrangements, negotiated among international actors, that prescribe, proscribe, and/or authorize behavior.” Robert Keohane (1988, 386) offered a widely accepted conceptualization of institutions as “persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations.” Finally, constructivists conceive of institutions as sets of norms and beliefs (Klotz 1995; Finnemore and Sikkink 1998; Wendt 1999). Some explicitly exclude tacit bargains and implicit agreements (Koremenos et al. 2001), while the influential notion of international regimes includes both implicit and explicit rules, norms, and procedures (Krasner 1983, 2). Recent attempts to reconcile conceptual differences and unite the field produced comprehensive and broad definitions. Kal Holsti (2004, 20–23) described institutions as patterned practices and actions, sets of ideas, and norms and rules. John

Duffield (2007, 2) offered “relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international system, the actors in the system (including states and non-state entities), and their activities.”

What unites all strands of institutionalism is the cardinal assumption of governance as the principal reason for creating institutions. Hard policymaking is not the only function of institutions whose roles also include the facilitation of learning, role definition, and the ascription of authority (Young 1999b). Yet, the substantive management of common policy problems remains a central reason for institutions in academic theorizing. The late Elinor Ostrom (1998, 9) stated that the main quest in social sciences is the development of a theory of institutional change in order to design institutions that facilitate more productive outcomes in social dilemmas. “Because decentralized cooperation is difficult to achieve and often brittle, states devise institutions to promote cooperation and make it more resilient” (Koremenos et al. 2001, 766). International agreements are not always effective in providing solutions, and an abundant literature engages in measuring effectiveness and explaining its variance (Underdal 1992; Sprinz and Helm 1999; Young 2001; Miles et al. 2002; Mitchell 2003). The literature on institutional effectiveness also shares the assumption that delivering substantive policy is a key function of institutions.

There is a strong tendency for academics to treat institutional ineffectiveness as an unintended consequence (Finnemore 2014). Barnett and Finnemore (1999) portray a world where IOs break loose of state control and act autonomously in ways unexpected by the state actors who created them. They find the causes of institutional mutation in the internal bureaucratic culture of organizations. Structured comparative studies attribute underperformance to several groups of factors: design failure due to imperfect rules, inadequate incentives for compliance, and lack of information (Ostrom 1990); institutional obsolescence and failure to adapt to evolving circumstances; and capture by special interest groups (Prakash and Potoski 2016). A recent special issue of the journal *Regulation and Governance* focused on dysfunctional institutions and also asked the question “Do institutions always work as intended?” (Prakash and Potoski 2016). The volume examined institutions as diverse as the US Congress and international humanitarian organizations and identified problems with information processing and misallocation of property rights as some of the reasons for dysfunctionality.

These studies illustrate the deep assumption in the existing literature that institutions are at least *intended* to deliver policy output. “Functionalist accounts underscore the importance of institutional design because institutions are outcomes of deliberation and reflect the collective desire of actors to secure win-win outcomes” (Prakash and Potoski 2016, 118). When multilateral initiatives do not deliver, scholars generally believe something “went wrong” and look for reasons in design problems and unexpected effects—without considering the possibility that institutional inefficiency can be fully intentional because inaction is beneficial to certain political actors. Hence the focus on institutions that underperform, “fall short” of expectations, or produce unintended consequences. What if institutions are not intended to deliver in the first place? What if they are deliberately designed to fail?

Empirical Evidence

Below are accounts of three empirical cases: the United Nations Forum on Forests (UNFF), the UN Commission on Sustainable Development (CSD), and the attempted but failed effort to create the 2009 Copenhagen Accord on climate change. The first two institutions were “successfully” established by governments. The third case involves state efforts to create an empty decoy, a so-called “comprehensive decision” and a subsequent Copenhagen Accord. This attempt failed but receives detailed attention because it was intentional, premeditated, and concerted and involved the highest political level and heads of state of major countries.

In a second caveat about case selection, the units of analysis in this study are distinct individual institutions and not broad policy issue areas that are typically populated by multiple international institutions. This follows a well-established tradition in IR to study the League of Nations, for instance, separately from its successor, the United Nations Organization. The focus here is on the UNFF and not on various other treaties and organizations in forestry such as the International Tropical Timber Organization; the CSD and not on the United Nations Environment Assembly or the High-Level Policy Forum that also address issues of sustainable development; and on the attempted Copenhagen Accord and not on the Kyoto Protocol or the Paris Agreement.

The study is based on participatory observation of international negotiations and diplomatic processes at United Nations conferences over a period of ten years (1999–2009) and interviews with government delegates, IGO officials, and civil society observers. Three researchers participated in twenty-one rounds of negotiations, including key conferences and meetings behind closed doors, where governments finalized decisions on international forest and climate change policy.² Data collection also includes interviews with forty-four diplomats and policy-makers from twenty-four countries, officials from international institutions, and NGO representatives, as well as a much larger number of informal exchanges. These interviews were conducted on-site during negotiation conferences in multiple locations including New York, Geneva, Barcelona, Bonn, Bali, Viterbo, and Copenhagen. The lead author was privy to countless formal negotiating sessions and informal conversations with diplomats and witnessed how government delegations seek to mask political failure by making hollow institutional arrangements. Today, most of the individuals who were protagonists in these stories have moved on to other positions in government and civil society. This provides safe temporal distance to share stories that have considerable theoretical implications for IR without jeopardizing professional careers and reputations.

The United Nations Forum on Forests

The United Nations Forum on Forests is an intergovernmental institution that resulted from a protracted process of negotiations that lasted between 1990 and 2000 and failed to produce a forest treaty (Humphreys 1996, 2006; Davenport 2005). International discussions on global forest management took place under three

² Two research assistants collected primary data during the Copenhagen conference and two prior rounds of climate negotiations. The author participated as a government delegate, official rapporteur, or Earth Negotiations Bulletin analyst in the following conferences related to two of the three cases: the Fifteenth Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC – Copenhagen, Denmark, December 7–18, 2009); the 7th Meeting of the Ad Hoc Working Group on Long-Term Cooperative Action (AWG-LCA) and the 9th Meeting of the Ad Hoc Working Group on the Kyoto Protocol (AWG-KP – Barcelona, November 2–6, 2009); the UNFCCC AWG-LCA8 and AWG-KP10 meetings (Bangkok, September 28–October 9, 2009); AWG-LCA7 and AWG-KP9 meetings (Bonn, August 10–14, 2009); the AWG-LCA6 and AWG-KP8 meetings (Bonn, June 1–12, 2009); the Thirteenth Conference of the Parties to the UN Framework Convention on Climate Change (Bali, Indonesia, December 4–15, 2007); the Third Meeting of the Ad Hoc Working Group on Further Commitments under the Kyoto Protocol by Annex I Countries (Bonn, Germany, May 14–18, 2007); the Eighteenth Meeting of the Committee on Forestry, United Nations Food and Agriculture Organization (Rome, Italy, March 12–16, 2007); the First Meeting of the Parties to the Kyoto Protocol, and 11th Conference of the Parties to the UN Framework Convention on Climate Change (Montreal, Canada, November 28–December 8, 2005); the fifth session of the United Nations Forum on Forests, (New York, May 16–27, 2005); the Tenth Conference of the Parties to the UN Framework Convention on Climate Change (Buenos Aires, December 6–17, 2004); the fourth session of the United Nations Forum on Forests (Geneva, May 2004); renegotiations of the International Tropical Timber Agreement (Yokohama, Japan, November 2003); the third session of the United Nations Forum on Forests (Geneva, May 26–June 6, 2003); the Intergovernmental Workshop on Climate Change, Biodiversity, and Desertification (Espoo, Finland, July 2–4, 2003); the Intergovernmental Workshop on Forestry Monitoring, Assessment, and Reporting (Viterbo, Italy, March 17–20, 2003); the annual meeting of the International Tropical Timber Council (Yokohama, Japan, Nov. 4–9, 2002); the First Session of the United Nations Forum on Forests (New York, June 11–22, 2001); the Fourth Session of the Intergovernmental Forum on Forests, (New York, January 31–February 12, 2000); and the meeting of the Costa Rica / Canada Initiative on International Forest Policy (Ottawa, December 6–10, 1999).

