Negotiating the future under the shadow of the past: the eleventh session of the United Nations Forum on Forests and the 2015 renewal of the international arrangement on forests

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SUMMARY

Prior to the eleventh session of the United Nations Forum on Forests (UNFF) in 2015 a series of interlinked initiatives took place intended to generate new options for strengthening the international arrangement on forests. The paper analyses these initiatives and identifies the main proposals to emerge from them. It is shown that almost all these proposals were lost or weakened during the negotiation process. One reason for this, it is argued, is the consensual decision making procedures of the UNFF whereby it takes all states to say yes, and only one to say no. This empowers veto states, namely powerful and intransigent states that wish to resist change in key areas. It is also argued that international forest negotiations do not start from a blank page, with 'textual shadows', namely precedents from inside and outside the UNFF, delimiting the possibilities available for delegates and, for some issues, leading to the perpetuation of the status quo. The result is that during the formal intergovernmental negotiations creativity is stifled with the textual outputs tending towards a politics of the lowest common denominator.

Keywords: negotiation, one-text procedure, stewardship, textual shadow, UNFF

Négocier l'avenir sous l'ombre du passé : La onzième session du Forum des Nations Unies sur les forêts et le renouvellement de l'accord international, 2015 sur les forêts

D. HUMPHREYS

Avant la onzième session du Forum des Nations Unies sur les forêts (FNUF) en 2015 une série d'initiatives interdépendantes a eu lieu destiné à générer de nouvelles options pour le renforcement des accords internationaux sur les forêts. Ce document de recherche analyse ces initiatives et identifie les principales propositions. Il demontre que presque toutes ces propositions ont été perdus, ou affaiblis, pendant le processus de négociation. Une raison invoquée est les procédures de prise de décision consensuelle de la FNUF qui necessite que tous les États disse oui, mais qu'un seul disse non. Cela donne le droit de veto aux États puissants, intransigeants et résistant aux changements dans des domaines clés. Ce document soutient que les négociations internationales sur les forêts ne commencent pas à partir d'une page blanche sans 'ombre textuelle'; mais se composent des précédents qui se situent à l'intérieur et à l'extérieur du FNUF, délimitant les possibilités disponibles pour les délégués et, pour certaines questions, perpétuant le statu quo. Le résultat est que pendant les négociations intergouvernementales, la créativité est étouffée, et ces négociations encouragent la publication des textes qui se penchent vers une politique réductrice.

Negociando el futuro bajo la sombra del pasado: el undécimo período de sesiones del Foro de las Naciones Unidas sobre los Bosques y la renovación de 2015 del acuerdo internacional sobre los bosques

D. HUMPHREYS

Antes del undécimo período de sesiones de 2015 del Foro de las Naciones Unidas sobre los Bosques (UNFF, por sus siglas en inglés), han tenido lugar una serie de iniciativas interrelacionadas destinadas a generar nuevas opciones para reforzar el Acuerdo Internacional sobre los Bosques. Este artículo analiza estas iniciativas e identifica las principales propuestas que surgieron de las mismas. Se muestra como durante el proceso de negociación casi todas estas propuestas desaparecieron o se fueron debilitando. Se argumenta que una razón para ello es el procedimiento de toma de decisiones consensuadas del UNFF, que requiere que todos los Estados digan que sí, y tan sólo uno que diga que no. Esto empodera a los estados veto, es decir, los estados poderosos e intransigentes que quieren resistirse al cambio en las áreas clave. También se argumenta que las negociaciones internacionales sobre los bosques no parten de una página en blanco con "sombras textuales", es decir, precedentes internos y externos al UNFF, lo que delimita las posibilidades disponibles para los delegados y que, para algunos temas, lleva a la perpetuación del *statu quo*. El resultado es que la creatividad se apaga durante las negociaciones intergubernamentales formales con la aparición de borradores encaminados a favorecer las políticas del mínimo común denominador.

INTRODUCTION

In April 2015 the eleventh session of the United Nations Forum on Forests (UNFF 11) convened in New York. Two main outputs were produced: a ministerial declaration and a resolution. It was agreed to renew the international arrangement on forests until 2030, with a mid-term review to take place in 2024. However, although some original proposals for revitalising the international arrangement on forests were made before and during UNFF 11 states were unable to agree on any innovations that would have added value to the pre-existing arrangement. This paper examines the reasons for this and seeks to explain why many creative proposals fail to find expression in the agreed textual outputs of international forest negotiations. In so doing it introduces the idea of a 'textual shadow', namely a concept, phrase or expression agreed in the past that is invoked as a precedent during subsequent negotiations. A textual shadow may be seen as a form of linguistic 'stickiness', whereby text, once agreed, tends to persist and be repeated over time.

The paper is structured as follows. The next section will clarify some of the terminology used in international forest politics. This is followed by a section that first presents a brief overview of the main theories of international negotiations that are useful for understanding the UNFF 11 negotiations before introducing the analytical focus of this paper, namely the text negotiation procedures of the United Nations. After a brief methodology section the paper surveys the preparations for UNFF 11, identifying the main proposals that emerged before the formal negotiations commenced. The subsequent section examines the fate of these proposals at UNFF 11.

TERMINOLOGY: THE INTERNATIONAL ARRNGEMENT ON FORESTS AND THE GLOBAL FOREST REGIME COMPLEX

Formed in 2001, the UNFF is an intergovernmental body intended to strengthen international political commitment to the sustainable management of the world's forests. It has universal membership (that is, all United Nations member states are also members of the UNFF) and reports to the UN Economic and Social Council (ECOSOC). The key strength of the UNFF is that it is the only intergovernmental organisation to focus exclusively on forests (Steiner 2002). It has agreed several resolutions on forest-related matters and in 2007 it adopted the *Non-legally binding instrument on all types of forests.* However, the UNFF has attracted criticism for failing to ensure implementation of forest soft law (Davenport and Wood 2006, 323), for ignoring human rights and the needs of the poor who live in tropical forests (O'Reilly 2007) and for failing to provide leadership in international forest affairs (Humphreys 2006, 115). One critic sees the UNFF as an unviable entity that should be closed, with forestry issues handled by the UN Food and Agriculture Organisation (FAO) (Persson 2005).

Two terms have arisen to describe global forest governance: the international arrangement on forests; and the international forest regime complex. The two terms have very different origins and meanings. The 'international arrangement on forests' emerged from within the international forest policy making and practitioner community and was first introduced in Economic and Social Council (ECOSOC) resolution 2000/35 which led to the creation of the UNFF (United Nations 2000). The arrangement encompasses the UNFF and its secretariat, the Collaborative Partnership on Forests (an interagency group of international organisations with a forest-related mandate chaired by the FAO), and the various major groups,[1] regional organisations and other stakeholders that support the UNFF.

