The European Union and the International Forest Negotiations

An Analysis of Influence

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Abstract

The European Union (EU) is often seen as a global leader in environmental causes ranging from climate change to biodiversity. However, in the case of sustainable forest management the EU has had difficulties in exercising influence over the international negotiation process despite initial enthusiasm amongst its member states. This thesis attempts to explain this paradox by examining the extent of the EU's influence and by studying how that influence is shaped by interest-based, institutional-based and ideational-based considerations.

   By disaggregating influence into three different components, the explanatory framework highlights the ways influence can be enabled or constrained. The explanatory framework is applied to the case of international forest negotiations between 1995 and 2007. This complicated and complex case is divided into three sub-cases to improve analytical clarity. The first sub-case concerns the effort to build a legal binding instrument on global forest management. The second sub-case focuses on the issue of certification. The third sub-case concerns the drive to create a global fund for financing sustainable forest management. Each case sheds critical light on the subtle and complex factors shaping the EU's influence on process and outcomes.

   Examining data from participant interviews, textual analysis, and secondary accounts, analysis shows that the EU's influence varied in different sub-issues within the negotiations and that the factors acting on the EU's influence are more subtle than previously understood. The findings deepen our understanding of the EU's role in global policymaking and offer insights into how the EU may help restart global forest negotiations.

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Abbreviations

CBD	Convention on Biodiversity
CPF	Collaborative Partnership on Forests
CSD	Commission of Sustainable Development
EAP	European Union Environmental Action Programme
EC	European Community
ECJ	European Court of Justice
EEC	European Economic Community
ECOSOC	Economic and Social Council of the United Nations
FAO	Food and Agriculture Organisation of the United Nations
FLEGT	Forest Law Enforcement Governance and Trade
FSC	Forest Stewardship Council
G7	The Group of Seven
G77	The Group of 77 at the United Nations
GEF	Global Environment Facility
IAF	Institutional Arrangement on Forests
IEP	International Environmental Politics
IFF	Intergovernmental Forum on Forest
INC	Intergovernmental Negotiating Committee
IPF	Intergovernmental Panel on Forests
ITTO	International Tropical Timber Organisation
LBI	Legally Binding Instrument
MEAs	Multilateral Environmental Agreements
NLBI	Non-legally Binding Instrument
ODA	Official Development Assistance
PEFC	Programme for the Endorsement of Forest Certification Schemes (former Pan European Forest Certification)

REDD	Reducing Emissions from Deforestation and Degradation
SFM	Sustainable Forest Management
SEA	Single European Act
TBT	Technical Barriers to Trade
UNCCD	United Nations Convention to Combating Desertification
UNCED	United Nations Conference on Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNCTAD	United Nations Conference on Trade and Development
UNEP	Untied Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UNGASS	United Nations General Assembly
WSSD	World Summit on Sustainable Development
WTO	World Trade Organisation

1 Introduction

1.1 The EU and the International Forest Negotiations

Over the past quarter century, the European Union (EU) has raised its profile in world affairs, particularly in the area of global environmental policy.[1] On ecological issues, ranging from climate change to biodiversity, the EU has set itself the goal of being a pivotal driver in global environmental cooperation. Successes in this endeavour followed quickly: today scholars describe the EU as a central actor on most international environmental issues (Carter, 2007; Delreux, 2006; Sbragia, 2005; Vogler, 2005). Scholars point to the United Nations Conference on Environment and Development (UNCED) in 1992 as the starting point of the EU's climb to influence. Since then, a number of multilateral environmental agreements have taken root and the EU has played a strong role in almost all of them. The EU's rescue of the Kyoto Protocol, or the embedding of the EU's "precautionary principle" into a global agreement on biosafety, are prominent examples, driving up public opinion polls on the EU's environmental policy and seeming to confirm that the EU has had a "significant effect" on the global environmental agenda (see e.g. Vogler, 2005).

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[1] After the entry of force of the Maastricht Treaty in November 1993, the European Economic Community became the European Community (EC), which is still the official term for the first pillar where trade and environmental policymaking is pursued. Together with the two other pillars, the EC is collectively known as the European Union (EU). EU will be used in the discussions in this study, except when its legal personality is discussed, when it is referred to as the EC.

However, in one area of global environmental policy, the EU's influence over outcomes is less clear and more puzzling. In 1992, the UNCED established sustainable forest management as a key objective on the global agenda. Initially, the EU took a strong stance in favour of an international agreement on the issue and mobilised towards that goal. Yet the EU's goals were not met in the international discussions and negotiations. The UN's goals of building an international policy regime for the management of forests failed. Currently, international enthusiasm is low and the negotiations have largely stalled.

Studies of these events have been scarce, and the few that exist are contradictory. Some scholars maintain that the EU was influential through its ability to "speak with one voice" (Jokela, 2006: 241), while others argue internal conflict (both among member states and the EU's own institutions) hinders the EU's influence (Chaban et al. 2006; see also Vogler, 2005). This seems to confirm that EU influence may be more difficult to discern in international agreements, and that "the role of the EU in global environmental politics is very complicated" (Lightfoot and Burchell, 2005: 81). Against the backdrop of contradictory findings, and considering the EU's apparent success in influencing global environmental outcomes under similar negotiating conditions, a deeper understanding of the EU's influence in global forest policymaking is needed. This thesis pursues that goal by specifying and explaining the EU's influence in global forest policymaking in greater analytical depth.

1.2   Research Question

The thesis seeks to answer the question to what extent the EU had influence on the process and outcomes of the international forest negotiations, and why. In posing this particular research question, the thesis also pinpoints the opportunities and constraints to EU influence in order to improve and broaden understanding of the conditions under which the EU carries influence. The explanatory framework designed in this study breaks down the sources of influence into three different components, each highlighting the ways influence can be enabled or

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constrained. The first considers interest-based considerations, including the ways that the EU's influence is shaped by the interests and preferences of the member states. The second examines institution-based considerations, including the ways the EU's rules shape its ability to exercise influence. The third component consists of idea-based considerations, including how ideational frameworks in which negotiations take place shape the influence of the EU.

This explanatory framework is applied to the case of international forest negotiations between 1995 and 2007. This complicated and complex case is divided into three sub-cases to improve analytical clarity. The first sub-case concerns the effort to build a legally binding instrument on global forest management. The second sub-case focuses on the issue of certification, and the extent these schemes should be market-based. The third sub-case concerns the drive to create a fund for financing sustainable forest management across the world. Each case sheds critical light on the subtle and complex factors shaping the EU's influence on process and outcome. Combined, the cases offer a richer and more nuanced understanding on the international forest negotiations.

Answering the research question presented in this thesis is critical on several fronts. First, and most broadly, it improves understanding of the EU's role as an international environmental actor. By investigating a case where the EU has been unable to contribute to successful cooperation, the thesis sheds light on the strengths and weaknesses of the EU and its policy-making capacities in this arena. In a wider sense, this contributes to the knowledge of actors in international negotiations more generally. Second, this particular case has not been widely studied, and only a handful of explanations (several of them contradictory) are available. Finally, and most practically, the thesis helps practitioners and negotiators understand the complex reasons that led to the failure of the international forest negotiations. In turn, those findings may light the path towards improved cooperation on combating the causes of deforestation and its consequences on ecosystems and economies.

The remainder of this chapter sets out the components of the thesis. It begins by situating the study in existing literature and discussing the

theoretical approach in more detail before presenting research design and methodology. The chapter concludes with an overview of the subsequent chapters in the thesis.

1.3 Previous Research

This thesis can be positioned within the framework of International Environmental Politics (IEP), a growing sub-discipline of international relations. The expansion of IEP reflects a growing awareness of environmental issues at the policy level, which has led to an increasing demand for international interventions and cooperation among state and non-state actors (Baker, 2006). Since the end of the Cold War, environmental diplomacy and international environmental law have developed rapidly. Scholars within IEP have focused on explaining this evolution in terms of the outcomes of environmental summits, agreements and negotiations (see e.g. Clapp and Dauvergne, 2005).

The EU's role in international environmental politics and environmental negotiations in general has been studied from different perspectives. Some of these relate to the broader IEP discipline, e.g. the EU and specific regimes (see e.g. Christiansen and Wettestad, 2003; Gupta and Ringius, 2001; Sjöstedt, 1998). Other perspectives can be positioned within the field of EU studies, in particular within the literature on the EU as a global actor or global environmental actor (Bretherton and Vogler, 2006; Vogler, 2005), and the literature on the EU's internal decision-making structures and how they affect the EU's external behaviour in environmental politics (see e.g. Delreux, 2006; Rhinard and Kaeding, 2006).

Specific literature on the role of the EU in world affairs emphasises the generic foundations upon which EU influence is built, one of which is the EU's economic weight and large share of world trade activities (Smith, 2001). Another important resource is the access to expertise, both in the form of scientific knowledge and administrative experts (Elgström and Strömvik, 2005; Radaelli, 1999). The EU has taken the lead in setting targets, polices and goals in the environmental arena.

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These targets often become international standards to which other actors must respond. By setting examples and taking the lead, the EU can exercise the "power of persuasion" and put itself in a central role in international cooperation (Schreurs and Tiberghien, 2007: 24). However, these foundations for influence are generic, and more subtle factors are also involved.

The EU is a complex actor: within negotiations, internal divisions and shared competence between member states and the Community often pose a problem for the EU. In environmental negotiations, the EU's aspiration for leadership occasionally collides with its self-interests, e.g. in the form of its trade and agriculture policies (Coates, 2002). Thus, the EU is sometimes a leading actor in global environmental politics, but its actual record in environmental cooperation varies between different cases (Vogler, 2005). The case of international forest negotiations appears to constitute a case with a varied EU record. The uncertainty that seems to surrounding the EU and these negotiations requires in-depth analysis of this case.

Existing research on the EU in global environmental politics have addressed this issue-area from the angles of "leadership" and "actorness". Discussions typically focus on the role, participation, and leadership of the EU. The EU's leadership in the environmental arena has attracted significant attention from scholars (see e.g. Jordan, 2005; McCormick, 2001; Gupta and Grubb, 2000). In this context, leadership has been considered along different dimensions: structural, instrumental, and directional (Andresen and Agrawala, 2002). Actorness has been used to explain how internal and external factors constrain or develop the EU as a global actor (Bretherton and Vogler, 2006; Jupille and Caporaso, 1998; Sjöstedt, 1977). Other scholars place their emphasis on the EU's external bargaining partners to explain the EU's influence (Meunier, 2000). Yet, on environmental issues, the preferences of the EU's bargaining opponents are broadly similar and cannot explain variation in individual cases alone.

These approaches offer a useful context for considering the case and for exposing critical questions addressed by this thesis. However, most

existing approaches are broad in character and generic in prescription: they cannot explain subtle variations between environmental policy outcomes and tend to emphasise factors explaining the EU's success in influencing outcomes. Instead, this thesis returns to some core meanings of influence and some central factors enabling or constraining the EU's influence. In defining and operationalising the concept of influence, this study draws on "traditional" influence literature (Clegg, 1989; Lukes, 1974; Cox and Jabobson, 1973). However, understanding and explaining an actor's influence in international negotiations is complex. The complexity relates to the difficulty in determining what influence is, how to measure it, and what affects it (Lukes, 1974; Bell, 1969). The approach taken in this thesis is to measure influence as an actors' effect on process, as well as outcomes, in relation to its original policy goals. The next section outlines these theoretical foundations, while Chapter Two expounds upon the theoretical approach in further detail.

1.4 Theoretical Foundations

The theoretical argument of this thesis is that the EU's influence on the forest negotiations is best understood as a factor of interest-based considerations, institutional considerations, and ideational frameworks. These explanations relate to the basic "building blocks" traditionally used to explain political outcomes: interests, institutions, and ideas (Heclo, 1994: 375). These three blocks enables influence to be broken down into component parts and to expand potential explanations of the research question. In other words, the three-part approach enables explanatory factors to be "caught" that a unicausal approach may fail to identify. In developing this approach, this study draws upon the general bodies of literature associated with interest –based, institution–based, and idea-based approaches to understand political outcomes. Each approach produces a set of theoretical expectations (e.g. predictions) about how the prioritised variables affect the EU's influence.

Interest-based approaches explain outcomes by focusing on the actor and material factors that are shaping actor preferences. The strict application of this approach considers that interests (especially materially derived

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interests) are the main determinants of preferences. The premise of this approach is that actors have fundamental interests which they attempt to maximise in the course of a political situation. In this context, interests form the fundamental goals of an actor, while preferences refer "to the specific policy choice that actors believe will maximize their gains" (Milner, 1997: 15, n.14). This leads to the assumption that "an actor prefers some outcomes to others and pursues a strategy to achieve its most preferred possible outcome" (Frieden, 1999: 41). In this study, the focus is on how the preferences and material motivations of the EU explained its influence or non-influence.

Institution-based approaches remind us that actors' pursuit of its interests is not conducted in the absence of structures, rules, and procedures, i.e. institutions. Those institutions tend to refract the pursuit of interests and shape outcomes in critical ways (Meunier 2000; Hall and Taylor, 1996). Analytically speaking, institutions can be seen as exogenously given, meaning that they intervene in political outcomes to structure incentives, define roles, and propagate norms relative to what would have occurred in the absence of institutions (Jupille and Caporaso, 1999). In this study, institutions are examined in the way they channel the EU's bargaining positions and constrain the key actors involved in international affairs, namely the member states (acting in the Council of Ministers) and the European Commission.

The third body of literature argues that outcomes cannot be understood only in terms of interests and institutions. Policymaking also takes place within ideational frameworks. Idea-based approaches consider cognitive aspects and stress the role of ideas, norms, and epistemic communities (Goldstein and Keohane 1993; Goldstein 1993; Haas 1992; Hall, 1989). The general premise is that "ideas matter", as mental constructions play a crucial part in shaping what happens in politics (Heclo, 1994: 375). This body of literature is rather diverse, and includes studies that use ideational factors in different ways and attach different levels of causal priority to ideational considerations (Hall, 1997).