separate mandates within three institutional settings: the preparation of the United Nations Conference on Environment and Development (1990–1992), the Intergovernmental Panel on Forests (IPF, 1996–1998), and the Intergovernmental Forum on Forests (IFF, 1998–2000). A large group of countries advocated for a global convention to combat deforestation and facilitate sustainable forest management: Canada, France, Finland and most of the other European Union countries, Switzerland, and the Russian Federation, among others. Treaty advocates emphasized that existing agreements were not adequate and supported creating a legally binding agreement.³ The United States and Brazil were leaders of an antitreaty coalition that also included Australia, New Zealand, Japan, China, and most developing countries, all of whom opposed international policy obligations.⁴ The United States and Brazil worked closely in tandem and were particularly active in their open, consistent, and determined opposition to binding international forest policy (Dimitrov 2005; Humphreys 2006).⁵

Virtually no progress was made in global forestry discussions between 1990 and 2000. Countries remained entrenched in their positions throughout the decade, with the exception of Malaysia, who turned from an opponent to a treaty supporter in the mid-1990s. During the last and crucial rounds of talks in 1999 and 2000, delegations gave no signal that they may alter their preferences and shift positions in the foreseeable future. Diplomats openly stated during official plenary sessions and in the corridors that they saw no hope for reaching agreement on key contentious issues.⁶ The obvious choice would be to disengage and end negotiations. And yet, governments not only continued holding conferences but also created a permanent institution for nonbinding conversations.

The denouement came at the last session of the IFF in early February 2000, at the UN headquarters in New York. The conference marked the end of the third negotiations mandate and the deadline for making a collective decision. The political stalemate precluded a binding agreement, and the United States proposed the establishment of a permanent forum for nonbinding discussions that they labeled “United Nations Forum on Forests.” At first, there was widespread dismay at the proposal, given the entire decade of distinctly unproductive negotiations.⁷ Later the European Union and Canada announced they would consider accepting a conversation body only if they received guarantees of a future legally binding treaty. The

³ Interviews with Franz X. Perrez, head of the Global Affairs Section, Swiss Agency for the Environment, Forests, and Landscape, chief negotiator on forests and climate change (New York, February 2000); Birgitta Stenius-Mladenov, director of the Ministry for Foreign Affairs Political Department, Finland (New York, February 7, 2000); Evgeny Kuzmichev, deputy chief of the Federal Forest Service of Russia and head of the Russian delegation at IFF-4 (New York, February 9, 2000); and Denise Rousseau, deputy director of the Environment and Sustainable Development Division, Canadian Department of Foreign Affairs (Ottawa, December 1999).

⁴ On-site interviews with Jag Maini, head of the Secretariat of the Intergovernmental Forum on Forests (Ottawa, December 1999); and C. P. Oberai, inspector-general of forests, Ministry of Environment and Forests, India (Ottawa, December 1999).

⁵ The United States and Brazil were remarkably unguarded about their joint political efforts to kill the prospects of a global forest treaty. In a hotel lobby in Ottawa in December 1999, I was conversing with the head of the United States delegation when the head of the Brazilian delegation approached her on obviously friendly terms, and the two left to “go discuss our common agenda.”

⁶ On-site interviews with Astrid Bergquist, deputy director, Division for Energy and Primary Industries, Ministry of Industry, Employment, and Communications, Sweden (Ottawa, December 7, 1999); Bernard Chevalier, chief of International Affairs Division, Ministry of Agriculture, France (Ottawa, December 8, 1999); Concenção Ferreira, Portuguese director-general of the forests and speaker on behalf of the EU at IFF-4 (New York, February 2000); Heikki Granholm, senior advisor, Ministry of Agriculture and Forestry, Finland (New York, June 2001); Olav Bakken Jensen, adviser, Norwegian Ministry of the Environment (New York, February 2000 and June 2001); Knut Øistad, deputy director General, Ministry of Agriculture, Norway (Ottawa, Feb. 1999); and José M. Solano, head of the International Forest Policy Service, Ministerio de Medio Ambiente, Spain (Ottawa, December 1999).

⁷ On-site interviews with Richard Ballhorn, head of the Canadian delegation (New York, February 3, 2000); Mike Fullerton, Canadian Forest Service, Division for International Affairs (Ottawa, December 8, 1999 and New York, February 10, 2000); and Rob Rawson, assistant-secretary of agriculture, fisheries and forestry—Australia (Ottawa, December 5, 1999).

United States and Brazil refused. Around two o'clock a.m. on Saturday, February 13, 2000, already past the deadline for completing the conference, Australia offered a compromise solution to create a new international body for five years and then reconsider the need for negotiating a treaty. The United States again refused, with their lead negotiator stressing that they will reject any decision text that includes the words "negotiations," "legally binding," or "treaty."⁸

The rest of the night was spent on a linguistic exercise—how to create text that is so ambiguous and inscrutable that it would allow both sides to save face. The result was paragraph 3(c) that postulated that countries would establish a new international body and "within five years . . . consider, with a view to recommending, the parameters of a mandate for developing a legal framework on all types of forests" (*Intergovernmental Forum on Forests 2000*, 41). This text did not contain any of the three phrases the United States opposed and allowed both sides to claim victory: Canada and the European Union (EU) could claim that a five-year review would lead to treaty negotiations, while the United States, Brazil, and others could demonstrate there was no decision on a future treaty.

The text was the result of linguistic gymnastics and was ridiculed by NGOs, who dubbed it the "Monty Python paragraph."⁹ Curiously, environmental NGOs had opposed treaty negotiations because they believed that the deep political disagreements that evidently produced stalemate would lower the least common denominator and produce a weak treaty that could undermine local and national policies by legitimizing lower standards and allowing governments to hide behind international obligations (On-site interview with Bill Mankin, 2000). However, NGOs opposed the establishment of *any* international institution and were even more strongly against the creation of a nonbinding forum. This underscores the puzzle of why states created UNFF.

The most compelling evidence that provides a clue to the character and purpose of the new institution is that the United Nations Forum on Forests was the brainchild of the United States, a key opponent of international forest policy. Indeed, UNFF utterly lacks policy-making power. The purpose and working modalities are defined in Economic and Social Council (ECOSOC) Resolution 2000/35: the UNFF should meet annually, be open to all states, operate in a transparent manner, and have a bureau consisting of one chairperson and four vice-chairs. The resolution is remarkably vague on the powers of the new institution. Only one paragraph (4[f]) addresses the substantive mandate of UNFF: "The Forum shall seek ways and means of strengthening synergies and coordination in policy development and implementation of forest-related activities, inter alia, *by making reports of its sessions available* to relevant United Nations bodies and other international forest-related organizations."¹⁰ This mandate omits any decision-making powers regarding forest management. Clearly, an institution whose only task is to hold meetings and make reports of them available cannot be expected to deliver much action.

The peculiar impotence of the UNFF was sealed at its first session in New York, June 11–22, 2001. In drafting its constitutional documents, countries cooperated in eviscerating the new body. Treaty opponents and proponents alike worked together to strip the new international arrangement of substantive policy content. All delegations wanted to make the UNFF impotent—but they did so for different reasons. The United States, Brazil, China, and other developing countries remained opposed to substantive international obligations and wanted to erect an institution in order to undermine arguments that a legally binding treaty is necessary. Their delegations did their best to ensure UNFF would have no capacity to generate

⁸ Personal notes from participatory observations.