By contrast, the 'international forest regime complex' emerged from an International Union of Forest Research Organisations (IUFRO) global forest expert panel[2] on international forest governance comprised primarily of political scientists. The notion of a regime complex builds on earlier scholarship on the international forest regime as the sum total of the principles, norms, rules and decision making procedures that govern the management and use of forests (drawing from Krasner 1982, 6; see also Glück *et al.* 1997, Humphreys 1999). The forests regime spans several bodies of international law (legally binding instruments, soft law and private law), has no single institutional focus, and may be characterised as multicentric and fragmented (Giessen 2013). The IUFRO-led expert panel defined the international forest regime complex as 'a set of specialised regimes and other governance arrangements more or less loosely linked together, but at other times overlapping and conflicting' (Rayner *et al.* 2010, 13; drawing from Keohane and Victor 2010). The international forest regime thus overlaps and interconnects with regimes on climate change, biodiversity, desertification and endangered species within a broader complex of governance.[3] The UNFF is an important part of this complex.

EXPLAINING INTERNATIONAL NEGOTIATIONS

Studies of cooperation and conflict in international negotiations may be categorised into three areas (Hansenclever *et al.* 1997). *Power-based explanations* argue that international agreements reflect the underlying distribution of power

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[1] The nine UNFF major groups are: women; children and youth; indigenous people; non-governmental organisations; local authorities; workers and trade unions; business and industry; scientific and technological communities; and farmers and small forest landowners.

[2] To date four global forest expert panels have reported on: adaptation of forests and people to climate change (2009); international forest governance (2010); biodiversity, forest management and Reducing Emissions from Deforestation and forest Degradation (REDD+) (2012); and forests, food security and nutrition (2015).

[3] On overlapping regimes see Rosendal 2001a; 2001b.

capabilities in the international system. On this view, international agreement on an issue is possible only when the most powerful states desire it and are able to translate their power capabilities into bargaining leverage in order to cajole and persuade other states to subscribe to the agreement (Gamble 2010). In the case of forests these power capabilities include the extent of a state's forest area, share of the international trade in timber (as producer or consumer) and contributions to forest-related aid, as well as economic capabilities defined in more general terms such as a strong manufacturing base, economic growth and a convertible currency. Powerful states in international forest negotiations, therefore, include, but are not limited to, Brazil (the world's most extensive tropical forested state), Canada and Russia (with extensive temperate and boreal forest cover), China (a major timber importer and exporter that acts as a hub in the international timber trade between the Asia-Pacific region and Europe) and the United States (which in many respects remains the single most important economic power in the international system and an important aid donor). The EU, with 5% of the world's forests and member states that contribute to international forest-related aid, is also a major actor. If all these actors were to agree on what they wanted from international forest negotiations agreement would, according to power-based explanations, be more likely. However, and as this paper will show, they often disagree on fundamental issues.

Interest-based explanations hold that international agreement on an issue is possible when a majority of states consider that such an agreement is in their interests. How a state constructs its interests will vary from case to case, depending on the state's place in the global economy, the ruling political party and the domestic interests that lobby the government. On this view, the exercise of power to persuade others is not necessary when most states consider that the benefits that they will gain from an agreement exceed the anticipated costs so that signing up to the agreement is in their rational self-interest (Corry 2014).

Cognitive explanations hold that international agreement is more likely when states can agree on core ideas or where there is an agreed body of knowledge in a particular area (Haas 2015). For example, there is widespread agreement amongst states and other actors on the concept of sustainable forest management as a core guiding principle of international forest policy (despite the many, sometimes conflicting, definitions of this concept and how it should be implemented). There is also a respected body of consensual knowledge on the role of forests in climatic regulation. States have made also some progress in identifying the causes of deforestation, which are multiple and often highly localised, although there has been no agreement on what should be done about the problem. The result is that international action to slow or arrest forest loss has proved difficult to achieve.

In explaining the outcome of UNFF 11 this paper addresses an underexplored area in scholarship on international negotiations, namely the text negotiation procedures of the United Nations system. The remainder of this section will explain these procedures before the methodology of the paper is introduced.

The United Nations uses a variant of the one-text procedure whereby all delegations work with a single text (Fisher and Ury 1981, 122). A 'draft zero' is produced by the chair of the negotiations with guidance from the bureau. This draft is then presented to delegates as a basis for negotiation. Amendments to the text are then made using the following protocols:

- Any delegation may disagree with text by placing square brackets around disputed words, phrases, sentences or paragraphs.
- Any delegation may insert new text. This is signalled in bold text enclosed within square brackets.

In both cases the square brackets denotes that the enclosed text does not have the agreement of all delegations. These protocols can be illustrated using a hypothetical example. Let us suppose that an excerpt from the chair's original draft reads:

> Forests should be managed for the benefit of all humanity.

Imagine that during the negotiations the United States proposed inserting 'sustainably' before 'managed', and that China proposed deleting 'all humanity' and inserting in its place 'present and future generations'. Under UN text negotiation protocols the draft would now read:

> Forests should be **[sustainably - US]** managed for the benefit of [all humanity/**present and future generations - China**].

If all other delegations accepted these changes the text would then read:

> Forests should be sustainably managed for the benefit of present and future generations.

The aim of UN negotiations is to agree a single text consensually that suits the interests of all, or at least to which none object.[4] This system, whereby all states may propose and dispute text, has the advantage of inclusivity, in that all states can contribute to, and thus have shared ownership in, the final outcome.

There is a pattern to international negotiations on forests (and other international issues). As the deadline for an agreement looms the text is usually sprinkled with square brackets and competing proposals for new language, signifying a level of disagreement that cannot be resolved in the remaining time through formal negotiations between all states. Alternative ways of brokering an agreement are then sought. A favoured conflict resolution mechanism is the contact group, a small sub-group of delegates that focuses attention on contentious paragraphs, with text produced using the negotiation protocols

[4] No vote has ever been taken at the UNFF, nor at the fora that preceded it: the Intergovernmental Panel on Forests (1995-97) and the Intergovernmental Forum on Forests (1997-2000). Outside the Security Council and the General Assembly voting is unusual in UN bodies.

outlined above. Another mechanism is informal consultations where text is produced through discussion and 'give and take' between key delegates rather than through formal negotiations. Some consultations may be convened by delegates stepping forward to take the lead in resolving individual problematic paragraphs, while others are convened by the chair in an informal 'friends of the chair' group. The choice of mechanism is usually determined by the bureau chair and co-chairs in consultation with member delegations and the director of the UNFF secretariat.

Based on these consultations the chair or co-chairs will then produce a compromise text, the intention being to produce text that other delegates can accept as final, or at least as the basis for further negotiations. The drafting of a chair's or co-chairs' draft calls for skills in diplomacy and statecraft, with the text intended to represent a median position between the interests and aspirations of all delegations. Contentious words and clauses that delegates have opposed may be weakened with caveats, or in some cases completely removed, while different proposals are synthesised. The production of such a draft requires a sound grasp of the issues and the ability to consider different, often conflicting, perspectives. There is also a premium on the ability to develop and express arguments quickly and succinctly in diplomatic English. For a compromise text to be accepted it is important that all delegates (or at least the most influential ones) feel a sense of ownership in the draft, not necessarily agreeing all points, but at least feeling that their key concerns have been incorporated.

