

# Why is there no global legally binding agreement on forests?

## A qualitative literature review to identify conflicts within the negotiations and the way forward for sustainable forest management.

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### 1 Abstract

The enhancement of global forest management practices was long thought to be subject to a binding agreement, comparable to other United Nations Conventions. Unlike other environmental challenges of similar importance, the countries of the world did not come together to establish a legally binding forest convention. More than 25 years since the start of the initial negotiations at the United Nations Earth Summit in Rio de Janeiro, four institutions and five non-binding agreements have been established to govern forests, none of which extends to similar lengths as the Framework Convention for Climate Change, Desertification, or Biodiversity.

This paper investigates the conflicts present in the forest policy arena that have hindered the successful progression of a legally binding agreement. By conducting an extensive qualitative literature assessment of 51 peer-reviewed publications and building onto the policy arrangement approach by Arts, Leroy & Van Tatenhove (2006), the authors categorize and explain the conflicts present during and prevailing beyond the negotiations. The results are validated through expert interviews and observations from the 14th session of the United Nations Forum on Forests (UNFF).

The authors identified 13 critical conflicts across the dimensions of ideology, interests, institutionalism, and coalition dynamics. While some conflicts have changed or were resolved, many persist today and will prevent a successful conclusion of the process. A legally binding agreement in the originally proposed form as overarching institution seems unlikely to happen in the future. Yet, the momentum surrounding sustainable forest management is greater than ever before, and a changing political culture raises new hopes for significant progress in the implementation of sustainable forestry beyond a mere agreement. Institutions like the UN FAO and the UNFF will play a crucial role in advancing the global transition to sustainable management in the future.

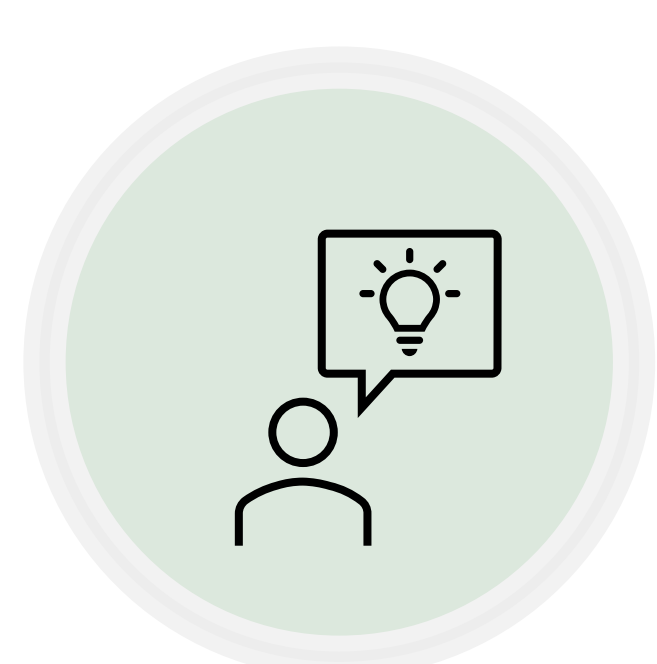
### 2 Scope & Methodology

- Review of 51 peer-reviewed papers on international negotiations about a legally binding agreement (LBA) on forests, published within the period of 1992 – 2019.
- Conflict classification into four dimensions based on the *Policy Arrangement Approach* by Van Tatenhove et al. (2000).
- Expansion of the framework through the addition of dimensional power, based on Arts & Van Tatenhove (2004).
- Results validation through forum observations and stakeholder interviews at the UNFF14.

### 3 Conflict Definition & Conflict Drivers

- **Ideological Conflicts** are defined as conflicts arising from different interpretative schemes of policy domains, guided by certain ideology and values. They represented the majority of identified conflicts.
- These conflicts were exacerbated by a lack of boundary conditions during the negotiations and a fundamentally different interpretation of the topics discussed, such as the primary goal of an LBA or even the meaning of SFM.
- **Coalition Conflicts** emerge through the social dynamics between and within actor-groups who share resources out of common interest and goals. Intercoalition conflicts take place between different interest groups, intercoalition conflicts within groups pursuing the same interest.
- The coalition conflicts accelerated over time due to the long duration and the varying settings the negotiations took place. While the subject of the negotiation, a legally binding agreement, did not change, economic and political conditions have shifted remarkably over the last 30 years.
- **Institutional Conflicts** result from the establishment of informal and formal social structures, such as political instances, norms and hierarchies. They became more prevalent as the negotiations progressed.
- The increasing fragmentation of the policy regime through the creation of new institutions and treaties generated a competition for resources and competencies, which fostered non-collaboration. These actions had the potential to undermine rather than promote effective global forest governance.
- **Interest Conflicts** are defined by the willingness of actors to maintain or obtain materialistic and social benefits through the establishment of a policy outcome or the prevention of such.
- Although the least conflicts were identified within this dimension, it is important to emphasize that material and social interests were often reflected in the identified conflicts within the other dimensions.

### 4 Identified Conflicts



Ideological

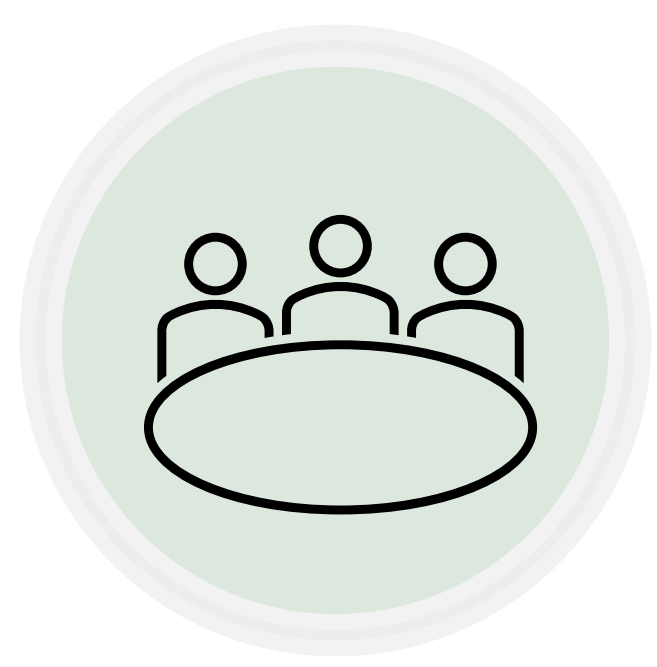
- Value of forests
- Definition of sustainable forest mgmt.
- Neoliberalism vs. government control
- Function of a legally binding agreement
- Fairness reflected in outcomes



Institutional

- Institutional inefficiency
- Institutional overlap (turf-wars)
- Dysfunctional set-up & operation

Coalition



- North-South divide
- Shifting coalitions and agents' agenda
- Misalignment within the EU

Interest



- Sovereignty
- Financial matters

Dimension

### 5 Conclusion & Outlook

- The failure of the negotiations is rooted in a multitude of dimensions.
- A fundamental lack of understanding for the positions of other actions, but more so for the goal of the process became evident.
- Actors failed to systematically identify and address the conflicts.
- The idea of a legally binding agreement was abandoned by most actors.
- The importance of single institutions within the regime is growing.
- Despite the ongoing fragmentation of the international forest regime, progress can be and has been made in international forest governance.