⁹ On-site interviews with Carole Saint-Laurent, forest policy advisor, International Union of Concerned Scientists (IUCN) and Worldwide Fund for Nature (WWF), and Bill Mankin, director of the Global Forestry Action Project, a collaborative initiative of Sierra Club, Friends of the Earth, and the Natural Wildlife Federation (New York, February 2000).

¹⁰ ECOSOC Resolution 2000/35 (emphasis added).

policy and insisted on deleting from draft texts key paragraphs on financial provisions, policy targets and timetables, and national responsibilities for monitoring and reporting forest conditions and policies.¹¹

Coming from the opposite political direction, Canada, the EU, and other pro-treaty actors were also eager to deprive UNFF of powers but for completely different reasons. In their calculus, a failed UNFF would prove that better international policy is needed and could justify the need to negotiate a binding treaty. The developing world brought its own reasons and joined the collective effort of gutting the institution: concerns about sovereign control over national resources translated into arguments about the unique policy needs of each country to ensure that states are not bound by UNFF decisions.

The decision texts that describe the UNFF's "Plan of Action" and "Programme of Work" are masterpieces of crafty diplomacy ([United Nations Forum on Forests 2001](#)). With meticulously chosen words, they contain all the right ideas but entail no commitments for anyone to do anything about them. The documents allow countries to establish their own policy priorities and do not require them to report on implementation. UNFF is collectively and purposefully designed to contain no mandate for decision-making, lets countries 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 their (in)action.

Between 2000 and 2007, UNFF held two-week conferences every year in cities such as Geneva or New York and switched to biennial one-week meetings thereafter. Palpable tedium characterized the mood, and diplomats openly expressed their frustration with the lack of substantive purpose. Year after year, UNFF meetings produced documents that merely reiterated long-existing proposals for action from the 1990s. The report from the tenth session in 2013 is indistinguishable from reports from UNFF reports ten years earlier: it invited countries to recognize the important functions of forests, promote sustainable forest management, and create and implement effective policies ([United Nations Forum on Forests 2013](#)). Delegates privately confided that the declarations were only intended to demonstrate that the meetings took place.¹² Even high-level actors such as the head of the Canadian delegation used undiplomatic language and called the institution a "circus." In its opening statement at the third session of UNFF in 2003, the Swiss delegation 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."¹³

After several frustrating and unproductive years, including the collapse of a 2005 conference in New York, in 2007 countries adopted a Non-legally Binding Agreement on Forests ([United Nations Forum on Forests 2007](#)). The agreement centers on four global objectives on forests: to reverse the loss of cover worldwide; enhance forest-based economic, social, and environmental benefits; increase the area of protected and sustainably managed forests; and mobilize new financial resources for sustainable forest management. The agreement is triply weak: it is nonbinding; the global policy objectives contain no measurable targets; and the text does not envision the actual achievement of goals since countries commit only to "work to achieve progress towards their achievement" ([United Nations Forum on Forests 2007](#)). Whether the 2007 agreement is another empty institution is an open question for further research.

¹¹ Participatory observations.

¹² Informal on-site conversations with Jorge E. Illueca, assistant executive director, United Nations Environment Programme (New York, June 2001); Mike Dudley, head of International Division, UK Forestry Commission (New York, June 2001); Heikki Granholm, senior advisor, Ministry of Agriculture and Forestry, Finland; and Bill Mankin, director of the Global Forestry Action Project (Geneva, May 28, 2003).

¹³ Personal notes from the meeting.

The UN Commission on Sustainable Development

Another example of a global institution without policy content is the former Commission on Sustainable Development established through the General Assembly in December of 1992. The commission was charged with reviewing progress in the implementation of Agenda 21, a plan of action on sustainable development adopted at the UN Conference on Environment and Development in Rio de Janeiro earlier that year. Lacking power to make policy decisions and financial resources to fund policy at national or international levels, the new body sought to promote dialogue, monitor implementation of existing agreements, and make recommendations (Blumenfeld 1994; Mensah 1996). This body existed for twenty years until governments discontinued it in 2013 and replaced it with a high-level political dialogue.

The CSD was an intergovernmental institution with explicitly defined rules and procedures. Its fifty-three member states were elected for terms of three years on a rotating basis. One-third of the membership were elected every year, and outgoing members were eligible for reelection. The commission had a permanent secretariat at the UN headquarters, held annual meetings in New York for two to three weeks every spring, and reported directly to the UN Economic and Social Council. Its sessions were open to governments and nonstate actors and included panels, roundtables, multistakeholder dialogues, as well as high-level segments for ministerial dialogues (Chasek 2000).

The CSD created the impression of comprehensive and high-level political activity. The overarching objective of the institution was to review global progress toward sustainable development, consider all relevant issues, and involve all interested actors, “with no less an aim than to ensure the survival of the Earth and its people” (Khor 1994, 103). It was an arena of intense perennial debates among coalitions of the European Union, developing countries, economies in transition, and JUSCANZ (Wagner 1999).¹⁴ Discussions covered an impressive array of topics: global food crises, poverty eradication, water management, agriculture, land management, chemical safety, finance, and the transfer of environmentally friendly technologies. The CSD’s mandate was:

- To monitor progress in the implementation of Agenda 21 . . . ;
- To consider information provided by Governments, for example, in the form of periodic communications or national reports regarding the activities they undertake . . . ;
- To receive and analyze relevant input from competent non-governmental organizations . . . ;
- To enhance the dialogue, within the framework of the United Nations, with non-governmental organizations and the independent sector . . . ;
- To provide appropriate recommendations to the General Assembly, through the Economic and Social Council . . . ; [and]
- To consider issues related to the provision of financial resources from all available funding sources.¹⁵

The ambitious declared purpose was in contrast with the lack of substantive policy outputs. “The decision to place the CSD within ECOSOC ensured that this new body would not exercise autonomous decision-making powers or require too many financial resources” (Wagner 2005, 107). The most specific work of the CSD was to “consider” information in country reports on sustainable development actions.

¹⁴JUSCANZ was a political coalition that included Australia, Canada, Japan, New Zealand, and the United States.

¹⁵General Assembly Resolution 47/191 of December 22, 1992, paragraphs 3–5.

Remarkably, even this innocuous function was truncated by the lack of a reporting requirement. States were “invited” but not required to submit national policy reports.

This truncation is of central relevance to the main argument here, since it was deliberately engineered and enshrined in its constitutional documents (Kaasa 2007). Many participating governments opposed a reporting requirement, despite the fact that the principal goal was to monitor policy progress. In designing the CSD, India, China, the United States, and others argued that sovereign states cannot be obliged to report on domestic policy (Bergesen and Botnen 1996). Developed countries wanted to avoid criticism of their environmental performance that reports may entail. Developing countries, on the other hand, were afraid that reports could serve as basis for imposing environmental conditions for economic assistance (Soroos 1999, 40–41).

There was no substantive decision-making involved in the process, and reports from CSD sessions merely restated well-known themes. The decision from its eighth session in 2000, for instance, “recognizes the value of agriculture in society for food production, food security and social and economic development and stresses the importance of holistic approaches to sustainable development, and the value of integrated watershed management” (ENB 2000). The decision from its thirteenth session in 2005 “calls for” improving water access, enhancing cooperation among riparian states, and increasing financial and technical assistance to developing countries (ENB 2005). These conclusions are trivial reiterations of well-established policy priorities.