This thesis does not give causal priority to ideas, but it does argue that understanding the ideational framework in which international

policymaking occurs is necessary alongside interests and institutions. More specifically, the thesis draws upon the specific literature focused on "strategic framing" (which highlights the need to express priorities in symbolically appealing language) and "ideational nesting" (which emphasises the need to nest frames within a pre-existing dominant policy paradigm (Campbell, 1998; Mazey and Richardson, 1998). When strategic framing of policy priorities "fit" with broader values and meta-level frames, those priorities gain additional support in the political process and can improve an actor's influence on political outcomes.

By combining the different bodies of literature, the thesis emphasises that interests, institutions, and ideas are all key components in explaining EU influence. Predictions on how the EU's influence is enhanced or constrained as a result of the presence (or non-presence) of the respective explanatory variables can be derived from each set of literature. The resulting explanatory framework will guide analysis of the sub-cases.

1.5   Research Design and Methodology

The above-mentioned theoretical framework will guide an empirical analysis of the EU's influence on three sub-issues in the international forest negotiations: the legally binding instrument, certification, and the global fund for financing sustainable forest management. These three sub-cases are embedded in one case that represents an example of EU influence in international environmental politics. This case reveals a different set of dynamics and outcomes than other international environmental processes initiated by the UNCED conference, both in terms of the outcome and EU influence in that the process of international forest negotiations did not result in a legally binding instrument and the EU's influence has been indecisive. The study is designed as a qualitative case study (further discussed below) with embedded sub-cases within a larger case, which serve to illuminate the broader case (see Baxter and Jack, 2008).

The selection of studying three sub-cases within the same case makes generalization to the broader area of international environmental

cooperation and the EU's influence in this area somewhat difficult. To fully fulfil such an objective, the sub-cases should have been selected from different environmental processes. The selection of three sub-cases within the same case will primarily improve on existing knowledge of the international forest negotiations and the EU's influence on these negotiations. However, the in-depth analysis of the EU's influence in this case will strengthen the understanding of international environmental cooperation and help to build more complete explanations for less successful cases of international environmental cooperation (see e.g. Dimitrov et al. 2007).

The research design used in this study is a qualitative case study design (case studies can be qualitative or quantitative depending on which method of data analysis is used (Yin, 1989)). As designed as a qualitative case study, it focuses on understanding, discovery and interpretation in a bounded context (Merriam, 1994). A qualitative case study design is useful when seeking a better understanding of dynamics of outcomes (Eisenhardt, 1989). Qualitative research focuses on in-depth analysis of the data material, or as it has been phrased "qualitative researchers generally unearth enormous amounts of information from their studies" (King et al. 1994: 4). As the aim of the thesis is to explain and create deeper understanding of one case, a qualitative case study design was most appropriate. However, despite the appropriateness for this study there are some limitations with this research strategy. Most important is the limitations of providing a basis for scientific generalisation. This relates to the intrinsic compromise of qualitative and quantitative research, i.e. detailed understanding or generalisable conclusions.

However, qualitative case studies can be part of construction and development of theory or as George expresses it: "prescriptive theories that purport to provide guidelines for policy must have a strong empirical base; good explanatory theory regarding phenomena is a precondition for the development of prescriptive theory covering these activities" (George 1979: 48). Thus, if the same theoretical framework is utilized on series of repeated case studies it can provide a solid base for cumulative development of theory (Eckstein, 1975). In future research,

this study's three-part theoretical framework can be utilized to research additional case studies.

This study has an explanatory ambition and in pursuing this ambition it uses predictions derived from the respective explanatory approaches. The predictions should be considered as explanations deriving from different bodies of literature and which were verified for their feasibility at an early empirical research stage. Therefore, rather than strict hypothesis testing, the approach of this study should be seen as an attempt to evaluate the utility of the constructed framework. In accordance with efforts to conduct a "plausibility probe" (Eckstein, 1975: 81), this thesis builds a preliminary framework for understanding outcomes of the case being considered. Where predictions seem borne out by evidence, the explanatory potential of the theory behind that prediction is more likely valid.

Methods of reasoning and explanatory models are often divided between induction and deduction and normally these are viewed as exclusive alternatives. Deductive reasoning involves drawing logical consequences from one set of premises. The conclusion is true if the premises are true (Andersen, 1998: 29). Inductive reasoning works the other way, moving, from specific empirical observations to broader generalisations and theories (Alvesson and Sköldberg, 2008: 54-55). However, another model, abduction, is often employed in many case studies (Alvesson and Sköldberg, 1994). This means that an individual case is interpreted by a hypothetical overarching pattern, which if accurate, explains the case in consideration. The interpretation should then be confirmed by new cases. Although the method has elements of both induction and deduction, abduction is not a simple mix of both.

During the research process, the understanding of the empirical field develops and the theory is adjusted and refined. Abduction departs from empirical facts, similar to induction, but does not reject theoretical pre-understandings. The analysis can be combined with, or preceded by, studies of theory in the field, not as a mechanical application on single cases, rather as a source of inspiration for a discovered pattern that provides understanding. During the research process, there is an

alternation between earlier theory and empirics, where both are gradually re-interpreted in the light of each other (Alvesson and Sköldberg, 2008 and 1994; Mitchell and Bernauer, 1998).

This study employs the logic of abduction. At the beginning of the study, (also before even starting the PhD project), the author had the opportunity of attending one session of UN negotiations on forests. Interviews and observation at this session created an understanding of the research topic and uncovered the most interesting elements of this case. After attending three additional sessions of UN-negotiations during the course of the project, a broader idea of the research topic was established. Gradually, understanding deepened and the research questions became more focused on what was important analytically in this case. The different bodies of literature improved understanding of empirical details, at the same time they provided focus for the interviews and research questions. This reflects the abductive method of research design, including the use of theory and analysis of empirics, as employed in this thesis.

The empirical focus of this thesis is the EU's influence in the international forest negotiations between 1995 and 2007, conducted under the auspices of the UN. The origin of the forest negotiation process can be traced to the UNCED, held in 1992, where delegates failed in their attempt to negotiate a forest convention. That conference then gave rise to three main periods of negotiation (each associated with a different forum: the Intergovernmental Panel on Forests (1995-1997), the Intergovernmental Forum on Forests (1997-2000), and the UN Forum on Forests (2000 – ongoing). The main empirical focus of the thesis is the period between 1995 and 2007 and the related forums.

The Intergovernmental Panel on Forests (IPF) was mandated to "to pursue consensus and formulate options for further actions in order to combat deforestation, and forest degradation and to promote the management, conservation and sustainable development of all types of forests" (ECOSOC, 1997a). During its four sessions, delegates did not manage to agree on the issue of a legally binding instrument, trade related issues, and financial issues. The international forest policy

dialogue continued with the Intergovernmental Forum on Forests (IFF), which had a mandate *inter alia* to consider matters left pending from the IPF. After the Forum's fourth session, the Economic and Social Council established UN Forum on Forests (UNFF) for the continuation of international deliberations on global forest policy.

The UNFF had an initial five year mandate and aimed at promoting "management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end" (ECOSOC, 2001). However, at its fifth session negotiations broke down and discussions were adjourned. The UNFF continued with a sixth session, where its mandate got extended until the year 2015. At the seventh session of the Forum, a non-legally binding instrument was adopted: "Non-legally binding agreement on all types of forests". The policy recommendations from the IPF and IFF and the non-legally binding instrument aim at achieving sustainable forest management and are the formal outcome of this negotiation process.

As a whole, the international forest negotiations address a number of forest-related issues, including environmental concerns, development issues, and economic priorities. To assess and explain the EU's influence on these wide-ranging issues within the negotiation process would have been beyond the scope of this study. Early research for this thesis focused only on the issue of a legally binding instrument as this attracted the most public attention and interest among scholars and practitioners. However, it soon became apparent that this single issue may not fully represent process and outcomes, nor allow for comprehensive understanding of EU influence. Moreover, additional cases were required to adequately evaluate the theoretical framework designed for this study. As such, the decision was made to expand the analysis to encompass two additional issues: certification and a global forest fund. These two issues are linked to broader policy agendas in terms of trade and finance. Together, these three cases offered a more encompassing empirical focus and generated significant empirics. All three issues were subject to considerable discussion and debate in the negotiations, revealed clear positions of various actors, and provided adequate data on process and outcomes in order for the study to proceed.

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1.6 Data Collection

The empirical foundations of this study rest on a combination of primary and secondary sources, in the form of interviews, documents, and previous research. The most important source of evidence for the thesis was documentary material, including UN documents, EU documents, material from the negotiations (such as opening statements), and reports from a practitioner periodical called the Earth Negotiations Bulletin[2]. Many of these documents are accessible via the Internet, in particular official documents from the EU and UN. Other documents were obtained at negotiation sessions and at meetings with respondents. Through a specific governmental official, working actively in the negotiation process between 1990 and 2004, access to a large archive of documents containing meeting notes from main negotiations and internal EU negotiations, personal notes, and correspondence between different actors was granted. This archive was extremely useful for revealing information of the EU's positions, strategies and priorities in the negotiations.

Interviews with delegates at four UN negotiation sessions on forests,[3] officials at the EU-institutions and at the Food and Agriculture Organisation (FAO), Swedish policy-makers, and representatives from non-state organisations were undertaken during the course of the project. The interviews, particular in the beginning of the research process, helped to frame the research problem and specify the research questions. First-hand experience also provided understanding of the research topic and to some extent the interviews were used as evidence for the research questions. Altogether, 57 interviews lasting between 30 minutes and 1.5 hours were carried out. Respondents were identified by their formal position and by others' judgements on who was

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[2] The International Institute for Sustainable Development (IISD) provides a conference reporting service on international environmental negotiations, the Earth Negotiations Bulletin. The reports from the negotiation sessions summarise details and briefly analyse the outcome. The ENB's summaries cover almost all negotiation sessions of the international forest negotiations.

useful/knowledgeable/important to talk to. More formally this technique is called "snowball technique" (Laurmann et al. 1992: 67-68). In the context of the forest negotiations, this strategy was very useful, especially during the negotiations, as respondents either pointed out or introduced the author to other important respondents. This strategy might have introduced biased selection of respondents; however, scanning documents for additional names and pursuing informal talks with several different actors minimised this risk.

Conducting field interviews (i.e. at negotiations) was sometimes a difficult task. Delegates were busy, and the interviews were sometimes interrupted by distractions. Another problem at the negotiations was the author's accreditation to the Swedish delegation, and thus to the EU caucus. Some respondents expressed reluctance to speak with someone who might be considered to be an official state delegate. The problem was partially solved by contacting potential respondents with a request for an interview in advance of the negotiations and with providing information on the researcher and the research. In addition, the possibility of follow-up with the respondents after the interview for additional information if necessary was ensured. Ultimately, state accreditation turned out to be an advantage, as within the EU group, it was easier for respondents to talk to a "familiar" face. In the last rounds of interviews the author's increased knowledge of the case appeared to have made respondents were more informative and talkative.

Semi-structured interviews are suitable for interviewing elites or bureaucrats, which in this case are composed by the people attending the negotiations and policy-makers. These respondents often provide a good source of information and are knowledgeable of the concerned area. However, some methodological problems need consideration when conducting this kind of interview. At an early stage in data collection, difficulties in using tape recorder were discovered. In general, it led to hesitation and it was hard to convince some officials to be interviewed. Thus, hand-written notes were used instead and the respondents were assured of anonymity. After the interviews, the notes were transcribed.

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[3] The third, fourth, fifth and seventh sessions of the United Nations Forum on Forests.

During the research period, the interview questions were formulated and reformulated. The last rounds of interviews were guided by a standard set of questions and the information was crosschecked against other respondent's answers and documents.[4] The interviews are listed by category, date and location of the interview in the Appendix.

An additional source of information was provided through participant observation. Through this method, it is possible to become a part of the "field", in that people become familiar with the researcher and are more willing to share sensitive information. In this case, the field was the negotiations at the United Nations Forum on Forests and the EU coordination meetings at these negotiations. From these sessions and meetings, observations were written in note form. Although these observations are not used as evidence in the thesis, they served as an important underpinning for the research problem and design of the project.

The wide variety of empirical material used in this thesis allows for "triangulation", which means that different sources of data make it possible to verify information received from one source with help of the other sources (Yin, 1994: 97). Triangulation is particularly important when data is heavily dependent on others' perceptions of the issues and subjective opinions about events. Even for documentary material, especially non-public memos, the researcher must remember there is a subjective voice behind each document. The authors of these documents are involved in the process in different ways, e.g. working as delegates or policy-makers, and are thus expressions of that person's view of an issue. When utilising such material in this thesis, critical questions were asked, such as: is it possible to see who wrote it, what do we know about the views of the author's ministry/organisation/country? When was the document written? If a report from an internal EU meeting was written directly after a difficult meeting, for example, the perspective of the author writing the report might be affected. Triangulation "irons out" extreme views and offers better empirical accuracy.

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[4] The preparations, conduct, and assessment of the interviews build on Kvale, 1997.

1.7   Outline of the Thesis

The thesis proceeds as follows. Chapter Two introduces the theoretical framework that guides the analysis of the three issue cases. The first part of the chapter discusses the literature on the EU in international politics and how this study considers the EU in this context. The bulk of the chapter elaborates on the theoretical framework, by defining and operationalising the central concept of influence, by defining the explanatory factors, and developing predictions on the EU's influence.

Chapter Three discusses the larger context for the thesis, by placing the forest negotiations in a broader framework of global environmental politics and negotiations. The chapter briefly addresses global environmental governance and regimes. In addition, earlier research on international forest policy is reviewed. The evolution of the EU's policy-making in the environmental arena is discussed, as its functioning in these particular negotiations. Further, the chapter discusses forest issues on the international political agenda and how the process of international forest negotiations has emerged.

Chapters Four, Five and Six are devoted to the empirical analysis of the sub-cases guided by the theoretical framework. These chapters are organised in a similar way: the negotiations on the issue are placed in a broader context; the negotiation process on the particular topic is outlined, the EU's participation and the outcome of the negotiations are reviewed. Then the EU's influence is analysed and explained with help of the theoretical framework. The analysis is organised according to the order of the theoretical chapter: first the interest-based approach is considered, then the institutional-based approach, and last the idea-based approach.