For example, at the fourth and final session of the Intergovernmental Forum on Forests in February 2000 the negotiations stalled on the final day. The chair initiated a series of informal consultations and produced a chair's draft that was presented to delegates. When negotiations broke down again the chair suspended negotiations and asked the key actors to resolve their differences and agree consensual text behind closed doors. The key actors involved on this occasion were the United States, Canada, the Group of 77 Developing Countries (G77), European Union and Brazil. After all night negotiations on the final Friday evening a deal was reached at 5.55 am on the Saturday morning, leading to agreement to create the UNFF (Humphreys 2006, 89). The key issue on this occasion was whether states should agree to negotiate a legally binding instrument (LBI) on forests, with Canada leading the drive from the pro-LBI states. (An LBI is usually used as a synonym for a forest convention, although in principle it could include a forests protocol to an existing convention, such as the Convention on Biological Diversity.) Similarly, in 2007 co-chair's drafts and informal consultations were necessary to break the deadlock during the negotiation of the *Non-legally binding instrument on all types of forests* when, again, agreement was reached only in the early hours of the Saturday morning.

This pattern - of formal intergovernmental negotiations using the one-text procedure, deadlock on sticky issues and various informal and small group consultations to broker a deal as the deadline looms - was repeated at UNFF 11.

METHODOLOGY

Using UNFF 11 as a case study the paper addresses the question of why international forest negotiations may tend towards weak outcomes with original proposals usually failing to make it into the final text. The methodology that was designed to address this question involved text analysis, non-participant observation and interviews.

In order to identify the proposals that were made before and at UNFF 11 an extensive body of grey literature, including UN documents was analysed. Preparations for the renewal of the international arrangement on forests began shortly after UNFF 10 in 2013 and involved four interlinked processes spanning nearly 18 months (Table 1). First, a team of five independent consultants – one each representing the Western European and Others Group (WEOG); Africa; Latin America and the Caribbean; Eastern Europe and Russia; and Asia and the Pacific – undertook an independent assessment of the international arrangement on forests and provided recommendations (Blaser *et al.* 2014). Second, the UNFF secretariat called for member states and other actors to submit views and proposals (United Nations 2014).[5] These

TABLE 1 *Timeline: Preparations for UNFF 11*

Date	Meeting or event
October 2013	First meeting of the independent assessment team of consultants
12 February 2014	UNFF secretariat publishes views and proposals from member states and other relevant stakeholders
24-28 February 2014	First meeting of the *Ad Hoc* Expert Group on the International Arrangement on Forests, Nairobi
September 2014	Publication of the report of the independent assessment team of consultants
29-31 October 2014	Workshop on the International Arrangement on Forests (Country led initiative by China), Beijing
12-15 January 2015	Second meeting of the *Ad Hoc* Expert Group on the International Arrangement on Forests, New York
4 – 15 May 2015	Eleventh session of the United Nations Forum on Forests, New York

[5] Separate documents were later circulated by the major groups (United Nations 2015b) and the Collaborative Partnership on Forests (United Nations 2015d).

were fed into the third process, a UNFF *ad hoc* expert group. The intention of an expert group is to enable open and in depth discussion, generating original options in a way that is not possible during formal intergovernmental negotiations. Expert groups are not negotiating forums. Governments are asked to nominate people for their knowledge and expertise rather than their ability to represent the national interest, although not surprisingly most governments nominate experts (and in some cases experienced senior negotiators) who voice positions that are consistent with national policy. However, the expert group does have the advantage of introducing voices from smaller countries through the political quota system whereby such groups are expected to be representative of the UN regions. The *ad hoc* expert group on the international arrangement on forests held two meetings (United Nations 2015e, 2015f, 2015g). The co-chair's summary of the first meeting was fed into the fourth process, namely a country-led workshop hosted by the government of China that generated further proposals to be considered by UNFF 11 (United Nations 2015c).

A complete taxonomy of all proposals made during these processes lies well outside the purview of this paper. However, from the documentation seven proposals were identified that were then tracked during the remainder of the process. Two relate to existing political faultlines that have dominated international forest negotiations since 1990, namely:

- The debate over a legally binding instrument on forests
- Proposals for increased forest-related finance for implementation of sustainable forest management (SFM)

In addition, five other proposals were identified and tracked:

- A raised profile for forests in the UN system
- Strengthening the science-policy interface
- The concept of stewardship
- The Andean concept of Mother Earth
- Amendment of the *Non-legally binding instrument on all types of forests.*

In order to track these seven proposals the author attended as a registered observer the second and final week of UNFF 11. This week was chosen so that the conclusion of the negotiations could be witnessed, including the resolution of any key areas of disagreement. Detailed notes were taken, including of verbal interventions by government delegates, during the Working Group 2 negotiations on the international arrangement on forests. (Working Group 1 dealt with the negotiation of the ministerial declaration and is considered only in passing below.) The author did not participate in any capacity in the negotiations and attended solely as an overt non-participant observer.

Interviews and conversations were conducted with 19 participants (10 from national delegations and 9 other stakeholders) at the negotiations. In order to encourage frankness all interviews were conducted informally and off-the-record. Anonymity was essential to encourage candour and to enable interviewees to share insights they may not have shared during an on-the-record interview. The author made clear his status as a researcher to all interviewees at the outset, and in line with his chosen status as a non-participant observer concentrated on questioning and listening but not making any comments or remarks that could in any way have indirectly influenced the negotiations.

Detailed tracking of the text was carried out during and immediately after the negotiations to analyse the evolution of the resolution through seven drafts (namely the draft zero prepared by the chair; drafts issued on days 5, 6, 7, 9 and 10 of the negotiations; and the agreed final draft.) The draft zero was issued as a limited circulation UN document. Drafts prepared during the negotiations were circulated in hard copy and emailed by the secretariat on request. Full details of these drafts are provided at the end of the list of references.

The next section presents the seven proposals that emerged before the negotiations commenced, providing the relevant historical context where necessary.

PREPARATIONS BEFORE UNFF 11

Legally binding instrument

The question of whether states should agree to a LBI, or a forest convention, has recurred frequently in international forest politics. The main arguments in favour of a convention are that it could: provide strategic international leadership on forests (Humphreys 2005); agree international standards for SFM (Humphreys 2006, 40-44); support the aims and objectives of the three 'Rio conventions' (de Sa 1998); cover the full range of forest values and functions (Roberts 2003); govern the contributions of forests to the global environment and national economies (Carette and MacCartney 2000); promote the public goods value of forests (Salim and Ullsten 1999); promote the international trade in timber and other forest products (VanderZwaag and MacKinlay 1996; Maguire 2013, 117); coordinate the existing body of hard and soft law on forests (Eikermann 2015); regulate the trans national business corporations that operate in forests (Sears *et al.* 2001); provide a mechanism for international transfers of forest-related finance and technology to developing states (Davenport 2005); and provide a dispute settlement mechanism (Wang 2001, 253).