The only concrete output were summaries of the discussion and occasional recommendations to the General Assembly that used them to produce reports from the second committee that have no policymaking powers either. A striking but typical example of CSD products is the report from its sixteenth session in 2008 (Commission on Sustainable Development 2008). At first glance, the CSD made a policy recommendation to ECOSOC, and chapter I includes a “Draft decision recommended by the Commission for adoption by the Council.” This sounds significant, and a concerned citizen reading the title would likely obtain the impression of high-level political activity. In fact, the recommended ECOSOC policy is merely to “take note” of the CSD’s sixteenth session and approve the agenda for the next meeting! In the last years of its existence, the CSD did not have any written outputs, and “it was difficult to justify two-week meetings with intangible benefits.”¹⁶

Academic studies conclude that the CSD was merely an arena for agenda-setting (Bergesen and Botnen 1996) and that its main accomplishment was the promotion of multistakeholder dialogues (Doran and Van Alstine 2007). The CSD sought to bring together representatives from civil society, government, and business for partnerships in sustainable development. In fact, many government delegates did not attend the dialogues during CSD sessions and “while the dialogues have been interesting and useful in terms of information sharing, they have not had a clear impact on the intergovernmental process” (Kaasa 2007, 116).

Participants and inside observers also regarded the CSD as a talk-shop (Wagner 1999; Kaasa 2007). Many delegations included mostly low-level officials, whom countries were sending to CSD sessions just for training. A frustrated Marshall Islands delegate described CSD work as “a political traffic jam, packed with rapidly read prepared statements such as the one I am reading to you right now” (ENB 2008, 14). Perhaps the most telling indication of the CSD’s value was the fact that large environmental NGOs did not attend its sessions at all. Groups such as Greenpeace and Friends of the Earth did not consider the CSD important enough to observe its process.

¹⁶ Interview with Lynn Wagner, Earth Negotiations Bulletin writer and participant in CSD sessions (October 1, 2014).

In conclusion, the CSD was a twenty-year dialogue based on voluntary inputs and without output. No stage of this process entailed policy decisions by states or any branch of the UN system, and ECOSOC merely acknowledged that the dialogues took place. The CSD held its last session in September of 2013, when it was replaced by the High-Level Political Forum on Sustainable Development (HLPF) (Abbott and Bernstein 2015). The HLPF is a separate institutional arrangement that is not within the cases studied here, and the author remains agnostic about its effectiveness. However, it is worth noting that there are clear parallels between the two institutions and strong reasons to believe that one is merely a continuation of the other. The HLPF was created after the Rio+20 global conference, just as the CSD was an output of the Earth Summit in Rio de Janeiro. The declared goals of the new institution are very similar to the goals of the defunct CSD: to monitor and review progress toward sustainable development and to provide a platform for exchange of experience among state and nonstate stakeholders.¹⁷ Many countries, including the United States, Japan, Canada, Russia, China, Mexico, and other developing countries opposed a new body with independent powers. As a result, the HLPF lacks the authority or resources to affect states: it does not have a secretariat or capacity for operational activities and is not authorized to adopt agreements, develop normative instruments, or even make formal recommendations to states (Abbott and Bernstein 2015, 223–25). Just like the CSD, “even its most direct governance function—reviewing national implementation of sustainable development commitment—will be voluntary” (Abbott and Bernstein 2015, 223). The HLPF has fewer sessions than the CSD, as it meets annually under ECOSOC and every four years under the General Assembly.

These are all strong signs suggesting that the HLPF is another empty institution, a replica of the CSD. Abbott and Bernstein (2015, 223) briefly mention but lightly dismiss the possibility “that governments cynically designed the HLPF to fail.” They argue the HLPF cannot be expected to deliver through rules or enforcement and has the potential to be effective only through the orchestration of other actors. Ultimately, how effective the HLPF proves to be does not affect our interest in the CSD. At worst, the HLPF will replace the CSD only nominally and be yet another empty institution to study. At best, the HLPF will prove to be an adequate response to the criticisms against the CSD and mark a new phase of cooperation in sustainable development. Even if the HLPF proves different and makes substantive contributions to governance, the pertinent point remains that the futile CSD remained in operation for twenty years before it was dismantled and before ostensible efforts to compensate for its weaknesses were made.

The Copenhagen Accord on Climate Change

Sometimes, attempts to create misleading empty institutions do not succeed. One broadly coordinated but failed attempt by governments to create a decoy institution was made during formal negotiations on climate change before and during the 2009 Copenhagen conference on climate change. The conference was a highly anticipated event that marked a deadline to complete two years of negotiations and deliver a global climate agreement (Bodansky 2010). And while the world paid full attention, few outside observers knew that the diplomats had abandoned the treaty option beforehand. Most governments had agreed to construct a “comprehensive decision” that looks like an agreement for the purpose of creating the impression of success. When even that plan failed due to political disagreements, heads of states resorted to the Copenhagen Accord as an attempt to mask the double failure of negotiations. Ironically, that attempt failed, too.

¹⁷ Official site of the HLPF, accessed January 18, 2019, <https://sustainabledevelopment.un.org/hlpf/2019>.

Formal negotiations on post-2012 climate policy under a new international agreement began in 2008 under the Bali Action Plan, adopted in Indonesia in December 2007 (Cléménçon 2008; Rajamani 2008; Watanabe et al. 2008; Rajamani 2010). This legal mandate stipulated two parallel processes of formal negotiations. One aimed at renegotiating actions by industrialized countries under the Kyoto Protocol and was conducted in the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP). The second “Convention track” was the Ad Hoc Working Group on Long-Term Cooperative Action (AWG-LCA) and addressed long-term commitments by all countries, including developing countries. Over the following two years, nine rounds of formal negotiations in Bonn, Accra, Poznan, Bangkok, and Barcelona generated elaborate policy proposals and produced a gargantuan text of nearly two hundred single-spaced pages as a draft climate treaty.¹⁸

The two-year mandate expired in December 2009, when delegations and world leaders arrived in Denmark’s capital for the last round of negotiations, presumably to finalize a global climate deal. The media portrayed the Copenhagen conference as a historic summit that would launch a new climate treaty, but public expectations contrasted with the situation inside the negotiations. The idea of a binding policy agreement was abandoned one month earlier, at a round of negotiations in Barcelona, Spain, in November 2009, when lack of substantive progress implied that fundamental disagreements prevented concluding a treaty in December. On November 3, 2009, the chairperson who presided over the AWG-LCA negotiations delivered a ten-minute monologue during a special stock-taking plenary meeting that all delegations attended. Citing major political differences on key issues, time constraints, and political expedience, he officially proposed to aim at producing a “comprehensive COP decision” instead.¹⁹

Here is the difficult part of what I have to say: There is no consensus among the parties as to the legal nature of the outcome. Given the state of our work, it is my considered judgement that the text will not be ready for adoption and . . . there will not be a legally ratifiable outcome [read, treaty]. This leads me to envision an outcome that will contain a core decision of the COP that would convey a political commitment to action . . . It is not a declaration, not a set of principles but a decision that contains a political commitment to action. . . . It could be supported by annexes, numbers related to mitigation and numbers related to finance . . . In some cases, it will be considered reluctantly, in some cases not, but it would be a practical outcome.²⁰

The following morning, the executive-secretary of the United Nations Framework Convention on Climate Change (UNFCCC) came to lobby the European Union delegation during their daily internal meeting known as “the EU coordination.” Access there is restricted, and he could speak in strict confidence. He emphasized his regret that adopting a meaningful climate treaty in Copenhagen seemed impossible, given the strong political disagreements on key issues, and encouraged the EU to accept instead a nonbinding text full of numbers that give the impression of policy content. “We will tell the world that Copenhagen was a success,” he said with a bittersweet sardonic smile, “and we will continue negotiating.”²¹

Vigorous discussions among EU delegations ensued over the next days to decide whether to accept the proposal. The EU had advocated for a strong and binding global treaty on climate change and most of its national delegations strongly

¹⁸ See document FCCC/AWGLCA/2009/INF.2 and addendum 1 and 2.

¹⁹ COP stands for Conference of the Parties, an annual meeting of countries who have ratified a treaty, with decision-making powers.