Chapter Four analyses the EU's influence on the issue of a legally binding instrument. The EU's position in the negotiations was in favour of creating such an instrument. Chapter Five examines the case of certification in the international forest negotiations. In this case, the EU argued for the importance of this tool being market based and that it should not be considered as a barrier to trade. Chapter Six analyses the

case of a global forest fund. This sub-case concerns the creation of a global forest fund for financing sustainable forest management. The EU was firmly against the creation of a fund.

Chapter Seven summarises the thesis chapters and provides an overview of the empirical findings, it revisits the research question, and discusses the utility of the approach and the implications of the findings. Limitations of the study and suggestion for future research are also addressed.

2   Theoretical Framework

As outlined in Chapter One, the objective of this thesis is to examine and explain the extent of the EU's influence in global forest negotiations. The concept of "influence" is elusive, and the methods of measuring it and the factors that may condition it are difficult to pinpoint. In constructing a theoretical framework that can operationalise influence and explain why the EU's influence may vary, these difficulties need to be overcome. In this chapter, the EU's role in international politics is broadly outlined and the EU as a functioning political system with global responsibilities is described. Traditional concepts of "leadership", often used to highlight the EU's role abroad, are discussed before turning to the main thrust of the explanatory framework, which will guide analysis in this thesis. The first step is to define and elaborate the concept of influence, thus helping to operationalise this central concept. The second step is to introduce the three main variables that will comprise the explanatory framework and to theorise how factors related to interests, institutions, and ideas impact upon the EU's influence during global policy negotiation.

2.1   Defining the Actor: the European Union

As aforementioned, the focus of this thesis is the EU and its influence in one international environmental negotiation process. The EU plays an important role in global policymaking and is widely seen as a major actor in international negotiations (Vogler, 2005; Zito, 2005). As the EU's

participation in international politic has increased, academic attention has followed suit. Scholars have examined the EU's international role generally (Smith, 2001) and the EU as an actor in international policy agreements (Bretherton and Vogler, 2006). In conventional international relations terms, an actor in the international system is a sovereign state that pursues negotiations and commits to treaties with other sovereign states (Bretherton and Vogler, 2006: 15).

The EU is a special kind of actor in the international community, however, and as a point of departure the question of how the EU can be conceptualised as an actor must be addressed. A first distinction can be made between the EU within its own borders and the EU in the international system. For the purpose of this study the focus is on the EU in the latter context, i.e. the EU as an actor in the international system. The EU can be categorised along a continuum: at one end, the EU is a nascent state with potential state-like functions in international politics, while at the other end, the EU is an international organisation with fragmented participation, acting as a coordination venue for member states (Elgström and Smith, 2006). The EU has also been discussed in terms of a sui generis actor, i.e. an actor of its own kind or unique in its characteristics (Vogler, 1999), as it has special legal status in the international system and it is not an international organisation or a state.

An international actor is defined as "being delimited from others and its environment, being autonomous and possessing certain structural prerequisites, such as legal personality, a diplomatic corps, and the ability to negotiate with other international actors" (Sjöstedt, 1977: 16). To capture the EU's status and impact in international politics, the notions of "actorness" and "presence" have evolved. Actorness is used to explain the extent to which the EU is an actor. The concept has been central to discussions about the EU as an actor since the 1970s, and several attempts to define indicators of actorness have emerged (Bretherton and Vogler, 2006; Jupille and Caporaso, 1998; Hill, 1993; Sjöstedt, 1977). Actorness relates to how internal and external factors constrain or enable the EU as an actor in international politics.

In addition to defining the EU's actorness, other scholars have focused on explaining the EU's increased participation on the international stage while recognising the EU is not a state as a "presence" (Allen, 1998; Hill, 1993). The view of the EU as a presence, with its own behavioural traits and influence, similarly confirms that the EU cannot be ignored by states, non-state actors, or international organisations (Smith, 2001; Ginsberg, 1999). Today, the EU's presence on the international stage is uncontested and most observers consider the EU as having the status of an actor in international politics and as demonstrating actorness in a wide range of policy areas (Bretherton and Vogler, 2006). However, these approaches do not solve the difficulties inherent to understanding the EU as a united actor and the persistence of member states' national power (Smith, 2001).

A common approach to overcoming the distinction between understanding the EU as an international organisation and understanding the EU with reference to state-like actors is to view the EU as a political system (Hix, 2005; Richardson, 2001). As a political system, the EU comprises political actors, political institutions, and decision-making processes (Hix, 2005). This view implies that the EU is a robust political system with a set of interdependent institutions representing different interests in European policymaking. Those institutions include the Council of Ministers, representing member states, the European Commission, the European Parliament, and the European Court of Justice. In this study, particular attention will be placed on the Council and Commission, along with national governments that almost always play a role in international organisations alongside the EU institutions per se. In general, the Commission serves as the guardian of treaties and represents the interests of the European population, and the Council protects the interests of the member states. While the Council holds decision-making power, the actual coordination among member states takes place in Council working groups (Christiansen, 2001). How this works in the case of international forest negotiations is outlined in Chapter Three.

The division of decision-making power between the Community and the member states, which is reflected in the discussion on "exclusive" or

"shared" competence, is important for understanding the EU in international negotiations.[5] To act externally, e.g. to participate in international negotiations, the EU requires external competence in the policy area concerned. The EU has external competence in a wide range of policy areas and the competence can be exclusively attributed to the Commission or to the member states. Competence can also be shared between member states and the Commission. The way competence is attributed determines how the EU negotiates in international negotiations (Eeckhout, 2004). In most trade negotiations, a Community exclusive area, the EU is represented by the Commission and member states are not permitted to act directly. In shared competence negotiations, the member state holding the Presidency represents the EU. In external environmental policy, competence is shared for most cases (Delreux, 2006)[6]. The system of shared competence means that the Presidency represents the EU in these kinds of negotiations, and when the negotiations move to issues of exclusive Community competence, the Commission represents the EU in the negotiations. Occasionally, this can produce a situation of concurrent powers, i.e. institutional friction between the Presidency and the Commission (Heliskoski, 2001).

In defining the EU in this study, the EU is considered as an actor, alongside others, in negotiations and as such it has the ability to pursue negotiations and interact with other actors. The EU is an influential actor in international politics and its influence is based on its presence in the international system and on different resources, such as economic weight and expertise (Elgström and Strömvik, 2005). Yet for this study it is crucial to recall that the EU is an active political system, with institutional structures and policy processes which affect its behaviour in international negotiations and enables or constrains how it acts in such

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[5] Competence can be defined as the authority to undertake negotiations, conclude binding agreements, and adopt implementation measures. Where competence is exclusive, it belongs solely to the European Community to the exclusion of the member states. Where it is concurrent either the Community or the member states may act, but not simultaneously (Macrory and Hession, 1996:183).

[6] Many environmental agreements have a trade component and when negotiations/agreements deal with this component, competence may be exclusive. However, when the environmental component is sufficiently large, competence are not exclusive (Delreux, 2006: 235-236).

contexts. In the case of forest negotiations, the EU's position, strategy, and behaviour are shaped crucially by its political system. Thus, although the EU is an influential actor in general, how it pursues negotiations is determined in large part by its political system.

The question of competence (e.g. either Community, shared, or member state) and the behavioural effects of the EU's political system feature prominently in many studies of the EU in international politics including those focused on the EU as a global environmental actor (Bretherton and Vogler, 2006; Vogler, 2005) and on how the EU's internal decision-making structures shape the EU's role in environmental politics (Delreux, 2006; Rhinard and Kaeding, 2006). In addition, the EU's actions in specific regimes have been analysed (see e.g. Christiansen and Wettestad, 2003; Gupta and Ringius, 2001; Sjöstedt, 1998) and EU leadership within specific environmental regimes and in broader global environmental politics has become a recurrent theme (see e.g. Schreurs and Tiberghien, 2007; Gupta and Grubb, 2000).

EU leadership per se has been studied along three dimensions: structural, instrumental, and directional. Structural leadership is derived from its political strength in the international system and its reputation in the area of environmental politics. Instrumental leadership refers to how the EU effectively uses its negotiation skills and the instrumental design of regimes in accommodating the different needs of its member states and other country actors. Directional leadership implies changing the perceptions of other actors. (Gupta and Ringius, 2001: 282-283; see also Grubb and Gupta, 2000.) For the purpose of specifying the EU's role in international negotiations, however, these broad categories do not suffice, nor do they account for the sub-systemic factors that shape how leadership by one actor may be enabled or constrained. The concept of "influence", although rarely defined and operationalised in most studies of the EU as a global actor, offers a broader and more fundamental approach. The following section outlines the concept of influence before building this study's theoretical framework.

2.2 Defining the Concept: Influence

This study focuses on EU influence because the concept is broader than that of leadership or bargaining power, which are the most common focus for studies of the EU in international negotiations (see e.g. Schreurs and Tiberghien, 2007; Rhinard and Kaeding, 2006; Gupta and Grubb, 2000; Meunier, 2000). The concept of influence allows us to break down its components and assess how it may be constrained or enabled by the EU's institutional structures and policy processes, thus allowing for an in-depth analysis of the EU in forest negotiations. Yet assessments of influence are complicated, especially in complex decision-making processes such as multilateral negotiations. Although the concept influence is contested and it is difficult to measure, a clear specification of terms, stating how influence can be operationalised, and by defining how to measure and assess influence, these problems can be overcome through careful consideration. This begins with a definition of influence, an outline of different forms of influence and resources, and a discussion on measuring influence at different stages of the policy process.

Before defining the concept of influence used in this study, there are two concerns that need addressing. The first is the use of the concept of influence in earlier research and the second concerns the relationship between influence and power. Traditionally, research on influence focuses on the influence of state actors (Holsti, 1995). Classical influence assessments have been utilised by several scholars (see e.g. Banfield, 1961; Dahl, 1961). More recently, theoretical development of assessing influence considers the influence of non-state actors in international negotiations (Betsill and Corell, 2001; Corell, 1999; Arts, 1998). Studies focusing on the influence of non-state actors are often concerned with how these actors can influence a system built for state actors. Most studies discussing the EU's influence are not primarily concerned with influence, rather with leadership or bargaining power. Hence, earlier research either assesses influence carefully but focuses on a different type of actor, or focuses on the EU without precisely defining influence. Therefore, the study first turn to the traditional influence literature, which also relates to the second concern raised in the beginning of this section: the relationship between influence and power.

Influence is closely related to power, a core concept of political science. These concepts are essentially contested and a wide range of interpretations exists (see e.g. Ball, 1988; Gray, 1983; Lukes, 1974). Depending on how scholars view the relationship between power and influence, the concept is defined differently. Dahl defines power as "A has power over B to the extent that he can get B to do something B would not otherwise do" (1961: 9). In another definition power means capability: "Power is the aggregate of political resources that are available to an actor [...]. Power may be converted into influence, but it is not necessarily so converted at all or to its full extent" (Cox and Jacobson, 1973: 4).

Cox and Jacobson argue that power and influence should be separated from each other. They define influence accordingly: "[...] influence means the modification of one actor's behaviour by that of another" (1973: 3). That is, one actor modifies the behaviour of other actors in a political arena, which results in a modified decision. This modification might be the result of the presence and/or actions of the actor, but it need not link directly to power. If the influence exercised is a result of presence and not direct intervention, it is indirect influence. In the literature on influence, this is called "anticipation", and should according to some studies be part of the definition of influence (Clegg, 1989; Bell et al. 1969). In addition to modification and anticipation, goal achievement is crucial for understanding influence. A goal can have different characteristics, e.g. a material goal, an immaterial goal, or a solution of a problem (Arts and Vershuren, 1999).

Building on the definition and elements above, Arts and Vershuren develop a definition of political influence: "the achievement of an actor's goal (or part of it) in political decision-making, which is either caused by one's own intervention or by decision-makers' anticipation" (1999: 412-413). When considering the definition as counterfactual, political influence implies the decision concerned is more in accordance with the goal of the player involved than would have been the case if the actor had not intervened or decision-makers would not have anticipated him (Lukes, 1974). Consequently, in order to be influential, the actor's goal

must be attained through intervention in a broad sense; thus, if the goal is reached by the intervention of others or caused by external events, it is not influence according to this definition. This study builds on the definition of influence outlined above, i.e. when an actor achieves its goal (or part of it) through deliberate intervention it has influence.

This definition allows for different forms of influence, e.g. anticipation, moral persuasion, or deployment of material resources. Different forms of influence highlight the importance of actors' resources, as actors possess different kinds of resources, they have differing ability for wielding influence. The EU's resources are diverse, but include economic strength (as a major trading bloc), financial weight (as a major donor and supporting a common currency), expert knowledge (as a centre of information and expertise), and normative power (as an entity with moral weight on the world stage) (see Bretherton and Vogler, 2006; Falkner, 2005; Zito, 2005; Radaelli, 1999).

To be sure, the EU's influence on the global environmental arena is much affected by its economic strength. Global negotiations on environmental questions often include issues related to trade and foreign aid. Based on its economic resources, the EU could exercise influence over environmental negotiations considering the linkages to trade, aid, agriculture and investment for example. However, at occasions these linkages have diluted the EU's striving for leadership in the environmental arena (Bretherton and Vogler, 2006; Coates, 2002).

Another important resource for the EU is the ability to mobilise scientific knowledge. As Radaelli puts it, "sophisticated expertise remains a key political resource in the policy process" (1999: 25). Scientific knowledge and expertise play a central role in global policymaking on environmental issues, as these issues tend to be highly technical and complex, as well as in negotiation processes, which are characterised by uncertainty (Sebenius, 1992). Through its networks of scientific expertise, the EU can provide information under conditions of policy uncertainty (Haas, 1992).