However, a number of arguments have been posited against a convention including: there is no evidence that a convention would slow deforestation (Vanclay and Nichols 2005); a convention is not necessary following the advent of global forest certification schemes (Lipschutz 2000; Cashore, Auld and Newsome 2004; Bernstein and Cashore 2004); a convention is unfeasible given the competing claims made to forests by diverse actors (Brown 2001); implementation of a convention would be rendered more difficult due to the competing roles of different international organisations on forests (MacKenzie 2012, 7); and that far from solving problems of international coordination on forest-related issues a convention would introduce more complexity and uncertainty (Humphreys 2005, 3).

Although in many respects the convention debate has been an ever present issue throughout the history of international

forest negotiations it has emerged most strongly on five occasions:

(1) 1990-1992: The preparations for, and during, the United Nations Conference on Environment and Development (UNCED)
(2) 1996-97: the third and fourth sessions of the Intergovernmental Panel on Forests
(3) 1999-2000: the third and fourth sessions of the Intergovernmental Forum on Forests (which eventually agreed to create the UNFF)
(4) 2005: the fifth session of the UNFF (which agreed, first, a set of four global objectives and, second, to negotiate the *Non-legally binding instrument on all types of forests*);
(5) 2015: the eleventh session of the UNFF on which this paper focuses.

The motives of states that support or oppose a forest convention have not always been clear. During the UNCED forest negotiations many G77 states, in particular Malaysia and India, viewed with suspicion the motives of the developed states - the United States, Canada, Japan and the forerunner to the EU, the European Communities – for a convention. USAID promoted a position of linking levels of aid to national policies to control deforestation. The G77 considered that a convention would infringe their sovereign right to exploit their natural resources (Humphreys 1996).

The US shifted against a convention shortly after the UNCED, a move that can be explained by a neoliberal aversion to international regulation and any interference in international markets or free trade on environmental grounds. In the mid-1990s Malaysia shifted from being an opponent to an advocate following the transfer of the agency for lead responsibility on forests from the Ministry of Foreign Affairs to the Ministry of Primary Industries, the latter of which considered that a convention could create opportunities for Malaysia to increase its share in the trade in forest products (Humphreys 2006, 45).[6]

The convention issue has divided allies. Since the UNCED the EU has been unable to agree a common position, being divided between a pro-convention group including Germany and Finland, and an anti-convention group including the UK. At UNFF 5 the G77 fractured as a negotiation caucus largely due to disagreement between the Central American states, which in 1993 agreed the Central American Forests Convention and which favour a LBI, and the South American states led by Brazil, which has persistently opposed any such commitment.

Significantly, Canada, which for many years was the strongest advocate for a convention, is now against. At UNFF 5 Canada set up a 'like-minded group' of states interested in agreeing a convention outside the UNFF that at one stage numbered 44 states. However, since 2008 Canada has recognised that there is no broad-based support for a forests convention. Its policy now concentrates on working within existing international forest-related processes such as the UN Framework Convention on Climate Change.

Twenty states declared support for a legally binding instrument before UNFF 11, including long time convention proponents China, Costa Rica, Malaysia and Switzerland. The remainder were Bahamas, Belarus, Burma, Ethiopia, Grenada, Guatemala, Liberia, Mali, Niger, Panama, Philippines, South Korea, Sri Lanka, Syria, Thailand and Tunisia (United Nations 2014).

The convention debate has long been entangled with a second political faultine: finance and implementation.

Finance and implementation

A persistent demand from the G77 (which since its formation has added new members so that it now represents 134 states) has been for a global forest fund to assist developing states implement SFM. Developed states have been unwilling to agree multilateral pledges on forest finance, while the G77 has long asserted that it cannot achieve SFM without such assistance. The questions of finance and implementation are thus inextricably interlinked in international negotiations on forests. One claim that has been voiced is that tropical forest states should be compensated if they are to conserve, rather than develop, their forests. The tension between conservation and development also plays out in different guises in other international environmental negotiations, for example on climate change, biodiversity and endangered species.

In 2005 at UNFF 5 the developing states refused to agree to time bound and quantifiable targets on forest conservation unless developed states were, in turn, prepared to agree to targets on increased aid for sustainable management (Humphreys 2006, 112-3). No such bargain was struck, and as a result none of the four global objectives on forests agreed in 2005 (on reversing the loss of forest cover worldwide; on enhancing forest-based benefits; on increasing the area of protected forests worldwide; and reversing the decline in official development assistance for sustainable forest management) contain measurable and verifiable targets. The 2007 *Non-legally binding instrument on all types of forests* adopted the four global objectives on forests, agreeing that states 'should achieve progress towards their achievement by 2015' (United Nations 2008, para.5). However, such a commitment was essentially meaningless given the vague caveat 'achieve progress towards' and in the absence of a mechanism to measure, monitor and verify progress towards the targets.

The question of finance resurfaced in the consultations before UNFF 11, with twenty states expressing support for a global forest fund. With two exceptions (Belarus and Georgia) all were from Latin America, Africa and Asia. They included Costa Rica, Ghana, India, Indonesia, Ivory Coast, Malaysia and Thailand (United Nations 2014). It should also be noted

[6] Research by Giessen, Krott and Möllmann (2014) concludes that states are increasingly represented by agencies interested more in the utilisation, rather than the conservation, of forests in international forest and forest-related negotiations, with agricultural agencies gaining influence at the UNFF.

that establishing a global forest fund is an official G77 position. No developed state offered support for such a fund, with Finland saying that talk of a fund has been a distraction creating 'unrealistic expectations' on the role of the UNFF (United Nations 2014, 70). Both Japan and the United States said that creating a fund would lead to reductions in other sources of forest finance (United Nations 2014, 114, 266). Switzerland linked the creation of a fund with agreement on a legally binding instrument (United Nations 2014, 234). The government of China initiative saw expressions of support for a global fund, as well as for regional funds, noting that 'the two options were not mutually exclusive' (United Nations 2015c, 8).

Discussions on finance before UNFF 11 became entangled with debates on the UNFF Facilitative Process, a mechanism run by the secretariat that was created after UNFF 9 to provide assistance to developing states seeking new and additional financial resources for forests. Several states called for a strengthening of the Facilitative Process (United Nations 2015a, 12). At the first expert group meeting some experts (unnamed in the documentation of the meeting) noted the possibility of 'taking the Facilitative Process to the next level, e.g. by establishing a "global forest mechanism"' (United Nations 2015f, para 78).