²⁰ M. Z.-C., chair of AWG-LCA, Barcelona, November 3, 2009 (personal records). In diplomacy, chairpersons are usually neutral and rarely propose their own ideas; this author claims no knowledge on who generated the idea behind this proposal.

²¹ Personal notes.

disliked the idea of settling for a weak agreement with unclear legal force. One delegation argued that a political conspiracy to greenwash the conference would be worse than an outright failure:

A public disaster in Copenhagen may be a blessing in disguise. If we let the conference fail publicly, this will increase political pressure on governments around the world to negotiate something real. On the other hand, if we greenwash the conference and fool the world, political momentum may be lost.²²

This argument was rejected as politically untenable by several delegations who wanted the strongest possible outcome in Copenhagen and could officially favor a collapse of the conference. Political optics compelled delegations who wanted a strong treaty to reluctantly concede to the plot. In Barcelona, the collective aim of the negotiations became a “comprehensive COP decision” containing as much quantitative information and as many substantive policy elements as possible to give readers an impression of weight—but nonbinding and therefore inconsequential. Notably, not every country agreed to the political ruse: some island states and Latin American countries never subscribed to the idea, and Tuvalu, in particular, maintained a consistent and vocal position in favor of a substantive and strong legally binding treaty.

Saving Face in Copenhagen

The political disagreements that had proved impossible to resolve during the months before Copenhagen included the future continuation of the Kyoto Protocol, the number of agreements to be negotiated, emission reduction targets, levels and sources of global climate finance, and provisions for monitoring, reporting, and verification of policy actions in developing countries (Bodansky 2010; Rajamani 2010).²³ In the run-up to the summit, the EU, Japan, and Norway pledged a total of more than 30 billion for climate finance. Remarkably, this major concession to a central demand by developing countries had no discernible effect on the political dynamics of the negotiations. In a formal plenary statement, China openly stated “We don’t want your money.”²⁴

These same differences not only prevented a substantive policy agreement but also foiled the attempt to create an empty institution. To the consternation of everyone, even a misleading “comprehensive COP decision” was becoming apparently impossible by the second week of the Copenhagen conference. This created a widespread panic among diplomats because heads of state were beginning to arrive at the venue for adopting an agreement while negotiators could not present them with any text to sign.²⁵ The AWG-KP and AWG-LCA held their closing sessions without adopting decision texts, as the drafts developed over two years of negotiations were heavily bracketed due to intransigent conflicts and therefore unsuitable for adoption. “Negotiations have reached a dead end,” stated South Africa in the middle of the second week. “Further negotiations would be only useless theatre,” reported one of the three chief negotiators for the EU during a coordination meeting.²⁶

²² A European country statement during the negotiations in Barcelona, Spain (November 2009).

²³ Interview with Rae Kwon Chung, chief climate negotiator for the Republic of Korea (Bonn, Germany, March 2014); and Bernarditas Muller, special advisor, South Center, climate change negotiator for the Philippines and the G-77 (Copenhagen, December 2009).

²⁴ Personal notes.

²⁵ Interviews with Ambassador Lumumba Stanislaus Di-Aping, lead negotiator on climate change for Sudan and the G-77 at the Copenhagen conference (Durban, December 2011); M. J. Mace, climate change negotiator for St. Lucia and previously Micronesia (Copenhagen, December 2015); and Milya Dimitrova, head of the Climate Change Policy Department, Ministry of the Environment and Water, Republic of Bulgaria (Copenhagen, December 2009).

²⁶ Personal records.

“Why don’t we be frank and tell the world we failed?!” exclaimed to me the head of Spain’s delegation privately in the corridors during the last day of the conference. Irreconcilable differences precluded a global policy agreement. Yet, allowing such a grandiose event in international diplomacy to fail would be an embarrassment for all present premiers. It was at that point that the Barcelona plan to stage an elaborate decoy agreement was aborted and replaced with a plan to create a simpler decoy. Heads of state took matters in their own hands and aimed at a brief political declaration as a face-saving option of the last resort.²⁷ Even chief negotiators of country delegations were locked out and could be seen strolling the corridors, not knowing what was happening inside. Pens in hand, twenty-five prime ministers and presidents who formed a “Friends of the Chair” group were crafting a text themselves. Such direct personal involvement of presidents and prime ministers in writing texts is extremely rare in diplomacy. One rare precedent was Winston Churchill’s scribble on a napkin in Yalta that was check-marked by Stalin’s hand and casually finalized the division of Eastern Europe into spheres of influence during the Cold War. This time in Copenhagen, the premiers handwrote out of desperation to escape embarrassment in the limelight and show the world an agreement.

What emerged was a skinny political declaration labeled the Copenhagen Accord. The draft texts of two hundred pages negotiated over the previous two years were effectively trashed and replaced with two-and-a-half pages. Three consecutive drafts were passed under the table over a day and a half, each one shorter than the previous one. The final version included a goal of limiting the global temperature rise to 2°C, complete freedom of countries to determine their national policy goals, short-term climate finance of thirty billion dollars for 2010–12 (merely reflecting the EU, Norwegian, and Japanese pledges), and financial commitments by industrialized countries for one hundred billion dollars per year by 2020. The text stated, “we should cooperate in achieving the peaking of global and national emissions as soon as possible,” without establishing a deadline for capping emissions.²⁸

In what proved to be a political blunder, US President Obama, Australian Prime Minister Kevin Rudd, and other world leaders went straight to the press rooms at the conference venue and announced to the world on live TV that they had finalized a “Copenhagen Accord,” describing it as a historic agreement on global solutions to climate change.²⁹ Their presumption was that a document negotiated and agreed upon by heads of states and agreed upon at the highest possible political level is the final deal and can be announced officially as the outcome of the summit. Presidents, kings, and prime ministers flew away late Friday night with a weak political declaration in their wake.

However, according to UNFCCC rules of procedure, any final outcome has to be formally adopted in a plenary session as a product of consensus among all official country delegations. And this is where the conference collapsed and the high-level attempt to raise the facade of an empty institution failed. During the final plenary session that began before dawn on Saturday, December 19, the vast majority of countries supported the Copenhagen Accord: Australia, the African Union, Bangladesh, Barbados, Belize, the European Union, Gabon, Japan, the Maldives, Norway, the Philippines, Russia, Senegal, Singapore, and the United States, among others. China, India, and Brazil never made a statement during this final session, implying they were content with this vacuous outcome. Astonishingly, even the European Union and most of the Alliance of Small Island States supported the weak

²⁷ Interviews with Steve Sawyer, Greenpeace International, Climate and Energy Division (Copenhagen, December 2009; Cancun December 2010); Katia Simeonova, Secretariat of the UNFCCC (Copenhagen, December 2009); and Svetlana Zhekova, negotiator for the Republic of Bulgaria (Copenhagen, December 2009).

²⁸ FCCC/CP/2009/11/Add.1

²⁹ See, for instance, Fiona Harvey, Ed Crooks, and Andrew Ward, “Copenhagen: A Discordant Accord,” *Financial Times*, December 20, 2009.

document, despite their strong preference for a binding treaty. However, six countries rejected the Accord—Tuvalu, Cuba, Venezuela, Nicaragua, Bolivia, and Sudan. The representative of Tuvalu spoke first:

And we see there is money put before us. Can I suggest, in biblical terms, it looks like we are being offered thirty pieces of silver to betray our people and our future. Mr. President, our future is not for sale. I regret to inform you that Tuvalu cannot accept this document.

Sudan used particularly strong language and decried the Copenhagen Accord as a deal that sentences to death millions of Africans.

[The Copenhagen Accord] is murderous. It condemns and turns Africa into a furnace . . . [The document] asks Africa to sign a suicide pact, an incineration pact in order to maintain the economic dominance of a few countries. It is devoid of any sense of responsibility, morality and it is a solution based on values, the same very values, in our opinion, that tunneled 6 million people in Europe into furnaces . . . The promise of one hundred billion US dollars would not bribe us to destroy the continent.