In the context of influence and resources, the EU is often discussed in terms of a "power" on the world stage (Manners, 2002: 235). That discussion stems from the debate on the EU as a civilian rather than a military power, on the basis that the EU has economic power but under-developed military capacity. In a seminal article, Manners suggests the EU is a normative power and not a conventional great power (2002). As a normative power, the EU acts through ideas and values rather than on economic or military power. The notion of the EU as a normative power launched a debate among EU scholars (see e.g. Pace, 2007). In the area of global environmental politics, the normative power of the EU has generated great attention (see e.g. Baker, 2006; Lightfoot and Burchell, 2005; Vogler, 2005) as it explains how the EU can wield influence by diffusion of norms. The EU gains credibility in persuading other actors of the advantages of international cooperation by taking the lead in setting polices and goals (Schreurs and Tiberghien, 2007).

Influence is a basic concept yet difficult to define and measure. To operationalise influence, focus should be placed on some essential questions: How is influence in international negotiations measured? Is analysis focused on influence over processes or outcomes? Is the concern with influence on specific issues or in general? What are the requirements for an actor to be regarded as influential? What are the causal mechanisms of influence, i.e. what explains the influence?

According to the definition outlined above, influence occurs when an actor achieves its goal (or part of it) in political decision-making through its own intervention or by decision-makers' anticipation. In order to have influence, an actor must attain its goal or part of the goal. Therefore, goal achievement must be caused by the actor's interventions or be the result of the presence and/or intentions of the actor and cannot be an effect of an external event or intervention. The actor can have influence at different stages of the policy process and here goal achievement refers to both the outcome of a policy process and the policy process itself. Influence on the outcome implies the actor achieved an outcome consistent with its goals. Influence on the process implies the actor shapes the decision process in line with its goals (and in interest of affecting eventual outcomes). In the context of this study, for

instance, the EU's influence on process means the EU kept an issue "alive" or fought an issue off the agenda, e.g. by keeping discussions of a general nature. Examination of influence on both process and outcome offers a more illuminating account of the EU's total influence. Thus, the study considers summarised influence on process and outcome, although it should be stated that analytical priority is placed more on examining influence on outcomes and secondarily on process.

There are two alternatives for measuring the level of influence an actor may have. The first involves a binary decision as to whether the actor has influence (yes or no). The second option uses a continuum: an actor could have much influence, more or less influence, or no influence. In this study, the second alternative is more suitably categorised into levels of influence as outlined in Table 1.[7] The level of influence relates to the actor's goal achievement regarding both process and outcome. Thus, the goals can be linked to the actor's goal of the policy process itself and goal of the outcome of the process.

Table 1: *Measurement of the level of influence on process and outcome.*

Significant influence	Goal achievement by intervention and/or anticipation
Some limited influence	Part goal achievement by intervention and/or anticipation
Insignificant influence	No goal achievement by intervention and/or anticipation

In sum, this study interprets the concept of influence narrowly and identifies the key "moments" when influence can be exercised: when the EU attains its goals, or part of them, it has influence on the process

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[7] The levels of influence used in this study builds on Corell, 1999: 107.

and/or on the outcome. Influence is measured along a continuum using empirical data capable of comparing initial positions of an actor with eventual outcomes.

2.3 Defining the Explanatory Factors: Interests, Institutions, and Ideas

As stated above, the primary goal of this study is to explain the EU's influence, or lack thereof, in the international forest negotiations. To pursue this line of inquiry, a theoretical framework capable of identifying the central explanatory factors of the EU's influence is elaborated in this section. A framework containing all possible explanatory factors would be difficult to use, of course, and would weaken its analytical power. Conversely, a framework that considers too few factors becomes reductionist and cannot explain the whole picture. This dilemma needs addressing when constructing frameworks. Influence in complex decision-making processes depends on a number of factors and it is beyond the scope of this study to cover all possible explanatory factors. The main question posed in this context is: what accounts for the EU's influence or lack of influence in this case? There are many theoretical options for studying the role of actors in international politics and their influence, and in addition a variety of contending explanatory frameworks.

One body of literature, as the preceding discussion outlined, focuses on explaining the influence of non-state actors in international negotiations and emphasises factors typically related to these actors' position in the international system, such as non-state actors' opportunity to gain access to the negotiations (Betsill and Corell, 2001; Corell, 1999; Arts, 1998). However, these explanatory factors are not completely relevant for explaining EU influence as the actors examined are of a different nature. Other studies focus intently on the positions of bargaining partners and structural power frameworks (Meunier and Nicolaïdis, 1999). Here, scholars look towards the position of the "opponent" as a crucial factor when explaining the influence of an actor in an international

negotiation. The premise of these approaches holds that opponents resisting the initiatives or strategies of the actor in question often holds the "key" to explaining why that actor will, or will not, succeed in its endeavours (Meunier, 2005; and 2000). In this case, however, the opponents in question had a consistent position in all three of the sub-cases (e.g. against the EU), which cannot adequately explain variation in the outcomes.[8]

For this reason, the dissertation here focused on the "EU side" of influence and the factors that shape influence under the conditions of consistent negotiation partner opposition. Turning to earlier research related to this topic, previous studies of the EU in international environmental politics stress the EU's internal divisions or inflexible structures as explanations for its failures (Carter, 2007; Chaban et al. 2006; Vogler, 2005). These explanations are relevant for explaining EU influence or lack of influence. However, the explanations need clarifying in order to provide a more nuanced and rich account of the EU's role in these negotiations. The explanatory approach designed in this section will take a different tack, going back the three general "building blocks" of political explanation: interests, institutions, and ideas (Heclo, 1994: 375) to extract relevant predictions of how the EU may or may not exercise influence.

The creation of the theoretical framework reflects an abductive approach (as described in Chapter One). At the start of the research process, the most important insights of existing scholarship on the EU as an actor in international environmental negotiations were extracted. During the interviews and observations of negotiations, the understanding of EU participation in this process became more nuanced and refined, allowing focus on several possible explanations of EU influence. Subsequent interviews and observations were used to evaluate these explanations and determine their accuracy, per methodological principles (Laurmann et al. 1992). The literature on interests, institutions, and ideas captured and structured the explanations identified from the empirics and helped build

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[8] The EU's opponents shifted in the three sub-cases, but the "amount" of opposition appears to have been constant.

the argument that EU influence in international negotiations is best explained through combining three approaches to political outcomes: interests, institutions and ideas. From the information in the literature and data from pre-studies, possible explanations were elaborated and the framework for analyses of the three issue cases was constructed. Three factors explain EU influence or non-influence: interests and preferences, institutional structures and ideational frames.

2.4 The Interest-based Approach

The first explanatory factor is derived from interest-based approaches, which are used to explain outcomes and how interests shape state preferences (Singer, 1961). The basic conjecture is that actors are assumed to have "fundamental interests" which they pursue and attempt to see reflected in outcomes (Milner, 1997: 33). Interests represent the fundamental goal of the actor and can involve maximising economic returns, defending a territory, or withholding political power. Interests are traditionally considered to be the real, material interests of actors (Hall, 1997), an interpretation deriving from comparative political economy. Material interest is often defined as "economic and military assets" (Herrman and Shannon, 2001: 624). In addition to these strict material interests, broader views encompass values such as status and power (Goldstein and Keohane, 1993). Interest-based approaches explain outcomes by focusing on the actor (the unit level), and the factors that shape preferences, the perceived rank order of policy choices that best maximise gains (Druckman and Lupia, 2000). An orthodox application of interest-based approaches implies preferences are determined by the material interests of an actor (Wildavsky: 1987: 4). However, identifying interests is complex and the relation between interests and preferences is contested. Scholars also emphasis the importance of ideas in shaping preferences, for instance (Niemann, 2004; Kahler, 1985).

The first part of the explanatory framework discussed below is concerned with preferences, which can be seen as derived primarily (but not exclusively) from material interests. Interests are seen as the fundamental goals of an actor, and preferences refer "to the specific

policy choice that actors believe will maximise their gains" (Milner, 1997: 15 n.14). According to Frieden, "an actor prefers some outcomes to others and pursues a strategy to achieve its most preferred possible outcome" and "an actor's preferences are the way it orders the possible outcomes of an interaction" (Frieden, 1999: 41). The emphasis on ranking objectives is also stressed by other scholars: "preferences are a comparative evaluation of (i.e. ranking over) a set of objects" (Druckman and Lupia, 2000: 2). Thus, a preference is the preferred policy choice of an actor, and the preference is a result of the actor's comparative evaluation of set of objectives.

According to this specific approach, preferences are a function of interests, such as economic or security interests (Gowa, 1994). The discussion of determinants of the EU's preferences in international negotiations is prominent in research on international trade negotiations and economic interests, such as exporters, importers, and import-competing interests, are addressed (Dür, 2008). This research notes, however, that linking preferences solely to material interests, especially in the context of trade and environmental negotiations where developmental and environmental goals are considered together with economic interests, can be difficult (Dür and Zimmerman, 2007; Gerlach, 2006).

Having reviewed that interest-based approaches prioritize actor interests and preferences, the next question is how they are relevant for explaining outcomes. Earlier research has showed the importance of actor preferences for shaping outcomes. Moravscik argues that the nature and intensity of actors' preferences determines the willingness to make concessions in a negotiation (Moravscik, 1998). Lukes writes that "an actor with […] greater intensity of concern may achieve greater influence. Intensity of interests may also explain why some actors are harder to influence than others who care less about the matter in question" (Lukes, 1974: 4). These arguments confirm that analysts should look towards actors' preferences, and as importantly, the strength of those preferences, as condition on actors influence. If the actor has evaluated alternative objectives, and concluded that one policy choice is the more desirable than another and thus important to achieve, then

understanding the actor's preference is crucial for understanding influence and outcomes.

An interest-based approach has intuitive appeal in so far as political outcomes partially are determined by "what actors want". Several further considerations need to be addressed if the study is to utilize this approach as part of the explanatory framework. Deciding the strength and intensity of an actor's preference is a rather complex matter. In order to overcome the impediments, a number of assumptions of the interaction of preferences and interests and the strength of preferences need to be made.

The central assumption is that strengths of preferences matter: preferences can be weak or strong, and where preferences fall on that spectrum affects an actor's influence. If an actor has a strong preference, it is more influential, and if it has a weak preference, its influence is limited. The logic behind this assumption is that an actor is more or less willing to "fight" for its preference depending on how strong it is. Furthermore, it is assumed that interests are a fundamental driver of an actor and that preferences are derived from these interests: the actor makes policy choices that maximise their interests. When interests are clear and obvious, they will likely shape a strong preference. States with a robust and lucrative type of industry are likely to see the protection of that industry in policy discussions as a priority, and thus shape preferences. Interests are then an indicator of how important a preference is for the actor.

This same logic can be applied to the EU's overall position in a negotiation. The EU consists of 27 members, each with their own set of preferences. Hence, in international negotiations, the EU has to aggregate the member states' set of preferences into one, which means that the member states' preferences can be closer or more distant from the median preference. The wider the distribution of member state preferences, the weaker the EU's overall preference in a negotiation (Jupille, 1999). The division or alignment of the member states is important for explaining how the EU acts in international cooperation. Several authors have argued that the EU's external influence is hampered

by internal differences among the member states (Carter, 2007; Chaban et al. 2006; Marsh, 2005). Although alignment and division cannot be equated to strength or weaknesses of preferences, these features provide an understanding of the importance of distribution of preferences among the member states, with the assumption there is correlation between the strength of a preference and the distribution of preferences among the member states.

Based on the above points, it seems reasonable to make the following predictions regarding how the EU's strength of preferences in an international negotiation may affect its influence:

– If the EU's preference for a policy choice is strong, it is more likely to be influential in those negotiations.

– If the EU's preference for a policy choice is weak, it is less likely to be influential in those negotiations.

A strong preference for certain policy outcome makes an actor more influential because of the intensity of its preference. Intensity makes the actor more devoted to achieving its goal and to using all available instruments to attain it. A weak preference makes the actor less influential, as it will concede to others more easily. In order to utilise these predictions, strength and weakness must be defined. The nature of the interests that underlie the preference affects its strength. If the interests are important to the actor, the preference should be stronger. Hence, EU preferences need to be identified in the case and then the strength of the preferences determined through examining fundamental interests. A way to operationalise this explanatory factor is to envision four feasible scenarios that describe the strength of the preferences in relation to distribution of preferences and the predicted effect on influence in each situation. (The scenarios are also summarised in Table 2.)

1. If all member states have the same preference and this preference is strong, the EU should be influential as it will act on its position of strength and unity. A situation where all member states hold an exact

2. If different member state factions within the EU each hold strong, but differing, preferences, the collective preference of the EU becomes weaker and the EU becomes less influential as it is more difficult for the EU to reach a collective position that both groups are satisfied with.
3. If one member state faction holds preferences but another holds weak preferences, the EU should be influential, as the strong preference decides the EU's collective position.
4. If all member states hold weak preferences, the EU should be less influential, as it is not devoted to the outcome.

As stated above, to analyze preferences and interests, the EU's preference is first identified and the underlying interests examined to determine what may lay behind a strong preference. When clear interests (usually material) underpin preferences, it is likely to lead to strong preferences. Then, the distribution of preferences is measured in each case along the lines of these four scenarios to determine if this could explain the EU's influence.

Table 2: *Scenarios of preference strength.*

Scenario	Preference	Prediction of Influence
1. All member states hold the same strong preference	One strong preference	Influential
2. There are two different preferences within the EU	Two different preferences: both strong	Less influence
3. There are two different preferences within the EU	Two different preferences: one strong and one weak	Influential
4. All member states hold the same weak preference	One weak preference	Less influential

2.5 The Institutional-based Approach

The second component of the explanatory framework concerns institutions, i.e. how rules, procedures, and other structures shape an actor's influence. Institutional structures can be seen as formalized structures which both set boundaries for an actor and facilitate its actions (March and Olsen, 2008). The assumption here is that if the institutions in place at the EU level can constrain or enable the EU's role in the world they should affect its influence therein. This explanatory component is drawn from the literature on institutionalism, a broad approach with a variety of interpretations of how to define, empirically identify, and explain outcomes by examining institutions.