The independent assessment noted that finance was a prerequisite of 'overriding importance' for the successful implementation of SFM, calling for more clarity on how to support implementation in the field (Blaser *et al.* 2014, 68). During the secretariat's consultations prior to UNFF 11 suggestions were made for the creation of a 'standing body on implementation' to meet between UNFF sessions to review and monitor progress, including finance for implementation (United Nations 2015a, 11). However, the United States made it clear that it did not regard the UNFF as an implementing agency, and that its role 'needs to be strictly consistent with its mandate for promoting dialogue and mobilizing political will' (United Nations 2014, 262).

A raised profile for forests within the UN

One of the strongest themes to emerge during the pre-UNFF 11 deliberations was the need to raise the profile and visibility of forests within and outside the UN system. The independent assessment suggested the creation of a UN Forest Assembly that as well as member states would bring together the Rio conventions and CPF members (Blaser *et al.* 2014, 107). The Assembly would have a revised mandate and a sub-committee structure, with regional meetings held on a biennial basis feeding into the Assembly. Like the UNFF, the Assembly would report to the ECOSOC (Blaser *et al.* 2014, 115). However, the proposal met with some resistance during the Chinese government workshop where it was noted that the proposed assembly appeared to be a 'new label' for the UNFF (United Nations 2015c, 7), with both bodies reporting to the ECOSOC.

The independent assessment also recommended the creation of a UN secretary-general's special envoy on forests with responsibility for raising the profile of forests with the public, securing top-level engagement from policy makers and enhancing political commitment to forests within broader development discourse (Blaser *et al.* 2014, 15). During the second meeting of the *ad hoc* expert group Brazil queried the role that a special envoy would play (Earth Negotiations Bulletin 2015a, 4).

Strengthening the science-policy interface

Related to the strengthening of forests within the UN were proposals to strengthen interagency coordination on forests, in particular on the science-policy interface. At present this is handled by the CPF and IUFRO through the global forest expert panels.

The independent assessment considered that strengthening the science-policy interface was one of the main challenge for the renewed international arrangement on forests and proposed the creation of a body called UN Forest comprising those organisations currently members of the CPF, plus think tanks, major groups and private sector groups. UN Forest would be governed by a board to be defined by the UN Forest Assembly (Blaser *et al.* 2014, 116-7) and modelled on UN Water, an interagency mechanism for all freshwater issues. It was proposed that UN Forest would be a 'science-policy-implementation body' (Blaser *et al.* 2014, 107). This idea was echoed during the government of China workshop (United Nations 2015c, 4).

The European Union favoured a strengthened science-policy interface that built on the work of the global forest expert panels (United Nations 2014, 271). During the second meeting of the *ad hoc* expert group the view was expressed by two experts that what was needed was better use of existing bodies such as the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) rather than the creation of a new institution (Earth Negotiations Bulletin 2015a, 8).

Stewardship

Various proposals were made to include the concept of stewardship in the renewed international arrangement on forests. 'Stewardship' has a chequered history in international forest politics. In 1990, after the announcement was made to hold the 1992 UNCED, the FAO produced a draft global forest convention at the core of which were three basic principles: sovereignty, stewardship and burden sharing. The principle of stewardship appears thus: 'The stewardship of these resources in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations.'[7]

[7] With its emphasis on needs and present and future generations this definition appears to owe its inspiration to the Brundtland definition of sustainable development (World Commission on Environment and Development 1987, 43). The FAO draft convention appears as Annex A in Humphreys 1996, 203-214. Pages 87 and 93-5 of this source examine the controversy over the concept of stewardship during the UNCED preparatory negotiations.

The FAO draft met with considerable resistance from developing states, almost all of which then opposed a global forest convention. However, in 1991 the UNCED secretariat set up a working party on forests, and the FAO representative to this body introduced the concept of stewardship using similar wording to that in the FAO draft. Stewardship subsequently appeared in an UNCED official document and was supported by the United States (Humphreys 1996, 94). However, G77 delegates remained opposed to the concept, which implies a notion of shared ownership, a certain restraint on forest use and a duty on forested states to care for and conserve forests on behalf of other states. At the time the idea was considered an infringement on sovereignty. It does not appear in either of the UNCED outputs on forests (the Forest Principles and Chapter 11 of Agenda 21).

Since then the concept of sovereignty has been rehabilitated with the founding in 1993 of the Forest Stewardship Council (FSC) which certifies forests according to ten principles of forest stewardship. To the FSC 'Forest stewardship is defined in the Principles and Criteria collectively and operationally as that subset of management which is economically, environmentally and socially responsible' (Forest Stewardship Council 1994). Central to the mission of the FSC is the acceptance by forest owners of some limits on how they manage their forests in exchange for greater legitimacy in the market place.

During the preparations for UNFF 11 the principle was proposed by the independent assessment which defined stewardship as 'providing leadership to promote the vital significance of forests for economic and social development and environmental protection of all countries. It also means integrating forests in the broader sustainable development agenda' (Blaser at al 2014, 130). This definition, which was very different to that first used by the FAO in 1990, subsequently appeared (in slightly amended form) in the report of the government of China initiative (United Nations 2015c, 4). The *ad hoc* expert group subsequently noted that achieving stewardship would require 'the range of forest-related organizations and stakeholders working together' under the umbrella of the new international arrangement on forests (United Nations 2015g, 6).

Mother Earth

During the second meeting of the *ad hoc* expert group the Bolivian expert proposed that the UNFF should recognise 'Living well in balance and harmony with Mother Earth' and 'consider the recognition the rights of Mother Earth' (United Nations 2015f, para.16). This proposal is based on the concept of Pacha Mama, or Mother Earth, an Andean goddess and the giver of life who has rights over and above those of humans (Stober 2014). The concept of rights of nature appears in the 2008 constitution of Ecuador, article 71 of which declares 'Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes' (Constitution of the Republic of Ecuador 2008). In 2010 Bolivia adopted the Ley de Derechos de la Madre Tierra (Law of the Rights of Mother Earth). At the time of writing Ecuador and Bolivia are the only two states to have legally recognised the concepts of Mother Earth and rights of nature. Bolivia had previously raised the concept of Mother Earth and rights of nature at UNFFs 9 and 10.

Amendment of the Non-legally binding instrument on all types of forests

A common theme in the pre-UNFF 11 preparations was the need to update the *Non-legally binding instrument on all types of forest.* The independent assessment proposed agreeing an addendum to the instrument to include a clear set of quantifiable targets (Blaser *et al.* 2014, 13). It also proposed that reference in the instrument to the Millennium Development Goals (MDGs) be changed to 'sustainable development goals' to reflect the agreements reached at the 2012 UN Conference on Sustainable Development (Rio +20) on the UN's post-2015 development agenda. It was also proposed that the target date for the four global objectives on forests be extended to 2030, which is also the date agreed at Rio +20 for realising the sustainable development goals (Blaser *et al.* 2014, 114). These proposals found support at the government of China workshop and within the *ad hoc* expert group.