The Holocaust reference incensed many, and Canada, Australia, the European Union, Grenada, and others called on him to retract his statement.³⁰

What followed was a highly dramatic episode of climate diplomacy.³¹ Ed Miliband, representing the United Kingdom, made a motion to suspend the meeting, many rose to their feet, and a messy huddle of individuals gathered in front of the podium, confronting each other and pressuring delegates from Bolivia and Nicaragua in particular. There were open threats: “You will never get the money again!” shouted one Swiss delegate. Optics and public perceptions were openly stressed: “The signal we are giving to the outside world, when millions of people are watching, will be ‘We failed. The UN system failed.’ This is doing a huge damage to the UN system.” The president of the Maldives pleaded with a Bolivian official: “Please Madam, this is our last chance. I have two daughters and wish to live with my grandchildren. My country is just 1.5 meters above sea level.” Neither pressure nor persuasion brought results: none of the six countries dropped their opposition and the plenary did not adopt the accord. After two years of negotiations, the Copenhagen summit produced an official text that contained one single sentence that reads: “The Conference of the Parties takes note of the Copenhagen Accord of 18 December 2009.”³²

Hence, the concerted and highly orchestrated attempt to produce an empty climate agreement (a “comprehensive COP decision”) failed in the Danish capital. The Copenhagen Accord was a second, minimalistic attempt to hide that second failure of climate negotiations—and it failed too, only because of the opposition of six countries. Absent the resistance of Bolivia, Tuvalu, Sudan, and the other three countries, there would have existed an official accord that would have been deceitfully presented as a global agreement. The determined opposition of these small countries, maintained against the powerful pressure of the majority, explains the failure to establish a misleading institution that throws dust in the public eye.³³ Because of this fortunate failure, UN climate negotiations continued, and in 2011

³⁰ Personal observation.

³¹ For a full account of the story in Copenhagen and extensive direct quotes of the conversations, see Dimitrov 2010.

³² The accord was not even included in an official appendix to the original document, and its text merely followed on a separate unnumbered page (UNFCCC/CP/2009/CP.15, accessed January 8, 2010, <http://unfccc.int/2860.php>). Subsequently, the text of the accord was incorporated in the report of the Conference of the Parties (UNFCCC/CP/2009/11/Add.1, accessed January 31, 2019, <http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf>).

³³ Interview with Ambassador Lumumba Stanislaus Di-Aping, lead negotiator on climate change for the G-77 and China coalition and Sudan at the Copenhagen conference (Durban, December 2011).

countries launched a separate new legal mandate for formal negotiations that eventually led to the 2015 Paris Agreement on Climate Change (see below).

Explaining Empty Institutions

Why do governments knowingly create institutions that could not deliver? It is customary in IR scholarship to juxtapose the logic of consequences and the logic of appropriateness in explaining state behavior and to treat rationalist and normative perspectives as rival explanations of world politics (Krasner 1999). The cases examined here offer evidence that both the logic of consequences and the logic of appropriateness are at play. Some states sought to establish empty institutions as rational instruments to preempt governance and trump the call for multilateralism. At the same time, global norms and the logic of appropriateness provided enabling conditions that helped these institutions come into existence.

This exploratory research presents preliminary evidence in support of three hypotheses that help us understand the existence of empty institutions and state motivation for creating them. The hypotheses should be tested in other empirical cases to assess how generalizable these dynamics are.

1. Empty institutions preempt governance and legitimize collective inaction.

The cases explored here reveal that some states seek to create international institutions as devices that block governance, rather than facilitate it. Hollow institutions are decoys that can serve to preempt governance by deflecting political calls for future governance initiatives. They confer legitimacy to collective inaction by satisfying existing norms and neutralizing domestic and international political pressures for genuine policy action in a given issue area. The United States and Brazil worked aggressively to defeat a global forest treaty throughout the 1990s and were the chief advocates of establishing the empty UNFF in order to trump the call for real agreements and legitimate the gap in global forest governance.

The UNFF was then consistently used to block substantive policy proposals and trump calls for substantive international cooperation. When a policy proposal was advanced during UNFF sessions in Geneva and New York, American and other diplomats reminded everyone that the UNFF is not a policymaking body.³⁴ Notably, two key diplomats from Brazil and the United States who fought against an international forest treaty took positions in the UNFF Secretariat, including the lead negotiator for the United States, who became the head of UNFF in 2007. Similarly, Saudi Arabia has been a staunch opponent of international climate change policy and an enthusiastic supporter of the “comprehensive COP decision” and the related Copenhagen Accord because the latter contained no policy obligations. Indeed, empty institutions are useful political tools for laggard countries who oppose policy agreements. They support these arrangements because empty institutions effectively constrain the prospects of genuine governance. These structures fill the institutional space in a given issue area and automatically limit the space for real policy agreements. To paraphrase Bertrand de Jouvenel, “If you want to kill an issue, create an institution.”³⁵

2. States create empty institutions to hide failure at international negotiations.

³⁴Various statements, including by Jan MacAlpine, senior forest officer, US State Department, Office of Ecology and Terrestrial Conservation; Everton Vieira Vargas, lead negotiator for Brazil; and Pekka Patosaari, head and coordinator, United Nations Forum on Forests (2003–2007).

³⁵“If you want to bury an issue, create a committee to work on it.” This quote is variably attributed to Bertrand de Jouvenel and Charles F. Kettering.

Empty institutions are also tools for hiding political failure to produce international policy agreements. They are face-saving devices that camouflage the absence of concrete policy, by creating public impressions of policy progress. Facing constituents who demand action, governments can hide behind these institutions and avoid political sanctions and the reputational costs of inaction. Governments of “pusher” countries who wanted strong international policy genuinely strived to create meaningful policy agreements on climate change and forest management. When they failed to prevail and obtain international policy coordination, they preferred to save face and accept the creation of fake agreements rather than admit failure. The European Union, Norway, Switzerland, some island states, and many countries in the developing world conceded failure to obtain a binding climate treaty in 2009 and reluctantly accepted the Copenhagen Accord in order to avoid the impression that a historic conference was a failure.

The reason pertained to bureaucratic interests: even delegations of countries who were against this political conspiracy had a vested interest in making the conference appear as a success for the sake of national ministers and heads of state who would attend in Copenhagen. Many diplomats stressed that everyone’s job was to shield their bosses from public embarrassment and that “Copenhagen was too big to fail.”³⁶ This is why even negotiators who wanted a strong treaty and were aghast at the political plot to greenwash the conference with a fake agreement did not want an ostensible failure of such a major and highly visible diplomatic meeting, and they feared for their careers if they were seen as contributing to such failure. Quite simply, a fake agreement was widely seen as better than no agreement. Hence, bureaucratic politics and career concerns ensured that most delegations became complicit in establishing an empty institution.

3. International norms provide permissive conditions for the creation of empty institutions.

A normative explanation would draw on insights from sociological institutionalism. According to sociologists such as John Meyer, institutions are not necessarily rational devices for solving problems but products of broad cultural forces (Meyer and Rowan 1977; Meyer and Scott 1983). Collective action can be viewed in terms of Pareto-optimal outcomes but is also a culturally conditioned mode of political behavior. “Ironically, people create rational bureaucratic organizations for other than rational reasons. When faced with social work to be done, people form a committee or create a bureaucracy because it is the appropriate socially sanctioned way to address a social task; it is ‘the thing to do’” (Finnemore 1996, 330). Participation in international organizations, in particular, is considered appropriate.