One approach to understanding institutions comes from a rational choice perspective. Institutions can be defined as: "the sets of working rules that are used to determine […] what actions are allowed or constrained, what aggregation rules will be used, what procedures must be followed" (Ostrom, 1990: 51). Jupille and Caporaso (1999) discuss institutions as given outside of theory and as explained in theoretical terms. When institutions are considered outside of theory, they can explain political dynamics and outcomes. These explanations examine the ways which institutions structure incentives, define roles, instantiate norms, and alter political outcomes relative to what would have occurred in the absence of institutions. When institutions are the dependent variable, they are usually treated "endogenously", i.e. the concern is to explain institutions, e.g. why certain institutions "take hold" while others do not (Jupille and Caporaso, 1999: 431-432). In this study, the first view is used: institutions are an explanatory factor used to explain the extent of influence. It is assumed the institutional context constrains and shapes the behaviour of an actor and is important for the actor's influence.

For the EU's part, its institutional structures affect how it engages in international negotiations. Such structures include rules on how interests are aggregated, procedures on how decisions are made, and legal structures determining when and where the EU can speak as a whole. Several scholars have stressed the importance of the EU's institutional framework as a factor in explaining outcomes (see e.g. Elgström and

Strömvik, 2005; Hix, 2005; Sbragia, 2005). It has been noted that: "the EU's institutional structure exerts an independent effect on the process and outcome of international negotiations" (Meunier, 2005: 16). A common assumption is that: "the EU is handicapped internationally by complexity of its institutions […]." (Meunier, 2000: 105). Indeed, the rather complex institutional structure of the EU is sometimes considered "a source of confusion and even bewilderment for those who have to deal with it" (Vogler, 1999: 26).

These views suggest that the institutional structure of the EU is a constraint in international negotiations; hence, its structure produces a number of weaknesses and can limit influence. However, negotiation theory asserts that institutional structures can sometimes generate strengths since the ostensible "constraints" on a negotiator (e.g. the need to ratify domestically an agreement) can sometimes work in an actor's favour (Schelling, 1960: 19; see also Meunier, 2000; Putnam, 1988). This "Schelling conjuncture"[9] reminds us that the EU can leverage its institutional "weaknesses" strategically to gain concessions from, or avoid making concessions to, its opponents.

Other research highlights the EU's institutional structures to explain and understand the EU in international negotiations (Delreux, 2006; Rhinard and Kaeding, 2006; Elgström and Strömvik, 2005; Young, 2002; Meunier, 2000). One of the core institutional features of the EU concerns the dynamic relationship between member states and supranational institutions. Competence is central for how the EU can act in international negotiations, as briefly discussed above. The division of competence does not only determine representation at the negotiations. Whether a policy area is of shared or exclusive competence determines if member states are legally bound to act jointly and to delegate negotiation authority to the EU via a negotiation mandate. Under exclusive competence, member states must delegate authority. In shared competence areas, Community and member states negotiators are bound

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[9] The Shelling conjuncture is defined as: "The power of negotiators rests on a manifest inability to make concessions and to meet demands" (Schelling, 1960: 19).

to work together, at least in principle.[10] In those areas, the member states can choose to join a common position, but there is no EU framework that forces the member states to do so. Although a common position never reflects a member state's preferences exactly, the overall advantage is larger bargaining power (Delreux, 2006; Frieden, 2004). Hence, the legal structures that determine competence in turn shape the EU's representation and which decision-making rules to apply to the policy area.

For international negotiations, the member states decide upon a negotiation mandate by different voting rules. The Commission drafts a mandate on the basis of which it will negotiate. The Council then discusses the Commission's proposal and adopts it by unanimity or qualified majority voting (Jupille, 1999). Voting rules shape the outcome in different ways. Three main voting rules tend to characterize the EU's decision-making in international negotiations: some form of majority voting, unanimity, or consensus decision-making. Under majority voting, the common EU position has the summed voting weight of all EU members (Jupille, 1999). Unanimity voting means that each member state has one vote and the decision cannot be approved if one or more member states vote against, i.e. they possess a veto (Hix, 2005). It is important to note that even if actual voting does not occur, negotiations take place "in the shadow of the vote" (Tallberg, 2006: 119).

Negotiation competence and voting rules are institutional features that have been used to explain the bargaining power of the EU in international negotiations concerning both exclusive and shared competence areas. These studies have taken a systematic approach and developed sophisticated models for assessing how the EU's institutional structures can explain its bargaining power in international trade and environmental negotiations (Rhinard and Kaeding, 2006; Meunier, 2005 and 2000). Such research suggests that the institutional design of the EU is important for explaining outcomes, particularly when the EU is

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[10] However, member states are not free to act internationally in a completely unbound manner. Article 10 TEC stipulates a loyalty clause, which means that the member states and the EC institutions are committed to cooperate and fulfill the obligations of the Treaties (Delreaux, 2006: 242).

defending the status quo in negotiations as opposed to when the EU is seeking change (Meunier, 2000: 104; see also Rhinard and Kaeding, 2006). These studies derive predictions of the EU's bargaining power from a combination several variables, including the nature of the delegation mandate to supranational actors, the EU's internal voting rules used to determine the mandate, and the characteristics of the international negotiating context.

Internal EU negotiations focus on constructing a negotiation mandate and a negotiation strategy. The mandate is needed for participation in international negotiation and must be designed for the negotiation in question and then approved through voting (Meunier and Nicolaïdis, 1999). The nature of the mandate can affect the EU's manoeuvrability in international negotiations. One important attribute of the mandate is its degree of flexibility, which relates to how the mandate is formulated. The mandate can be very precise in formulating the EU's position, what issues are at stake in the negotiations, and what specific concessions are acceptable. The mandate can also be extensive in terms of providing only a vague formulation and less oversight of the Commission at the negotiations, which allows the negotiator to "do the best they can" (Meunier, 2000: 111).

The negotiating context is not an institutional variable; however, the institutional structures play different roles depending on the orientation of the EU in the negotiations (Jupille, 1999). As earlier research shows, the institutional structure needs to be connected to the negotiation context either as reformist or conservative, which refers to the EU's preference in relation to the status quo, i.e. whether the EU wants to achieve change or maintain the status quo in the negotiation (Rhinard and Kaeding, 2006; Meunier, 2005 and 2000; Jupille, 1999). Although narrow views of the EU's institutional framework presented in some studies has been criticised (Young, 2002), for the purpose of this study, a focus on the EU's institutional framework allows for analytical precision and for the ability to generate predictions.

The above mentioned studies are used as a point of departure for the discussion on how institutions can explain influence. Drawing on this

research, a few key institutional factors are employed to help explain the precise nature of the EU's influence in the case under examination. However, this study does not use the above mentioned approaches exactly, since here a new explanatory framework is designed. Previous institutional approaches have been used in conjunction with other factors deemed important by those actors. Here, the central focus is on the EU's influence over negotiations and the attainment of goals. The use of institutional explanatory factors is thus focused specifically on how institutions enable or constrain the EU's ability to influence outcomes. The central argument outlined below is that while institutions can impose restrictions on the EU, they can also enable its action.

Before moving to the arguments below, a brief discussion of the relationship between influence and institutional structures is in order. This relationship is not always straightforward. Moreover, the institutional variables identified have to be considered within the context of the case being examined. This study argues that the degree of flexibility of the mandate shapes how the EU can act in a negotiation. If a negotiating mandate is vague, the negotiators can take different positions during the negotiations, i.e. they can adjust to what happens in the negotiations. If a mandate is narrow, the negotiators do not have the possibility to change a decision; hence, they are inflexible in the negotiations. Thus, the flexibility of the mandate results in different approaches in negotiations, but does not necessarily provide a direct indication of the EU's influence. Therefore the mandate needs to be considered within the context of the negotiation i.e. what did the EU want to achieve in the negotiations? When the EU wants change in a negotiation situation, its position is reformist, and when it is defending the status quo, its position is conservative. Change is more difficult to obtain than defending the status quo. The shape of the mandate combined with the negotiation context, affects how the EU can intervene in order to achieve its goals.

The combination of the flexibility of the mandate and the negotiation context results in the following predictions for the EU's influence:

1. If the negotiating mandate is narrow and the position is conservative, the EU should be influential, as the EU has strict orders to defend a position.
2. If the negotiating mandate is narrow and the position is reformative, the EU should not be influential. Achieving change is more difficult with a narrow mandate, due to an inability to give concessions and to adjust to what happens in negotiations.
3. If the negotiating mandate is extensive and the position is conservative, the EU should have some limited influence.
4. If the negotiating mandate is extensive and the position is reformative, the EU should not be influential.

However, with these predictions, negotiation strategy needs to be considered, as internal difficulties can be used as an advantage in negotiations. The EU can use its inflexibility in the negotiations and create an advantage. Thus, in addition to analysing the above mentioned potential situations, examining the strategy of the EU is important to understanding the outcome. In analysing how institutional structures are enabling or constraining the EU, the mandate for the negotiations and negotiation context are also examined for each of the three issue cases.

2.6   The Ideational-based Approach

Preferences and institutions provide important explanations for EU influence. However, if policy-making and outcomes are understood only in terms of interests and institutions, it is easy to "miss a great deal" (Majone, 1989: 2). Ideational factors are important for understanding outcomes, as they provide the cognitive context in which political action takes place (Jönsson, 1991). Hall states that "Policymakers work within a framework of ideas […] that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of problems they are meant to address" (Hall, 1993: 279). Idea-based approaches to understanding political outcomes take cognitive aspects into account and stress the role of ideas, norms, epistemic

communities[11] and social learning processes (see e.g. Goldstein and Keohane 1993; Goldstein 1993; Haas 1992). The general premise is that "ideas matter", as mental constructions play a crucial part in shaping what happens in politics (Heclo, 1994: 375). For example, shared understandings can create standards of appropriate behaviour that generate mutual expectations of social conduct. The value of ideational approaches lies in their ability to capture "dimensions of human interaction", which often get lost in other perspectives (Hall, 1997: 185).

There are different scholarly approaches to how ideational factors are used, and to the degree to which causal priority is attached to ideas (Hall, 1997). What many of these different approaches have in common is they consider ideas as existing at different levels of generalisation, which relate to each other. As Campbell puts it, the ideas that operate in policymaking processes do so "in a hierarchically nested fashion" (1998: 399). Campbell posits a close relationship between different ideational levels, and argues for the importance of "nesting" ideas at different levels. For ideas to matter, they must link to one another at different levels of abstraction. Campbell also introduces a degree of actor intentionality in ideational approaches, arguing that new policy ideas must be presented so that

> the perception of a problem must be credible for the policymakers in the sense that it fits the dominant policy paradigm. If it fits, they must believe that it provides an effective solution to a policy problem. If policy makers perceive an idea to be useful in this sense, then it must fit with prevailing public sentiment. If it does not, then it must be framed so as to improve this fit (Campbell, 1998: 399-400).

This reasoning of hierarchically nesting ideas reflects the assumption made earlier by Hall, that all policy-making processes takes place within an ideational framework.

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[11] An epistemic community, or literally knowledge society, is a network of professionals recognised as having expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issues area (Haas, 1992: 3).

According to the logic of hierarchically nested levels of ideas, the ideational framework exists at different levels of abstraction. As Rhinard argues, the effect of new, policy-specific ideas in a political process "are conditioned by how they relate to broader values" (2002: 42). Building on Sikkink, Rhinard develops the assumption that "specific policy choices must be seen to resonate or "nest" with broader values in order to gain support in the political process" (Rhinard, 2002: 42; Sikkink 1991). In this context, the acts of "persuasion" and "framing" become important. The actors advocating a specific policy choice confront different and competing ideational frameworks and need to persuade the target audience (Finnemore and Sikkink, 1998: 897). This echoes arguments made by Payne, who states that "persuasion is considered the centrally important mechanism for constructing and reconstructing social facts" (Payne, 2001: 38).

Framing, in turn, is considered as part of successful persuasion and the concept of frames is useful for explaining influence. A frame can be defined as "an interpretative schemata that simplifies and condenses the "world out there" by selectively punctuating and encoding objects, situations, events, experiences, and sequences of actions within one's present or past environment" (Snow and Benford, 1992: 137). Barnett stresses the "persuasion element" in his definition and suggests that "a frame is a persuasive device to fix meanings, organize experience, alert others that their interests and possibly identities are at stake, and propose solution to ongoing problems" (Barnett, 1999: 25).

Most authors using the "framing" concept include some element of intentionality. Frames held by various actors reflect a certain problem definition and potential solution that they perceive to be in their interests. For that reasons, different "frames" can explain political conflict. Schön and Rein (1994) produced the seminal work on "frame competition" as an explanation for intractable policy disputes in the public setting. They argued that competing actors hold particular problem formulations and preferred solutions; only by "reframing" may some deep disputes be resolved (Schön and Rein, 1994). Mirroring the approaches described above regarding different frame levels and hierarchical nesting, Schön and Rein distinguish three types of frame.

A policy frame is the frame an actor uses to construct the problem of a specific policy situation. An institutional frame is a more generic frame from which actors derive specific policy frames used to structure a wide range of problematic policy situations. In turn, institutional frames are local expressions of broad culturally shared systems of belief, which the authors call "metacultural frames". Metacultural frames are at the root of most policy narratives, organized around generative metaphors (Schön and Rein, 1994: 32-34).

To further clarify the concepts of policy frames and metacultural frames, Schön and Rein's examples serve as illustrations. First, the example of a policy frame:

> In the mid-1970s the Boston Redevelopment Authority (BRA) framed the problem of low- and middle-income housing mainly in terms of the need to "preserve the city's healthy housing stock", which led the BRA to adopt policies that gave priority to the rehabilitation of existing stock and the clearer separation of decayed from healthy stock. This policy frame did not lead to policies that emphasized either the income level of the occupants of rehabilitated housing or the shortfall between the need for affordable housing and the available supply (Schön and Rein, 1994: 33).

The nature versus nurture debate serves as an illustration of metacultural frames:

> In the policy domain of crime […] cultural metaframes of nature and nurture remain powerful for thought and action in our society. The nature frame lends itself to prescriptions that favour restraint and segregation of criminals, swift and sure punishment and (at worst) attempts to control the reproductive behaviour of people who are believed to carry the wrong kinds of generic material. The nurture frame suggests policies that remove or mitigate environmental factors presumed to be conducive to criminality or other forms of social pathology. Traditionally, liberals in American society have tended to favour the nurture frame, which is consistent with the idea of public responsibility for the improvement of environmental conditions […]. It is among conservatives that the nature frame is held, in conjunction with a broad prescription of social control: rigorous law enforcement coupled with mote and better prisons (Rein and Schön, 1994: 34).