This section has identified seven proposals that were made during the preparations for UNFF 11. The next section examines how these proposals fared during the negotiations.

THE ELEVENTH SESSION OF THE UNITED NATIONS FORUM ON FORESTS

Before UNFF 11 convened on 4 May 2015 the bureau (five government delegates elected for each UNFF session)[8] produced a draft zero with support from the secretariat (UN staff members, sometimes referred to as international civil servants). This draft was presented to delegates as a basis for the formal negotiations. The draft was based on the sources examined above as well as further informal consultations and discussions with delegations. During the first week delegates worked through a first reading of the draft. The second reading began on the Monday of the second week. This was completed the following day by which time the text was littered with square brackets. The co-chairs then produced a streamlined text, merging proposals where possible and deleting

[8] The UNFF 11 bureau was: Chair: Noel Nelson Messone (Gabon). Co-chairs: Vicente Bezerra (Brazil), Wu Zhimin (China), Srecko Juricic (Croatia) and Heikki Granholm (Finland).

text that had the support of only one or two states. Further drafts were produced by the co-chairs later in the week.

With disagreement remaining on some contentious issues in the middle of the second week two small groups were established, both of which met in smaller rooms with microphones switched off to enable more relaxed and intimate discussion. First, a contact group chaired by a New Zealand delegate met to resolve differences on finance and implementation. All delegates could participate in the contact group, although the discussion was dominated by the US, G77 and EU. Second, an informal group led by a US delegate met to resolve the fine-grained detail on the follow up to UNFF 11, including agreement of a UNFF strategic plan. The text that the US produced from these discussions was adopted more or less verbatim in the final draft (United Nations 2015i, paras. 44-51). However, and as will be seen below, the text produced by the contact group was much more contentious.

Legally binding instrument

Although several states expressed support for a convention before UNFF 11, Russia was the most active in promoting this issue. Russia did not, however, state why it wanted a convention, saying only that the aims would have to be negotiated and that a convention would lead to clearer international decision making. With Canada no longer supporting a convention the states supporting the bracketing of text on a 'legally binding instrument' included Australia, Canada, Japan and the US. Switzerland supported Russia in arguing for a convention. Realising that there was no critical mass of support, other delegations that had previously expressed support for a convention beforehand, such as China, Germany, Finland and Malaysia, did not press the issue during the negotiations.

Resolution of this issue came late in the second week of the negotiations following an exchange between Russia and the US. Russia, determined to leave the door open for a future convention, suggested returning to language agreed previously in UNFF resolution 10/2 in 2013 (United Nations 2013, 8). The United States then consulted the text of this resolution after which the two delegations agreed, unopposed by other delegations, the following text which replicates almost verbatim resolution 10/2:

> *Decides* that, in the context of the midterm review in 2024, the Forum should consider:
> (a) A full range of options, including a legally binding instrument on all types of forests, the strengthening of the current arrangement and the continuation of the current arrangement (United Nations 2015i, para.42).

One of the reasons that the UNFF process is so slow is that states will invoke as a precedent language that has previously been agreed when this coheres with their interests. Russia wanted text on a legally binding instrument that was stronger than that agreed in resolution 10/2. But given that other states were not prepared to concede this, the text in the resolution was the absolute minimum that Russia could accept without its position being eroded. The United States, meanwhile, knew that it could safely agree to the language in resolution 10/2 without conceding anything new. Resolution 10/2 thus cast a textual shadow over the negotiations on a LBI. Ironically, therefore, a formulation agreed two years previously provided a zone of agreement for two states with diametrically-opposed positions. Indeed there was no real scope for agreement between the US and Russia beyond this formulation.

Finance and implementation

When UNFF 11 opened the chair, Noel Nelson Messone (Gabon), explained that the bureau had handled earlier proposals for a standing body on implementation by including in the draft zero a clause to establish a Committee on Implementation and Technical Advice that would provide guidance on finance (UN press release 2015).[9] The draft zero proposed that the committee would be a permanent body with the same membership as the Forum, meeting on alternative years when the Forum did not meet (United Nations 2015h, para.6).

The draft zero also reflected the pre-UNFF 11 deliberations on the Facilitative Process by proposing a 'voluntary global fund' to support an 'upgraded facilitative process and to directly fund project proposals submitted by Member States…' (United Nations 2015h, para.11). An alternative to this paragraph, which was a fallback position for developing states if there was no agreement for a global fund, was for the UNFF Forum Trust Fund to establish a sub-account for implementation.[10] Either proposal would have fundamentally redefined the role of the UNFF by giving it a direct role in project financing and implementation.

The Global Environment Facility (GEF) was also invoked in the finance negotiations. The GEF is an international finance mechanism that aims to fund the agreed incremental costs of national sustainable development projects that yield global environmental benefits. At present the GEF funds projects that come under legally binding environmental conventions, and only states that have ratified these conventions are eligible for funding. With no forests convention there is no GEF focal area on forests. However, the GEF has a SFM strategy that encourages states to invest in forests some of the funding they receive for implementing the conventions on climate change, biodiversity and desertification (GEF 2015). The absence of a focal area on forests is one reason

[9] Note that an earlier UNFF 11 Bureau document ('Non-paper on possible elements for inclusion in the UNFF 11 draft resolution on the IAF beyond 2015', 10 April 2015) used a slightly different nomenclature for this body, namely 'Subsidiary Body/Committee on Implementation').

[10] The Forum Trust Fund is used for expenditures on the administrative costs of the Forum, such as conference services, staffing costs, staff travel and hiring of consultants. Some finance is also available for delegates to attend the UNFF from developing countries and countries with economies in transition. The Fund has not so far been used for policy or project implementation.

why some tropical states favour a forests convention. Despite the absence of such a convention the draft zero contained text inviting the GEF to 'Establish a dedicated focal area on sustainable forest management' (United Nations 2015h).

When the negotiations commenced the US and the EU were swift to bracket references to the Committee on Implementation and Technical Advice, with the US stating that it saw no role for the UNFF in policy implementation. Japan, Norway, Switzerland and Turkey also opposed such a committee. The G77 made clear that effective implementation was tied to the provision of financial resources and the creation of a global forests fund. The US bracketed text on the 'mobilization of increased resources'. Japan and Norway also opposed text on financial resource transfers.

During the second week the contact group chaired by New Zealand met to focus on finance and implementation. This led to some streamlining of the text, though several square brackets remained. On the penultimate day of the negotiations the co-chairs took over the contact group draft and produced a compromise text that was circulated that evening.[11] When the draft was presented to Working Group 2 it led to an intervention from the delegate of Switzerland who protested against parts of the text, with member states of the JUSCANZ group (Japan, United States, Canada, Australia and New Zealand) supporting some of Switzerland's reservations. These were: first, that the draft contained mention of a committee on implementation and technical advice that, in line with an earlier G77 proposal, would 'make recommendations' to the UNFF on implementation; and, second, that mention was made of a sub-account of the Forum Trust Fund that would support an upgraded Facilitative Process. These two issues were interlinked, with developed states wary of the precedent of using the Forum Trust Fund for project implementation and cautious that establishing a committee in implementation would both transform the UNFF and increase the pressures on themselves for increased financial contributions.