This logic of appropriateness is particularly evident in the history of global forestry negotiations. A norm of environmental multilateralism pushed states into creating the UN Forum on Forests (Dimitrov 2005). Even when negotiating efforts to create a forest treaty failed, this norm made prohibitive the political costs of disengaging on a prominent global issue. States preferred to appear to be doing *something*, rather than openly do nothing.³⁷ One international official confided: “The

³⁶ Interviews during the Barcelona and Copenhagen conferences (November–December 2009) with Peter Wittoeck, head of the Climate Change Section of Belgium’s Directorate General Environment; Lidia Wojtal, senior specialist and climate change negotiator, Ministry of Foreign Affairs, Poland; Svetlana Zhekova, climate negotiator for the Republic of Bulgaria; Daniela Stoycheva, climate change policy advisor, United Nations Development Programme; Steve Sawyer, Greenpeace International, Climate and Energy Division; Kunihiko Shimada, principal international policy coordinator and climate change negotiator, Ministry of the Environment, Japan; and Katia Simeonova, UNFCCC Secretariat.

³⁷ What is equally ironic is that norms were so powerful that they led to organized hypocrisy. This appears to turn the tables on Krasner’s contrary argument that the logic of appropriateness fails to constrain state behavior, and hence the sovereignty norm is organized hypocrisy (Krasner 1999). Krasner’s seminal work focused on norms and not on the formal institutions that concern us here.

UNFF is not designed to do anything. There is no policy in it whatsoever. It is a just a place one could go to. This way countries can say: Look, we are doing something internationally.”³⁸ Even actors such as the European Union who preferred binding international policy agreements on both climate change and forest policy eventually accepted the creation of empty institutions instead—because the multilateral norms made *any* institution preferable to the zero-policy option. The norm of environmental multilateralism is therefore a permissive condition that explains why so many states accepted and endorsed these decoys.

Which explanation is the fairest of all? In my view, there are compelling reasons to resist the urge to choose and seek definitive explanations of empty institutions. First, competing explanations are not necessarily mutually exclusive. Mixed motivations are likely to drive the behavior of diverse actors involved in any political process. Quite simply, different countries supported these arrangements for very different reasons. Some governments actively seek to create empty institutions because they oppose international policymaking and see a decoy as an effective tool for blocking action. In the climate case, for instance, Saudi Arabia, Exxon Mobile, and large corporate lobby groups were happy with the proposal made in Barcelona to drop the option of a legally binding climate treaty and enthusiastically supported the draft Copenhagen Accord because they opposed binding climate policies.³⁹ Other governments accepted empty institutions because of normative pressures to support what appeared to the public as a multilateral initiative. The European Union strongly preferred a binding treaty yet eventually came to reluctantly accept a fake agreement as the only alternative to no agreement, under pressure to save face and present the conference as a success.

Second, there is a fundamental methodological challenge in ascertaining intentionality in politics. The difficulty is not exclusive to this project but relates to a well-established methodological challenge that is endemic to political science and IR scholarship. In discussing why states follow rules, for instance, Ian Hurd writes that it is impossible to get into an actor’s head. “Identifying which mechanisms of social control might be operating . . . requires knowledge of actors’ motivations, which may not be clear even to the actors themselves” (Hurd 2001, 390). Similarly, international legal scholars accept that no evidence can provide rigorous empirical test on why states comply with treaties (Chayes and Chayes 1993). The same inherent epistemological limits apply here. It is difficult to establish incontrovertibly which state actors wanted to create empty institutions and why, and which ones accepted them for lack of better alternatives.

The evidence does suggest intentional state behavior as at least some governments wanted to create decoy institutions in a deliberate and purposive manner. The Copenhagen Accord was clearly a result of a conscious attempt by governments to mask the failure of negotiations and to offer something for public consumption. In the forestry case, the architects of the empty United Nations Forum on Forests were those who bitterly opposed international cooperation under a treaty: it was the United States and Brazil who proposed to establish UNFF and then used it as a device to block calls for policy action. Definitive proof, however, is still difficult to provide. Insurmountable obstacles to establishing intention, motivation, and causality do not diminish the importance of the mere observation that empty institutions exist. Nor would they justify abandoning the study of an empirical phenomenon with clear theoretical and policy implications.

Finally, the search for conclusive explanations of the formation of empty institutions should not monopolize this academic research agenda because it could obscure the important topic of their effects. It suffices to ascertain the existence of

³⁸ Informal interview with Alistair Sarre, International Tropical Trade Organization (Yokohama, November 2003).

³⁹ Interviews with Brian Flannery, Exxon Mobil representative at climate negotiations (Bonn, Germany, August 2009); and Nick Campbell, Environmental Affairs, Arkema, a corporate lobbyist at UNFCCC climate negotiations (Copenhagen, December 2009).

empty institutions and study their consequences. The intended and unintended impacts on policymaking and governance are perhaps more important than theoretical explanations of their origins. Whether their creation was fully premeditated or not, their mere presence has profound implications for IR scholarship, as well as a negative policy impact on global governance.

Theoretical and Policy Implications

The presence of empty institutions in world politics defies neoliberal institutionalist frameworks and challenges the basic assumption of policy governance as the main function of institutions. In fact, decoys serve the exact opposite purpose of obstructing governance. The findings here strongly suggest that institutions can be raised as obstacles to governance rather than as mechanisms for facilitating it. Political actors who oppose international policy can block action by creating decoy multilateral agreements. Ironically, these opponents score political points by appearing “green” to a general public that equates multilateralism with environmentalism. This phenomenon may require a reexamination of a central notion in the academic discipline of IR and a reconsideration of the role of institutions in political life. Institutions are indeed consciously constructed frameworks established by agents seeking to promote or protect their interests (Krasner 1999, 60), but they can serve a variety of policy preferences—including state opposition to collective action. Therefore, we need to consider institutions outside the governance thematique and in the wider context of state interests.

The assumption of institutions as problem-solving devices runs so deep that common measurements in the literature do not even allow the detection of zero-policy institutions. The rational-design literature, for instance, explores variation in institutional form and should be well positioned to explain empty institutions. Yet the framework is unable to capture decoys because of its assumption that institutions seek solutions of cooperation problems through policy action. “*Our basic strategy is to treat institutions as rational, negotiated responses to the problems international actors face*” (Koremenos et al. 2001, 768, original emphasis). Notably, the design characteristics of institutions that form the dependent variables do not even include stringency of policy commitments.⁴⁰

The study has implications also for scholarship on institutional effectiveness, a major topic in the study of global governance (Finnemore 2014). This literature shares the assumption that substantive governance is the *raison d’être* of institutions and examines in detail reasons for ineffectiveness grounded in design problems and implementation failure (Underdal 1992; Sprinz and Helm 1999; Young 1999b; Helm and Sprinz 2000; Miles et al. 2002; Hovi, Sprinz, and Underdal 2003; Mitchell 2003). Observers regarded the CSD, for instance, as an ineffective institution that evolved from a slow start to steady decline (Khor 1994; Soroos 1999) and found reasons such as an overly broad agenda and low-level placement in the UN system (Chasek 2000; Wagner 2005). These reactions are understandable, but they are missing the point. Policy-making work was outside the CSD mandate and, therefore, could not be expected from this institution.

Are decoy institutions ineffective—or highly effective? From a problem-solving perspective, empty institutions are clearly ineffective in providing solutions to public policy challenges. From a political point of view, however, they are effective precisely *because* they do not deliver. Decoys serve their intended purpose: they produce no substantive policy, deceive the observers, and preclude real governance while neutralizing public reactions. What makes these empirical cases important is not merely that institutions do not deliver. Ineffective agencies and policy arrangements are

⁴⁰ Koremenos and her colleagues (2001) measure institutions by five dimensions: membership, scope of policy issues, centralization of tasks, rules for controlling the institution, and flexibility.

not rare today. What is singular and interesting here is that empty institutions are deliberately designed not to deliver, and bodies such as UNFF are not intended to provide governance in the first place.