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In this study, framing at the policy level and meta-level are considered, thus, the focus is on policy frame and meta-level frames (equal to Schön and Rein's metacultural frames). By combining Schön and Rein's differentiated frames and previous approaches arguing for the importance of hierarchically nested ideas, this study can derive some predictions regarding how the EU may or may not exercise influence. When an actor's preferred policy choice can be framed in term of a policy idea "fits" with broader institutional and meta-cultural values, that policy idea will likely gain support in the political process. This shows how frames enable an actor to link specific policy choice to generic interests and values (Barletta, 2001). Policymakers need a mechanism for constructing and reconstructing their understanding of the reality, and frames constitute one such mechanism. If done successfully, a framing strategy can enable the actor to exercise a greater degree of influence. If done poorly, e.g. if new policy ideas do not fit prevailing meta-level ideas, influence is less likely.

A convincing framing of an issue indicates the EU manages to connect its policy frame to a more generic frame. Empirical attention must be given to the broader values that prevail within a particular context (e.g. "environmental sustainability" or "trade liberalisation") which can be derived by observing debates and reconstructing the political and social context in which the negotiations took place. Attention must also be given to the presentation of new policy ideas, including how a negotiating actor (in the case, the EU) couches arguments and frames policy preferences. This requires close study of word usage, generative metaphors, and linguistic turns used by the EU in the pursuit of particular outcomes. The easiest way of identifying both policy specific frames and broader meta-level frames is through close textual analysis of negotiation documents, especially those used in the preparation of positions. General accounts of the negotiations, by third parties or negotiation opponents, can be used to clarify and confirm a particular framing strategy. Outcomes that reflect a particular framing strategy suggest a successful effort.

To specify the predictions related to ideas-based factors that shape influence, there are two scenarios that can be envisioned.

1. The EU manages to nest its policy specific frame to the broader meta-level frame, and that framing is reflected in outcomes. This suggests that the EU's framing effort enabled a greater degree of influence. The EU frames the problem in a manner that makes it appear credible and more convincing in the context of prevailing values.

2. The EU cannot manage to nest its policy frame to the broader meta-level frame, either because of a failed strategy or because frame conflict exists at either level. In this scenario, the EU's influence is likely to suffer.

In general, the challenge of using ideational approaches lies in the difficulty in separating out the various explanatory factors that may affect outcomes (Hall, 1997). There are several pitfalls with frame analysis. Frames can be seen as tacit, and thus belong to the "taken-for-granted world of policy making", which means their impact on actions and perceptions are not always clear (Schön and Rein, 1994: 34). Furthermore, it can be difficult to understand what frame really underlies an actor's position. Policy statements are not necessarily congruent with their frames. All of these potential problems require carefully defining and operationalising the concepts of frames and nesting (Schön and Rein, 1994).

As described above, frames can be identified through textual analysis of policy documents and through observations of speeches and policy declarations. The EU's policy specific frame can be identified by examining its internal negotiation memos to see how arguments are justified and positions rationalized. The arguments and positions can also be identified through the interviews, which asked participants to describe the EU position and why it took a particular position. The next step in the analysis is to identify the meta-level frame from which the policy frame is derived. Schön and Rein give guidance on how to identify meta-level frames: "The broader frames are identified by dichotomies, such as natural–artificial" (Schön and Rein, 1994: 34). To

understand the broader frames in this context, dichotomies from which the policy frames are derived are identified, along with statements about the prevailing political and social context in which the negotiations took place. For each case analysed in this study, a specific frame is first identified and then examined in terms of how it links to broader debates, e.g. trade liberalisation or national sovereignty over natural resources. Evidence from negotiation debates and statements from participants offer an indication of effective frame linkages, and outcomes that reflect a preferred policy frame provide further evidence of success.

2.7 Drawing the Framework Together

Although the three components of the explanatory framework utilized in this study were presented separately above, in practice they are interlinked. To understand the extent to which the EU influence processes and outcomes, the effect of interest-based factors, institution-based factors, and ideas-based factor must each be analysed. Analysis in each case study will look sequentially at each factor to examine if the predictions of EU influence are fulfilled. The scenarios of EU influence, including strong EU preferences, enabling institutional structures, and linked policy frames, combine to suggest an aggregate scenario by which the EU would exercise the highest level of influence. If none of these conditions are met, the EU will not be influential. Any values in between those two extremes suggest varying influence for the EU. Those exact values, and their relation to the predictions, will be analysed for each case in Chapters Four, Five and Six, respectively. The analysis follows the same logic in each sub-case: first the EU's influence on process and outcome is decided with help of the definition and operationalisation outline above. Then this outcome, i.e. the level of EU influence, is explained by the interest-based approach, then by the institutional-based approach and lastly the idea-based approach. The conclusion of each case will draw the explanatory factors together.

2.8 Conclusion

This chapter defined the central actor and the central concept of the study, and elaborated on the theoretical framework. In defining the EU in this study, the EU was considered as an influential actor with the ability to pursue negotiations and interact with other actors. In addition, the discussion reminded that the EU is an active political system, with institutional structures and policy processes which determine its behaviour in international negotiations. In operationalising the concept of influence, this study has defined influence as an actor's goal attainment and has argued that measuring influence should include an actors' effect on process, as well as outcomes, in relation to its original policy goals. The preceding discussion elaborated on the argument that influence is best understood as a factor of interest-based considerations, institutional considerations, and ideational frameworks. These factors build on the three building blocks used to explain political outcomes, which allow the influence to be broken down in components and derive potential explanations of the research question.

Interest-based approaches explain outcomes by focusing on the actor and the factors shaping actor preferences. The premise of this approach is that actors have fundamental interests which they attempt to maximise in the course of a political situation. The focus here was to outline how the preferences and material motivations of the EU can explain its influence or non-influence. Institution-based approaches remind us that actors' pursuit of its interests is not conducted in the absence of institutional structures. Here, institutions were examined in the way they channel the EU's bargaining positions and constrain the EU key actors involved in international affairs. Idea-based approaches consider the role of ideas, norms, and epistemic communities in explaining political outcomes. This chapter drew upon "strategic framing" and "ideational nesting". When strategic framing of policy priorities "fit" or "nest" with broader values and meta-level frames, those priorities gain additional support in the political process and can improve an actor's influence on political outcomes.

The chapter emphasised that interests, institutions, and ideas are all key components in explaining EU influence. The theoretical framework derived predictions on how the EU's influence is enhanced or constrained as a result of the presence (or non-presence) of the respective explanatory variables. The resulting explanatory framework will guide analysis of the sub-cases.

3 The Context of the International Forest Negotiations

Global environmental problems have become an increasingly important part of the international political agenda, as has the EU's role in environmental cooperation. These two relatively recent phenomena have attracted interest from both scholars and policy-makers. This chapter contextualises the international forest negotiations and the EU within this broader framework. The first half of the chapter is concerned with the concept of global environmental governance, what environmental cooperation aims at, and the EU's development and functioning in this policy area. The second half of the chapter addresses forest issues on the international political agenda. The international forest negotiation process is briefly discussed in order to provide a background for the issue cases analysed in the following chapters.

3.1 Global Environmental Governance

The rise of global environmental problems, such as climate change, deforestation, and loss of biodiversity, has created growing demand for international interventions and increased cooperation among state and non-state actors (Baker, 2006). Global environmental problems have become an increasingly important and acknowledged part of the international political agenda. This growing awareness of environmental issues on the global scale has occurred in parallel with an expansion of the sub-discipline of international environmental politics (IEP). Since the

1980s, the study of IEP is dominated by two grand narratives: "global environmental change" and "sustainable development", which replaced "limits to the growth" and "scarcities", the grand narratives of the 1970s (Stevis, 2006: 29-39). The term "global governance" has become a key topic within the environmental discourse of today (Biermann, 2006: 237).

There are a number of conceptual approaches and a theoretical debate over the term of global environmental governance (see e.g. Biermann, 2006; Paterson et al. 2003). The conventional understanding of global environmental governance refers to the international cooperation on environmental issues; it is the network of international environmental organisations and international environmental agreements (Vogler, 2005; Paterson et al. 2003). In the field of IEP, the primary focus has been to explain the practice of global environmental politics or particular sectors within this area (Betsill, et al. 2006). The evolution of global environmental cooperation in terms of the outcomes of summits, agreements and negotiations has attracted extensive scholarly interest (Clapp and Dauvergne, 2005). One important dimension of this research has been to study the establishment of regimes to foster rule-governed activity, which will be further discussed below.

The framework of global environmental governance has emerged through the UN-summits: 1972 UN Conference on the Human Environment, Stockholm, 1992 UN Conference on Environment and Development, Rio de Janeiro, and 2002 World Summit on Sustainable Development, Johannesburg. The UN has played an important role in the international response to environmental problems and the most important international initiatives for protecting the global environment have been negotiated within the UN system. Through UN-meetings, the environmental problems have become part of the international political agenda, drawn attention to environmental problems, and increased knowledge about the environment (Bäckstrand, 2006).

The summits have become a "space for joint thinking" (Seyfang, 2003: 225). Simultaneously, there are limitations on what can be discussed within this framework. Another problem is the principle of sovereignty,

which often leads to outcomes based on the lowest common denominator (Bäckstrand, 2006). This problem reflects on negotiations pursued within the framework of the UN, as the state with least incentive to create regulations, tends to set the level of ambition (Chasek et al. 2006). Despite this problem, negotiation the most utilised mode of decision-making in this area (see Zartman, 1994). Thus, agreements, or other form of cooperative solutions, are the result of international negotiations (Kremenyuk, 1991).

Negotiations are used to identify common interests, bring parties closer, and to work out acceptable solutions to a variety of issues (Sjöstedt, 1993). Every negotiation has its own characteristics depending on the area it covers. The characteristics relate to the issues being discussed, the actors, and the solution or outcome of a negotiation. Environmental issues are complex, involve multiple actors, and broach other central issues, such as economy, development, and equity (Sjöstedt, 1993). In the context of environmental issues, negotiations in general aim at attaining an agreement to mitigate the problem at hand, often in the form of a convention, principles, guidelines, or plan of action. Given the complexity involved in these processes, such agreements are often quite difficult to reach.

3.2   The Aim of Global Environmental Governance

The goal of international environmental cooperation is to curb and mitigate certain environmental problems, and is normally achieved by the creation of an agreement regulating damaging actions (Baker, 2006). The complexities of these issues and their transboundary effects have led to a need for multilateral management. The interdependence makes it impossible for one actor to manage environmental problems alone, as what one actor does can be harmful to others. Hence, there are problems that cannot be managed by single states; therefore, they cooperate in different issue areas. In many cases, the cooperation has led to the creation of regimes, which could be seen as "a response to the demand for governance in a specific issue area" (Young and Zürn, 2006: 121).

Regimes are a form of institutional framework consisting of agreements with formal rules: within the frameworks, informal practices have arisen that are important in the way they shape and constrain actors' behaviour (Young and Zürn, 2006). In practice, the understanding that cooperation is crucial for tackling global policy problems has given rise to a wide range of issue specific governance systems. In the context of the study of global environmental politics, regime analysis has been utilised to analyse institutional response to different environmental problems, such as climate change and ozone depletion (Andresen, 2000; Sjöstedt, 1998; Paterson, 1996; Benedick, 1991; Haas, 1990; Young, 1989).

The standard definition of an international regime identifies the components of a regime and takes formal and informal aspects into consideration. According to this definition, a regime is a framework of "implicit or explicit principles, norms, rules and decision-making procedures around which actors expectations converge in a given area of international relations" (Krasner, 1983: 2).[12] These components cover formal agreements and the more elusive parts of cooperation. Hence, a regime can be viewed as an international institutional arrangement of informal and formal elements, such as norms and rules. These elements guide and regulate actors' behaviour within an issue area of international politics. Some regime scholars attach importance to the formal elements, in the form of hard-law, and argue that such an instrument is central to a regime:

> It is difficult to identify norms and rules […] that are not defined by a specific agreement (Porter and Brown, 1991: 20).

However, there are differing views on this topic, e.g. Vogler suggests this perspective is

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[12] *Principles* are beliefs of fact, causation, and rectitude. *Norms* are standards of behaviour defined in terms of rights and obligations. *Rules* are specific prescriptions or proscriptions for action. *Decision-making procedures* are prevailing practices for making and implementing collective choice' (Krasner, 1983: 2).

too narrow and legalistic and runs the risk of avoiding those critical tacit understandings that make the bare bones of legal text both comprehensible and workable (2000: 21).

Scholars have traditionally focused their research on environmental issues where a legal agreement has been achieved and thus a regime been formed (Dimitrov et al. 2007). For example, the regime for stratospheric ozone is viewed as a success story of regime building and environmental cooperation. In the regime-building process, a framework convention and a protocol were agreed. The ozone regime rests on a common and deepening understanding of the relationship between chemicals and the depletion of the ozone layer. Key to the regime is the ability to address and reduce scientific uncertainty, which has stimulated policy development but has not allowed uncertainty restraint action (Chasek et al. 2006; Benedick: 1991). In general, actors' involvement in international environmental processes aims at building a similar framework to respond to the problem in consideration.[13]

Recent research stresses the importance of studying "non-regimes" in order to investigate cases where there are no agreements in place (Dimitrov et al. 2007; Dimitrov, 2006). Follow on the text after Dimitrov a non-regime is "a public policy arena characterized by the absence of an interstate policy agreement where states have either tried or failed to create one, or when governments have not even initiated negotiations"(Dimitrov, 2006: 9). Dimitrov uses the international forest negotiations as a case of failed regime building, meaning that the negotiations have not led to a formal treaty and therefore no regime has come into existence (Dimitrov, 2006 and 2003). Others argue that indeed there is a forest regime, and then include the broader forest governance area (see e.g. Humphreys, 2006; Rosendal, 2001; Glück et al. 1997).