These concerns were resolved during informal consultations by the chair on the final day of the negotiations. No friends of the chair's group was established (as happened, for example, at UNFF 7 when agreeing the *Non-legally binding instrument on all types of forests*). Instead the bureau produced a draft on the final day, consulting with delegates as and when required. The exact nature of these discussions was not revealed. However, it was clear that there had been some compromise and concession trading between the developed states and the G77.

The concerns of the developed states were addressed through deletion of all text on a committee on implementation and technical advice. Instead it was agreed that the UNFF, which since 2007 had met every two years, would revert to annual meetings, with every second year being dedicated to implementation and technical advice (United Nations 2015i, para.6). Mention of a Forum Trust Fund sub-account was also deleted, although it was agreed that the operation of the Fund should be reviewed. Meanwhile the concerns of the G77 were met through mention of a 'strengthened facilitative process', to be renamed the Global Forest Financing Facilitation Network, to 'serve as a clearing house on existing, new and emerging financing opportunities' (United Nations 2015i, para.13). The G77 also secured mention that the 2024 mid-term review would consider a 'full range of financing options, inter alia, the establishment of a voluntary global forest fund' (United Nations 2015i, para 42). This has historical significance as the first mention of such a fund in an official UN document, albeit only as a possible future option. Finally, and despite opposition from the EU and US, the resolution includes text inviting the GEF to consider establishing a new focal area on sustainable forest management (United Nations 2015i, para.15).

A raised profile for forests within the UN

With some opposition expressed before UNFF 11 to the idea of a UN Forest Assembly and a UN secretary-general's special envoy on forests neither proposal was included in the draft zero. No attempts were made to resurrect these proposals during the two weeks of negotiations. The UNFF thus retains the same position in the UN system that it had before UNFF 11 and there will be no changes to the CPF.

Strengthening the science-policy interface

The proposal for a new body dealing with science, policy and implementation – UN Forest – was included in the draft zero, with the draft text inviting the CPF to 'Provide its views to the Forum's working group on transforming the partnership into "UN-Forest"' (United Nations 2015h, para.17). This phrasing clearly indicated that there was no political will at UNFF 11 to create a UN Forest, with the idea considered merely as a possible future option. The phrasing remained in the text until the penultimate day of the negotiations when it was deleted during a co-chairs' redrafting of the resolution.

Despite the lack of an agreement for UN Forest CPF members lobbied separately for a strengthened science-policy interface. On the first day of UNFF 11 a joint statement was made by the Centre for International Forestry Research (CIFOR) and IUFRO, on behalf of CIFOR, IUFRO and the World Agroforestry Centre (ICRAF), offering the development of a joint forestry science-policy platform, and inviting member states to consider the opportunities such a platform would afford to the international arrangement on forests (Earth Negotiations Bulletin 2015b, 3). This intervention had no discernible impact on the negotiations. At the start of the second week the executive director of IUFRO referred in a verbal intervention to the CIFOR-IUFRO-ICRAF joint platform, encouraging member states to make more systematic use of the global forest expert panels and to formulate a clear mandate on science in the resolution. However, no state intervened to support stronger language on the relation-

[11] 'UNFF11 Working Group 2 – As of 14 May 8:00 pm Proposed Co-Chairs' text' This draft deal only with paragraphs being handled by the contact group on finance and implementation .

ship between science and policy. The final resolution noted that one of the core functions of the UNFF was to 'Facilitate the sharing of knowledge and best practices, including the science-policy interface' (United Nations 2015i, para.6). It was also noted that a core function of the CPF is to 'Provide scientific and technical advice to the Forum, including on emerging issues' (United Nations 2015i, para.20).

Stewardship

The draft zero made no mention of stewardship. However, during the first week of the negotiations Switzerland inserted the following language: 'To advance global stewardship of forests to enhance their vital significance globally for economics and social development and environmental protection in all countries'. The G77 and Ukraine asked for the deletion of this text, while the EU and Japan asked for clarification. With no state other than Switzerland supporting this principle the co-chairs did not include it in the compromise text circulated on day 7 of the negotiations. Switzerland did not ask for the reinsertion of the concept which does not, therefore, appear in the final draft.

Mother Earth

Although the Bolivian expert had supported inclusion of the concept of Mother Earth during the *ad hoc* expert group meeting, Bolivia did not propose insertion of the concept during the negotiation of the resolution in Working Group 2.

It should be noted that in Working Group 1 Bolivia did insert the concept of Mother Earth into the draft ministerial declaration. However, it did not survive the negotiations. The notion of Mother Earth and the idea that nature should be treated as a subject with rights that humans should recognise, in much the same way that liberal democracies treat people as subject citizens with rights, has garnered no support amongst governments outside South America. However, the 'importance of living well in harmony with nature' is included in the agreed declaration, thus meeting in part the proposal made by the Bolivian expert during meetings of the *ad hoc* expert group (United Nations 2015j, 1).

Amendment of the Non-legally binding instrument on all types of forests

The suggestion from the authors of the independent assessment that the instrument be updated to include an addendum of quantifiable targets never attracted any political support and was not included by the chair in the draft zero.

However, and in line with the Rio +20 outcomes, the proposals in the independent assessment that 'sustainable development goals' replace references to 'Millennium Development Goals' in the *Non-legally binding instrument on all types forests* was agreed, as was the proposal to extend the time frame for achieving the global objectives on forests to 2030 (United Nations 2015i, para.8). It was also agreed to change the name of the non-legally binding instrument to the *United Nations Forest Instrument*, although the status of the instrument remains voluntary and non-legally binding (United Nations 2015i, para.8).

DISCUSSION AND CONCLUSIONS

This paper has tracked the evolution of the agreement of the UNFF's resolution on the international arrangement on forests beyond 2015. Its distinctive contribution is twofold. First, the paper has focused on the period before the negotiations commenced and examined the underexplored relationship between the pre-negotiation and negotiation phases in international forest negotiations. In so doing, it has demonstrated that the imaginative ideas generated during the pre-negotiation phase, which can be likened to a period of brainstorming, were largely lost during the formal negotiations, having only a very limited impact on the agreed text. Second, the paper has explored the text negotiation procedures of the United Nations as a factor that stifles creativity. Any state may insert square brackets around text and prevent agreement. Because all states must say yes, it takes only one to say no for an original proposal to be blocked and language to be weakened. Everyone must agree, or at least be sufficiently indifferent as to raise no objections. Consensual decision making and the invoking of precedent thus empowers the intransigent and those who favour minimal change.