These findings also advance the literature on symbolic politics. Murray Edelman and his intellectual descendants have argued that high-level decision-making is often a symbolic process of going through the motions without delivering substantive results, a mere “dramaturgy” to show that the political process is functioning (Edelman 1964, 1988; Hajer 2005; Blühdorn 2007; Death 2011). Drawing on domestic political life in the United States, Edelman argued that state institutions take symbolic action that comforts the public with the belief that the political elite are addressing policy issues and further the public interest (Edelman 1964). Carl Death writes of UN summits as political theatre acted out for global audiences to demonstrate responsible state conduct. “The dominant message of a successfully performed summit is that political elites have risen to the challenge and are hard at work” (Death 2011, 7).

The research presented here is compatible with ideas on the political spectacle. It provides much needed empirical evidence drawn from the international level⁴¹ but also adds a substantively new theoretical dimension. The literature on symbolic politics focuses exclusively on process and tends to downplay or ignore outcomes. The cases presented here take us further and show that outputs that international negotiations produce can have lasting effects that extend far beyond the duration of conferences. Empty institutions are neither meaningless nor innocuous; they can be instrumental in blocking multilateral policy action.

Policy Implications

The policy implications are considerable and alarming. Decoy institutions can serve to legitimize collective inaction and the absence of substantive governance. Legitimacy as an ordering principle in world politics is a well-established concept, and the dominant academic discussion is on sources of legitimacy and whether international institutions create it through coercion, self-interest, or norms compliance (Hurd 2001; Bernstein 2011). Early work on international organizations stressed that the United Nations bestows political legitimacy to state action. “[Statemen] are keenly conscious of the need for approval by as large and impressive a body of other states as may be possible, for multilateral endorsement of their positions—in short for collective legitimization” (Claude 1966, 370). Inis Claude sounded an alert about the possibility of legitimizing not only good causes but also bad policy (Claude 1966, 379). However, the literature on legitimacy focuses on positive policy initiatives and multilateral action.

Decoy institutions provide the antithesis of multilateralism, as they can block international policy action and prevent governance. By occupying institutional space, they interfere with the creation of real policy initiatives. Their presence can be used as an excuse not to engage in much needed action and as a shield against political calls for effective solutions. Studies at the local and subnational level confirm this possibility. Mark Lubell (2004) finds that collaborative watershed partnerships in the United States can be counterproductive. “If process is the product, then collaborative institutions may actually do more harm than good by creating perceptions of progress in the absence of any real change, thereby reducing the expressed political demand for policy change without addressing the environmental and social conditions that generated the demand” (Lubell 2004, 550).

One might argue that even unproductive institutions could play a positive role. Collaborative institutions help elaborate, uphold, and reify norms (Finnemore and

⁴¹ One widely acknowledged problem with Edelman’s work was the lack of empirical data. He rejected traditional social scientific research but also eschewed critical theory and ignored the work of Bourdieu, Derrida, and Foucault (Fenster 2005, 381).

Sikkink 1998) and encourage consensus building through stakeholder dialogue (Lubell 2004). “Nonbinding recommendations can become de facto coordination equilibria, relied on by states and other international actors” (Abbott and Snidal 1998, 15). Therefore, empty institutions could be useful in enhancing the normative context and facilitate policy cooperation indirectly. However, IR theorists consider norm elaboration as a parallel function of IGOs that is additional to regulation, substantive policy operations, pooling of resources, and joint production. Steven Weber (1994), for instance, shows that the European Bank for Reconstruction and Development was established for purposes of legitimacy, to extend neoliberal norms in Eastern Europe, but he emphasized that the bank had operational activities in parallel to propagating ideas. Against this background, the decoy international institutions described above do not have any regulatory policy functions.

Finally, hollow institutions give multilateralism a bad name, in an age when global governance is much needed, but the value of the liberal world order and traditions of multilateralism are being questioned. Empty institutions such as UNFF are indeed a waste of time, resources, and institutional energy that governments invest in maintaining full-time secretariats and organizing regular sessions in expensive cities such as Geneva. The deeper problem, however, is collateral damage. Unfortunately, the unproductiveness of the CSD and UNFF could fuel opposition to other genuine governance initiatives that may be effective and necessary. Decoy institutions give ideological material to principled opponents of international organization who decry *all* multilateral institutions as ineffective and declare at global conferences that “Multilateralism does not work.”⁴² The self-fulfilling prophecy is sadly ironic: actors who set up decoy institutions could use them as evidence that multilateral institutions per se are ineffective.

Conclusions and Research Directions

Significant evidence suggests that some international institutions are void of policy content and are deliberately designed not to deliver. They provide no mechanisms for governance not because of erroneous design but because of deliberate design, as their constitutional mandates preclude the formulation, implementation, or funding of policy action. The existence of such empty institutions challenges fundamental assumptions in the study of international organization and global governance because it breaks up the conceptual marriage between governance and institutions that we take for granted in the study of IR. The highly detrimental effects of decoys in obstructing policymaking should be cause of concern to academics and practitioners alike.

Nothing in this paper implies an ideological attack on multilateralism. On the contrary, the normative orientation is in favor of international cooperation in addressing global policy issues. The point here is not that global institutions never provide governance or that they rarely do. States do not *always* build decoys and, hopefully, not even oftentimes—but they do at least *sometimes*. Regardless of its exact frequency, this political phenomenon raises fundamental conceptual and theoretical issues that IR scholarship cannot afford to ignore. The aim is to extend the institutionalist research agenda, by drawing attention to types of state behavior that have important implications for global governance, as well as for the academic understanding of institutions and the exercise of power.

Future research can illuminate several questions. First, we need to explore other empirical cases and develop a sense of how widespread the phenomenon is, at multiple levels of analysis. Are the findings generalizable? I remain agnostic on how

⁴² A statement by T. M., head of the US delegation at the third preparatory meeting of the Financing for Development conference at UN headquarters in New York, in October 2001. Only four weeks after the September 11 attacks, the strong statement raised eyebrows and was quietly replaced on the conference website with another official statement that, instead, extolled the virtues of international cooperation. Personal participant observations by the author.

many empty institutions exist in world politics. International negotiations on climate change and global forest policy, as well as broad discussions on sustainable development, are central to global environmental politics and constitute significant cases, even if these prove to be the only ones. Decoy institutions that preempt substantive policy action may also exist in other IR issue areas, as well as at national and subnational levels. Do some local committees and national commissions serve to bury an issue?

Second, the motivation of state actors in creating decoys needs to be clarified. Whether the preemption of governance is a semi-intentional or fully intentional effect should be studied further. A third important question is under what conditions failure at negotiations leads to empty institutions rather than no institutions. Finally, the intersection between domestic and international politics and the effects of decoy international institutions on domestic policy could be fruitfully investigated. Do governments hide behind sham international institutions to escape pressure for domestic policy action, claiming they comply with international standards?

Is the Paris Agreement on Climate Change, for instance, an empty institution? The agreement is characterized by remarkable complexity and is not a conventional treaty that conforms easily to the traditional model of international law. It relies on a complex mix of legally binding obligations and voluntary provisions that give full discretion to governments. This ambiguity leads to various interpretations, vigorous debates, and genuine uncertainty in academic circles. Some observers claim there are no legal obligations for action (Cléménçon 2016) and even decry it as a misleading nonbinding agreement that is camouflaged as a treaty (Slaughter 2015). Others insist the Paris Agreement is a treaty with real policy obligations (Bodansky 2016; Rajamani 2016). Even veteran IR scholars of global governance appear at a loss and state cautiously that the vagueness of the agreement creates uncertainty about its effectiveness (Keohane and Oppenheimer 2016; Young 2016). The possibility that this treaty is actually an elaborate decoy institution that allows reluctant governments to hide behind a weak international arrangement could clarify the situation and therefore deserves investigation.

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