In this study, the focus is on the international forest negotiations. The outcome of the process adds to a body of soft law, which could have

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[13] The motives for such involvement can be very different, e.g. related to power play, vulnerability or environmental concerns. Actors can also be more interested in showing an effort to address the problem and less interested in creating a functioning framework.

served as a platform for forest governance. However, this process seems to have missed the window of opportunity to create such platform, it is even regarded as a failure that lacks in purpose and outcome (Dimitrov, 2006: 109). In this study, the body of soft law created in the international forest negotiations is regarded as having contributed to the wider forest governance area. However, while this body of soft law certainly have been important for the development of international forest policy, the international forest negotiations in large appear to have stalled constructive cooperation in this area.

The failure of this process has been attributed to a range of factors. The absence of a convention has been explained by the domination of principles of neoliberal free trade, which came to dominate the negotiations and restricted the possibilities to create an adequate response to deforestation and forest degradation (Humphreys, 2006). The lack of reliable scientific information is another plausible explanation for this outcome. According to this, the incomplete scientific knowledge on the transboundary effects of deforestation explains the hampered international cooperation in this area (Dimitrov, 2006). Only a handful of explanations have focused on key actors in the process. For instance, Davenport explains the outcome through the unwillingness of the US to build a pro-treaty coalition in the early 1990s. According to Davenport, the US was not prepared to bear the cost of leadership needed to create a forest treaty (2005).

As aforementioned, scholars have addressed the EU in the forest negotiations. However, the studies of the EU in this area are few and arrive at somewhat different conclusions. One of these studies emphasizes the lack of EU leadership in the process and argues that although not being a leader, the EU has exercised some degree of influence. The main reason for the lack of leadership has been identified as the EU's internal coordination problems (Chaban et al. 2006). On the other hand, it has also been stated that "the EU seems to have been able, almost as a rule, to speak with one voice" (Jokela, 2006: 241). Previous research on the international forest negotiations and the EU's role in it offer useful insights, and serve as a point of departure for this study. By examining the EU, this study shed light on one aspect of the failed

negotiations: the EU did not act according to its normal behaviour in the environmental area, which might contribute to further explain the outcome of the failed negotiations.

3.3 The EU and Global Environmental Cooperation [14]

In Chapters One and Two, the EU as an actor and political system and EU leadership within global environmental politics were discussed. In this section, EU policy development and functioning within this area is outlined. Alongside the emergence of global environmental politics, the EU has evolved as an important actor, both within this framework and more generally in world politics. EU evolution from the late 1980 to the Kyoto-negotiations is described as: "the EU moved from being the Vienna laggard to the Kyoto leader" (Sbragia and Damro 1999: 53). This refers to EU participation in the creation of the ozone and climate change regimes. In the ozone case, the EU was initially a reluctant participant, but later "played a key role in brokering the agreement" (McCormick, 2001: 262). In the case of climate change, the EU became a leading proponent of cutting greenhouse gases. When the US rejected the protocol in 2001, the EU was determined to save the protocol, which survived and eventually entered into force in 2005 (Carter, 2007).

The growing importance of the EU within the international environmental cooperation is linked to institutional development and evolution of internal environmental policy-making (Sbragia, 2005). The domestic and institutional features of the EU are crucial for understanding EU performance and action at the international level (Delreux, 2006; Rhinard and Kaeding, 2006).

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[14] The forest negotiations are part of the broader framework of global environmental governance, although forest issues are multidimensional and cross boundaries of several policy areas. In this thesis, forest negotiations are viewed as part of global environmental politics and within the EU they are considered to be environmental negotiations, i.e. when EU's structures relevant for this case are discussed, the forest policy is not discussed more broadly. For the EU's internal forest policy, see Andersson, 2007.

The Treaty of Rome created the European Economic Community (EEC) in 1957 with the task of establishing a common market and of coordinating the economic policies of member states. Environmental issues were absent in this treaty, as was the case with environmental issues in world politics more generally at this time (Bretherton and Vogler, 2006). This changed gradually over time as EU competences grew to include social, environmental, and regional policy areas. In 1973, EU member states launched a series of Environmental Action Programmes (EAP), of which there have been six (Baker, 2006).

These multi-annual programmes set objectives, defined key-principles, selected priorities, and described measures for different policy sectors related to the environment. The action programmes displayed increasing commitment to environmental protection; however, they were only guidelines for action and did not have the same force of law as treaty articles (Peterson and Bomberg, 1999). With the European Single Act (SEA) of 1987, environmental policy became a formal EU competence. The Maastricht Treaty of 1993 introduced the principle of sustainable development as a central aim of the EU and confirmed the growing importance of this policy area (Baker, 2006). The Maastricht Treaty also deemed the promotion of measures at the international level to deal with regional or international environmental problems as a key policy objective (Hix, 2005).

The EAPs reveal the EU's move into a prominent international environmental role and its more general commitment to sustainable development (Baker, 2006). In 2002, the Commissioner for Environment, Margot Wallström, stated "the EU has to play the leading role in ensuring that Johannesburg delivers concrete progress towards sustainability goals" (Commissioner Margot Wallström quoted in Burchell and Lightfoot, 2004: 169). Hence, the EU appears committed to working towards sustainable development and to playing a leading role.

An important milestone for the EU's global role was the European Court of Justice (ECJ) ruling in the 1970s, that in areas where the EU had passed internal legislation, it also had the right to handle external

affairs relating to that field (the "in foro interno, in foro externo" principle) (European Courts Report, 1971). Even so, ambiguity over the proper division of labour in negotiating international environmental agreements remained (Peterson and Bomberg, 1999). In 1992, the European Community (EC) was granted full participant status at the UNCED, meaning that it had the same rights as the participating states (Jupille and Caporaso, 1998). The EC achieved legal status and was entitled to act only in areas of legally established competence. Unlike the EC, the EU cannot conclude international agreements; the EU does not have international legal personality (Delreux, 2006).

As outlined in Chapter Two, the environment policy area is formally recognised as an area of shared competence within the EU[15], and international forest negotiations are subsumed under EU environmental policies. When discussions in negotiations concern issues under exclusive competence, representatives from the Commission take the floor, in issues under the jurisdiction of the member states, national diplomats decide. In areas under the jurisdiction of both member states and the EU (shared competence), the EU is sometimes represented by the Council Presidency, sometimes by the Commission (Elgström and Strömvik, 2005).

For the international forest negotiations, shared competence applies. The Presidency represents the member states and there are representatives from the Commission present at the negotiations. When negotiations broach trade related issues, the Commission can step in and represent the EU. Within the Commission, the forest negotiations are subsumed under the Directorate General Environment, and the Council Working Group of Forestry is the responsible Council Working Group under the Council. This makes forest negotiations different from other environmental negotiations, such as climate change and biodiversity. These issues are also subsumed under the Directorate General of Environment, but at the Council Working Party on International Environmental Issues at the Council (European Commission, 2003).

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[15] For a discussion on shared (or mixed) competence in environmental negotiations see Rhinard and Kaeding, 2006.

The EU position in forest negotiations is decided by the Council working group. In these meetings, Council conclusions are drafted in which the EU's aims and objectives are stated, which could be seen as the "mechanism" for the common position. In the context of the forest negotiations, the Council conclusions are generally weak in formulation and serve to provide a political signal. In the process, Council conclusions have sometimes served as the negotiation strategy. However, sometimes there is a specific written negotiation strategy: this is up to the Presidency to decide. Sometimes a problem is posed with written strategies, as there are many people involved that receive the strategy in writing. The EU's more specific negotiation strategies and tactics are decided foremost by the member states' negotiations within the Council working group. The functioning outlined here is typically for forest negotiations, different rules apply for other international issues and also for other forest policy areas.[16]

3.4 Forests in the Context of Global Environmental Governance

Forest issues are deeply entangled in different international policy areas, such as international trade and financing for development (Chaytor, 2001). Forests encompass a wide range of issues that cut across policy boundaries. Thus, there are conflicting views on the forests that are internationally significant, as is illustrated in the following quote:

> Some see a stock of timber to be exploited for economic gain. Others see a complex ecological system that holds the soil in place, stabilizes the local water cycle, moderates the local climate and fosters biological diversity. Still others see the forests as a home for people and other living things, or perhaps as an ancestral burial ground. Finally, some see the forests as a powerful cultural symbol on broader scales: The forest as a dynamic living system reflects the potential harmony between humanity and nature provides link between the past and the future. […] [At the international level] forests could be seen as an important source of international economic power or as

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[16] The understanding of the EU's particular functioning in the international forest negotiations has been derived from interviews, in particular interviews no. 24, 25, 43, 55, 56

powerful symbol of global interdependence, where the forests reflects the global consequences of local acts in that its destruction alter global climate or deplete the global stock of biological diversity. For others the forests represent the national sovereignty in that it confirms the right of a nation to do as it sees fit within its territory. (Conca and Dabelko, 1998: 2).

The most acknowledged international forest-related problem is deforestation.[17] Deforestation is not just an environmental problem in itself, it also causes other environmental problems and has severe effects on welfare and productivity in many developing countries. There are both natural and human induced causes of deforestation; natural factors include repeated fires, attacks by insects, disease, and destruction by storms. Deforestation due to human activities is connected to the global economy and involves among others: commercial logging, agriculture, pasture, and mining and military activities. (Dimitrov, 2006: 114.)

However, deforestation is also a prerequisite for human settlement: in order to obtain agricultural land, forests need to be cleared. Most deforestation occurs as the result of the landless rural-poor. Faced with few other economic options, they clear forested land for small-scale subsistence agriculture (Cámara-Cabrales, 1999). Deforestation and degradation of forests became an international concern during 1970s and 1980s and spurred international action in different forums. Over time, forest issues on the international agenda have broadened and been connected to sustainable development, in particular with the emergence of the concept of sustainable forest management. Sustainable forest management aims to ensure that goods and services derived from the forest meet present-day needs, while securing continued availability and contribution to long-term development. In its broadest sense, sustainable forest management encompasses the administrative, legal, technical, economic, social, and environmental aspects of conservation and use of forests. Many of the world's forests and woodlands, however, especially

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[17] Forests cover about 30% of the world's land area, distributed unevenly around the world. Over the 15 years from 1990 to 2005, the world lost 3% of its total forest area. About 40% of the earth's forests are in relatively undisturbed tracts; these are large enough to provide habitats for large species of mammals. Actual forestland has increased in some regions due to new plantation of forests. However, globally, deforestation continues to be a severe problem (FAO, 2005).

in the tropics and subtropics, are still not managed in accordance with the Forest Principles adopted at UNCED (FAO, 2005). (For an overview of the development of the forest issue on the international agenda, see Holmgren, 2008,).

Thus, forest issues have emerged as an important priority on the international political agenda for sustainable development. In the 1980s, the Tropical Forestry Action Plan (TFAP) was initiated because of increasing awareness of deforestation in the tropics. The International Tropical Timber Organisation (ITTO) was also established in the 1980s (Humphreys, 1996). Forest issues are discussed in negotiations of other conventions, such as the Convention of Biological Diversity (CBD), the UN Framework Convention on Climate Change (UNFCCC), the UN Convention to Combat Desertification (UNCCD), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The EU is profoundly involved in a process called Forest Law Enforcement Governance and Trade (FLEGT), which aims at halting illegal logging through trade measures (Brack, 2007). Most recently, forests have become an integral part of the climate change agenda by the UN initiative Reducing Emissions by Deforestation and Degradation of forests (REDD) (Engel and Palmer, 2008).

Forest governance involves a variety of actors: governments, international organisations such as the Food and Agriculture Organisation (FAO), the UN Environment Programme, the UN Development Programme, and the World Bank. There are also different certification systems, such as the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification Schemes (PEFC, the programme was relaunched from Pan European Forest Certification in 2003, but retained its acronym). (See Humphreys, 2006 for an overview of forest governance). Hence, several international forums cover forest issues and involve a number of actors at the international level; although this highlights the importance of forest issues, it also reveals fragmentation (Humphreys, 2006). Forest related issues are considered in a number of processes. However, there is one process that exclusively concerns forests issues at the UN-level: the

process that continued after the UNCED negotiations (Persson, 2005), which is the focus of this study.

3.5 The International Forest Negotiation Process

The forest negotiation process emerges from the run-up to the UNCED that took place in 1992. When the World Commission on Environment and Development presented its report to the UN General Assembly (UNGA) in 1987, there were recommendations for the UN to convene an international conference on environment and development to address environmental protection and sustainable development (Humphreys, 1996). UNGA formally established UNCED in December 1989. In the Assembly Resolution 44/228, it was stated that the purpose of UNCED was to: "elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries" (United Nations, 1989). The resolution furthered declared that combating deforestation was going to be one of the agenda items in the upcoming summit and that: "Protection and management of land resources by, *inter alia*, combating deforestation, desertification and drought" (United Nations, 1989).

During the negotiations undertaken in the UNCED Preparatory Committees, the forest issue became polarised. The disagreement concerned the plan to start negotiations on a forests convention (Chasek et al. 2006). Certain countries wanted a decision to negotiate a forest convention. Ideas for the contents of such a convention ranged from establishing national forest policies to stopping deforestation or developing detailed rules for (Humphreys, 1996). However, the attempts to establish what proved to be a controversial convention failed. At the second preparatory meeting, held in Geneva 1991, it was decided that "the minimum goal should be the adoption of a non-legally binding declaration" (Kolk, 1996: 154). The result was The Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests (also known as the "Forest Principles"), as well as Chapter 11 of

Agenda 21, entitled "Combating Deforestation" (Glück et al. 1997 and Humphreys, 1996).

The Forest Principles are often described as representing a result of the lowest common denominator between North and South (Kolk, 1996: 159-160). The hostilities between the partners closed the door for international discussions on forests (Chasek et al. 2006; Humphreys, 1996). However, despite the deep division between North and South, a series of international meetings and initiatives took place between 1992 and 1995, and the process of sustainable forest management took form. Eventually, these initiatives led to an understanding that there was a need for a process exclusively focused on forests and resulted in a review of the Forest Principles and identified areas of common interests, which led to the development of a common international agenda on forests (Chasek et al. 2006).