Textual shadows act to constrain the options available during negotiations. They should be seen as a form of institutional memory. Generally speaking, textual shadows are introduced by larger delegations with more stable membership, compared with smaller delegations with a high turnover membership, or with less command of the technicalities of diplomatic language. While all delegates at the UNFF have, in principle, the right to agree whatever they wish, in practice they are often mindful of linguistic formulations agreed previously in the UNFF and elsewhere in the UN system. One-text negotiations in the UNFF (and other UN fora too) do not, therefore, start from a blank sheet of paper. In the case of two of the proposals tracked in this paper textual shadows from previous negotiations helped shape the agreed text. The first was on the question of a legally binding instrument: with an impasse in the negotiations delegates relied on text from a UNFF resolution agreed in 2013. The second concerned the amendment of the *Non-legally binding instrument on all types of forests*, where language on 'sustainable development goals' and the adoption of the 2030 target date for the global objectives on forests mirrored commitments made at Rio +20 in 2012.

At UNFF 11 the combination of textual shadows and consensual decision-making procedures thus generated text that both reflected and perpetuated the status quo. However, they did not cause the stalemate. While shadows from the past may

[12] This phenomenon has been observed at previous UNFF sessions. When preparing a compromise text at UNFF 7 the chair relied in part on language agreed at UNFF 6 and the UNCED. See Kunzmann 2008, 985.

limit what is possible in the future[12] they do so only when there is no political will and agreement to innovate and move beyond what has previously been agreed. In this respect textual shadows are an expression of stasis rather that the deep underlying causes of it. To identify the causes it is necessary to return to the three sets of explanation introduced at the start of this paper, all of which have some utility in explaining the failure to agree more fundamental change.

Interest-based explanations help to explain why agreement at UNFF 11 was elusive, with different states pursuing very different interests, such as conservation, expanding the timber trade and promoting forest-based development, with limited scope for agreement between them. Interest-based explanations also explain why states tend to shy away from innovative options: if the financial costs and benefits of an innovation can be considered and estimated in advance, then those states that stand to benefit from the innovation are likely to support it, whereas those that are likely to lose from, or bear the costs of, the innovation will oppose it. Hence at UNFF 11 negotiations on a global forest fund took the form of a zero-sum game, with donor states standing to lose financially while recipient states stood to gain. The response of donor states was to pursue the status quo as the 'safest' policy. Inertia is also the safe option when there is uncertainty over innovation because the costs and benefits cannot be accurately gauged in advance.

On cognitive explanations, the paper reveals that there was no broad based agreement at UNFF 11 on new concepts or ideas around which actors' expectations on international forest cooperation could coalesce, with neither of the conceptual proposals tracked in this paper - on stewardship and Mother Earth - included in the draft zero (although stewardship was proposed by Switzerland during the negotiations before disappearing during a co-chairs' redrafting). Neither was there any appetite for a stronger knowledge base for the UNFF: despite an offer from the international scientific community there was no agreement to strengthen the science-policy interface.

Power-based explanations are particularly relevant. There is a power symmetry at the UNFF, with different power capabilities distributed between the main protagonists. No single state or group of states has the power to impose a solution on others, and each can veto the aspirations of the other.[13] Simply put: the developed states have the financial capabilities, while the G77 has the tropical forests. Neither can persuade or coerce the other into agreeing. Both sides have something that the other wants, yet neither is prepared to strike a deal. Beneath the surface of forest negotiations over the past 25 years is the implied notion that a global bargain could be struck whereby the developing states would commit to forest conservation, possibly in a legally binding instrument, if the developed states were to put sufficient money on the table. Historically, however, there has never been any real likelihood of the bargain being made, and UNFF 11 was no different. The strongest language that the G77 could secure was that the Forum will consider establishing a 'voluntary global forest fund' in 2024, that the facilitative process will be strengthened and renamed, and the GEF will be invited to consider establishing a focal area on forests. Nothing in the resolution commits donors to increased resource transfers.

On the question of a legally binding instrument the situation post-UNFF 11 is exactly as it was beforehand. None of the ideas for institutional strengthening, such as creating UN Forest and a committee on implementation, survived into the final draft, with some, such as the proposals for a UN Forest Assembly and a special envoy on forests, not even included in the draft zero. Organisationally the UNFF remains unchanged, with the exception that it will revert again to annual meetings.

Some alternative explanations for the weak outcome of UNFF 11 may briefly be considered. The slowing momentum of the UNFF reflects both the failure of the process since 2001 to catalyse significant political action and a loss of energy and enthusiasm among powerful states, both the aid donors of the global North and the developing tropical forest states. Many of the latter are looking to forest funding mechanisms outside the UNFF, such as the Green Climate Fund of the UN Framework Convention on Climate Change and REDD+ (Pistorius and Reinecke 2013). Because the UNFF is often perceived as cumbersome and unwieldy some states consider that regional cooperation may generate greater political and conservation benefits, for example through the Association of Southeast Asian Nations (ASEAN) (Sahide *et al.* 2015). Another alternative explanation for the stalemate at UNFF 11 is that the G77 is no longer the unified caucus that it was when it was created in the 1960s. The BRIC countries (Brazil, Russia, India and China) have emerged as major economic forces, sharing some of the economic attributes of developed states while also adopting more independent positions. Brazil frequently speaks at the UNFF independently of the G77, as does China which while not a G77 member has historically aligned itself with G77 positions.

The Earth's climate and terrestrial ecosystem are changing, with the only certainty being that there will be future changes. This requires international institutions with the agility, creativity and flexibility to respond swiftly to new circumstances. The UNFF is not suited to such an endeavour. However, to criticise UNFF staff and those who attend the Forum would be entirely to miss the point. The working procedures of the UNFF are those of the United Nations. These procedures are also used for international negotiations on other environmental issues, such as biodiversity, climate change and marine pollution. This suggests an urgent need fundamentally to reform how UN bodies operate, take decisions and ensure compliance. However, and to return to the early arguments on power-based explanations of international cooperation, such reform can only come about if the

[13] On veto players see Tsebelis 2002.

world's most powerful states share a strong political commitment to it.

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FULL DRAFTS OF THE RESOLUTION ON THE INTERNATIONAL ARRANGEMENT ON FORESTS BEYOND 2015 MADE AVAILABLE TO DELEGATES AT UNFF 11

Draft zero: See United Nations 2015h above.
Day 5: Working Group 2 of UNFF11 compilation - as of 8 May 11:30pm.
Day 6: Working Group 2 of UNFF11 compilation – as of 11 May 8.15 pm.
Day 7: Vice Chairs' Proposal – Working Group 2, 12 May 2015, 5:00 pm.
Day 9: Vice-Chairs' Proposal Working Group 2, 14 May 2015, 1:30 am.
Day 10 (penultimate draft): Vice Chairs' proposal Working Group 2, 15 May 2015, 3.00 am.
Agreed draft: See United Nations 2015i above. (An advance unedited version of this draft was circulated at the final UNFF 11 plenary on 15 May 2015 at 6:45 pm.)