In 1995, at the third session of the Commission on Sustainable Development (CSD), it was decided to create an open-ended ad hoc Intergovernmental Panel on Forests (IPF). The same year the UN Economic and Social Council (ECOSOC), on the recommendation of the CSD approved the establishment of the Panel. The IPF was intended to construct a dialogue in the polarised political context that UNCED gave rise to (Tarasofsky, 1995). Thus, the Panel was established in order to continue the international dialogue on forests and had a two-year mandate "to pursue consensus and formulate options for further actions in order to combat deforestation, and forest degradation and to promote the management, conservation and sustainable development of all types of forests" (ECOSOC, 1997b: paras.1-2).

The panel met four times and resulted in over 140 proposals for action[18] on a number of issues related to its agenda, with 12 elements concerning sustainable development of all types of forests. The items on the agenda included national forest and land-use plans; underlying causes of deforestation; protection and use of traditional forest-related knowledge;

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[18] In the context of the forest negotiations a proposal of action is a policy recommendation for advancing international understanding and consensus on forest issues (ECOSOC, 1995)

international co-operation in financial assistance and technology transfer; criteria and indicators; trade and environment in relation to forest products and services; and international organisations, multilateral institutions, and instruments, including appropriate legal mechanisms (ECOSOC, 1995).

The negotiations were to great extent carried out during a period of confidence building and when the discussions concerned "softer issues", the sessions were fruitful. However, there was an underlying mistrust, which came into open as soon as the negotiations moved on to more political issues (Humphreys, 2001). Participants were unable to agree on financial issues, trade-related matters, and whether or not to begin negotiations on a forest convention (ECOSOC, 1997b). The divisions between actors were in general the same as at the time of UNCED, with some important changes regarding the convention issue. The most remarkable changes were the US and Malaysia. The US had supported the idea of a convention at the UNCED, but was now opposing it. Malaysia shifted its position before the IPF, from being a stern opponent to favouring a convention. Also the majority of the NGO community shifted position at IPF where many NGOs declared their opposition against a convention (Chasek et al. 2006).

The formal results from the IPF were the institutional set-up, in the form of elected officers, dates and venues for forthcoming meetings, and the adoption of elements for a programme of work. During the 18 months the panel was in place, research, intersessional meetings, discussions and negotiations were carried out. The issues of a global forest convention, trade and finance for implementing sustainable forest management exposed the long-standing divisions, and resulted in tentative and vague language in the reports on these issues (ENB, 1997). These issues were left pending, and it was decided to continue the deliberations in a new forum: the Intergovernmental Forum on Forests.

The Intergovernmental Forum on Forests (1997–2000) was mandated to promote and facilitate the implementation of the IPF proposals for action; review, monitor and report on progress in the management, conservation and sustainable development of all types of forests; and

consider matters left pending as regards the programme elements of the Intergovernmental Panel on Forests, in particular trade and environment in relation to forest products and services, transfer of technology and the need for financial resources (ECOSOC, 1997a).

The Forum was broadly similar to the IPF and followed the same pattern: it produced 120 proposals for action in areas related to sustainable forest management. The issues that thwarted the IPF continued to be difficult for the IFF: trade, finance, and the forest convention provided the most intense debates in the negotiation sessions (ENB, 2000). At the fourth and last session of the Forum, delegates agreed to recommend the establishment of an intergovernmental body called the UN Forum on Forests to the CSD, 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" (ECOSOC, 2000a). The language was sufficiently obscure to satisfy different camps so all felt they had achieved a successful outcome to the negotiations (Dimitrov, 2005). At the IFF, it was agreed to continue the deliberations with the establishment of United Nations Forum on Forests (UNFF) (ECOSOC, 2000a).

The UN Forum on Forests (UNFF) was established by the ECOSOC resolution 2000/35 in 2000 as a "central intergovernmental forum to deliberate international policy" (ECOSOC, 2000a) and holds a unique position in the UN system, with universal membership and reporting directly to the ECOSOC (Humphreys, 2003). The Forum's original mandate was five years and the main objective is to "promote the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end" (ECOSOC, 2001). A Collaborative Partnership on Forests (CPF) was also established to support the work of UNFF and its member countries, and to foster increased cooperation and coordination on forests (Humphreys, 2003).

One important task of the Forum was to take a position on how future cooperation on forest policy would continue. As stated above, at the fifth session the UNFF had to "consider with a view to recommending

the parameters of a mandate for developing a legal framework on all types of forests" (ECOSOC, 2000a). At the fifth session, the delegates were incapable of reaching agreement and could not produce either a ministerial statement or a negotiated outcome (ENB, 2005). The delegates decided on the last day to forward the draft negotiating text to UNFF-6, which was held in February 2006. Thus, the sixth session took place almost a year after the fifth session that was intended to be the last session in this process. At the Forum's sixth session, the long-discussed agenda item of whether or not to commence negotiations on a forest convention was finally abandoned (ENB: 2006). Instead, it was decided to adopt a non-legally binding instrument on all types of forests at the seventh session in April 2007. In the final text, a review was scheduled for 2015 (ECOSOC, 2006). Hence, negotiations did not end in 2005, but will continue until at least 2015.

The IPF and IFF contributed to building confidence between the North and South. Since the UNCED meeting, positions changed and it was no longer a matter of clear-cut North-South issues, instead the positions were more related to the role of forests in the countries (Humphreys, 2006). One problem for the IPF and IFF appears to have been too many items on their agendas. This undermined the authority and power of these bodies. The idea of a body with a holistic approach to forests was challenged by the complexity of the issues. Thus, it generated a long, complex process and run in a political dead end. The reason for establishing the UNFF was in part to obscure the failure of IFF-4 (Interview no. 49). The opportunity of having a high level UN body for forests was lost, it could have been an opportunity for creating a strong international forest policy and strengthening existing arrangements. Instead, the UNFF is viewed as a failure and empty compromise with weak substantial outcomes and policy coordination (Dimitrov, 2006).

3.6 Conclusion

This chapter aimed at outlining the broader context of the international forest negotiations and the EU in this policy area. In this study, the EU and the forest negotiations are seen as a part of global environmental

governance. The understanding of global environmental governance used here, refers to the international cooperation on environmental issues in forms of negotiations and treaties. The standard assumption in this area is that global environmental cooperation aims at creating regimes, normally including a convention for regulating the issue area. These are the result of international negotiations.

In this context, the forest negotiations have been characterised as a failure. The failure of this process has been attributed to a range of factors, such as lack of reliable scientific information and unwillingness of key actors. The EU's role in global environmental governance has been characterised by a remarkable development since the 1990s. It has had a strong internal policy development and been able to play an increasingly important external role within the environmental area. The second half of the chapter discussed forests in the context of global environmental governance, asserting that forests encompass a wide range of issues that give rise conflicting views of international significance. Deforestation and degradation of forests has long been an international concern. Over time, forest issues on the international agenda have broadened and been connected to sustainable development, with the central concept of sustainable forest management. Forest related issues are important on the international agenda, and part of a number of international processes. However, as this chapter outlined there is only one international process that exclusively focus on forests issues at the UN-level. This process is the concern of this study and the remaining chapters.

4 Deciding Institutional Arrangement: Legally Binding or Not

In this chapter, EU influence on the issue of a legally binding instrument on forests is investigated. The question of whether or not to create such an instrument has generated an intense and enduring debate in the negotiations. The issue had a background presence in the negotiations and surfaced at the end of each session until 2005, when negotiations broke down. In 2007, participants decided to adopt a non-legally binding instrument instead. The EU has been a long-standing supporter of the creation of a legally binding instrument and this position appeared well established among member states, and in line with the EU overarching goals of strengthening global environmental cooperation. Despite this, the EU could not gain enough support for achieving its objective. This chapter begins by addressing the broader debate on hard and soft law instruments. Then it briefly discusses the arguments in favour of and against a legally binding instrument on forests. The bulk of the chapter focuses on negotiation process on the legally binding instrument by outlining this process, identifying the EU's position and analysing its influence.

4.1 The Broader Debate on Instruments in International Environmental Cooperation

In response to global environmental problems, a variety of policy instruments, such binding treaties and guidelines have been created. The

legal status of these instruments is different and can be categorised as "hard law" or "soft law" (Abbot and Snidal, 2000: 421-422). Cooperation on environmental issues often results in multilateral agreements (MEAs), or treaties, which normally are legally binding for the undersigning states, although there are no sanctioning mechanisms in place at the international level. The process of crafting treaties can be rather complex and difficult. As a result, the use soft law instruments such as resolutions have increased (Birnie and Boyle, 2002). The Forest Principles are an example of a soft law instrument.

In the context of forests negotiations, the discussions concerned whether or not to create some sort of legally binding instrument. Thus, the two main contradictory categories in these negotiations have been a legally binding instrument or a non-legally binding instrument. There were several proposals for the design of such an instrument for a non-legally binding instrument. Suggestions for a legally binding instrument were directed towards negotiating a new legally binding instrument in the form of a framework convention or as an extended scope of existing instruments, e.g. create a forest protocol under CBD (Humphreys, 1996). Alternatives to a legally binding instrument focused on creating an intergovernmental forum for policy discussions and improvement of the soft law body for forests in the form of a non-legally binding instrument (ECOSOC, 2000b). Until around 2000, most policy-makers and analysts used the term "convention" for the legally binding instrument. After this point it has become more common to refer to a "legally binding instrument" (see Table 3. below). This study alternates between these terms, according to the policy debate.

There are several arguments in favour of and against a legally binding instrument. Humphreys has outlined these generalized arguments. The arguments in favour stress that such an instrument is needed to reduce the existing fragmentation in forest governance, a convention would function as an umbrella for other forest related instruments. It would also complement and strengthen existing multilateral agreements with forests provisions and support the work of these instruments. This would create a "holistic", "integrated" and "comprehensive" treatment of forests in international law. In addition, a convention would provide clear, focused

direction to other forests instruments with a forest-related mandate, such as the CBD. Existing arrangements that deal with forests have, to date, been ineffective and limited in scope. Forests are multifaceted and as such, there is a need for a broad and all-encompassing instrument can deal meaningfully with the diverse complexities of the problem. Further, a convention would demonstrate high-level political commitment to conserve and sustainably manage forests. There is also a need for clarification in this area. The arguments against a convention emphasize that a convention only would lead to increased political and legal uncertainties. The added value of an additional forest related instrument is unclear. A convention would add another layer of international regulation and further complicate the area. It is also argued that a convention would not guarantee an effective solution for the problems at stake. In addition, there are actor specific arguments that are based on their different concerns. (Humphreys, 2005: 3-4.)

4.2 Negotiations on a Legally Binding Instrument

As outlined above, the issue of a global forest convention has been discussed since the beginning of the 1990s, when it became clear the UNCED process intended to address deforestation and forest degradation. An UN resolution announced that combating deforestation would be one of the agenda items in the upcoming summit (United Nations, 1989). This spurred different suggestions regarding a global policy instrument on forests (i.e. a forest convention). Amongst others, the proposals brought forward ideas of a forestry protocol under a climate change convention or a global forest convention or agreement. The latter was advanced by the developed countries at a Group Seven (G7) meeting and in the European Parliament (Humphreys, 1996). However, at UNCED in 1992, consensus on the issue of a forest convention was not reached as the negotiations became polarised and created such a hostile atmosphere that it was difficult to discuss forest issues at the international level in the subsequent three years (Chasek et al. 2006).

In 1995, when the international forest dialogue was again broached, a number of actors had changed their opinions regarding a forest convention. The USA and Malaysia were the two most remarkable shifts of positions. During UNCED, the USA had been in favour of a convention, but at the IPF, it opposed this idea. Malaysia, which strongly resisted a convention at UNCED, was supportive by the end of the IPF (Humphreys, 2006). The issue of a legally binding instrument dominated the fourth and final session of the IPF in 1997. Despite the new alignment countries, the debate of a global forest convention was just as polarised as in 1992, and finally, the IPF was unable to agree on the issue (Chasek et al. 2006).

During the IFF, the convention issue developed the same as at the IPF; the issue was present in the background until the final round of negotiations held in 2000 and long-standing differences remained (Humphreys, 2005), but not with the standard North–South divide (ENB, 2000). There were two options at stake: "a legally binding instrument or a new UN-body for forests" (ENB 2000: 11). There was no agreement for a legally binding instrument; instead, it was decided to create a new body: the United Nations Forum on Forests. The new body was created with a mandate, to within five years "consider with at view to recommending the parameters of a mandate for developing a legal framework on all types of forests" (ECOSOC, 2000a). As mentioned above, the ambiguous wording was deliberately vague formulated to make both sides satisfied, or to "save faces" on both sides (Dimitrov, 2006: 108).

At UNFF, a similar set of events occurred. According to earlier decisions, delegates were supposed to come to an agreement on whether or not to start negotiations on a legally binding instrument at the forum's fifth session in May 2005 (ECOSOC, 2000a). After the fourth session of UNFF an expert group responsible for generating the international options for the international arrangement on forests was created.[19] In

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[19] The full name was the Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on All Types of Forests.

addition, a country-led intersessional meeting also addressed this issue. At the expert group meeting in September 2004 and the country-led intersessional meeting in January 2005, two categories of options for an international arrangement on forests were stressed. The first category concerned a legally binding instrument, a forest convention or a forest protocol to another convention. The second category consisted of different alternatives for strengthening the UNFF. Two proposals came to dominate the negotiations at the fifth session of UNFF. The first concerned development of quantifiable and time-bound targets e.g. the rate of deforestation should be reduced by a certain percent by a certain year. The second proposal stressed negotiations on a non-legally binding instrument. (Humphreys, 2006: 109-110; see also ECOSOC, 2005.)

At the fifth UNFF session, the idea of a non-legally binding instrument emerged and informal proposals advocating a voluntary code circulated. The issue of quantified and time-bound targets created a major disagreement. The EU, together with Canada, Costa Rica, Mexico, Norway, and Switzerland supported quantifiable and time-bound targets, and Brazil, India, Indonesia, Iran, Peru, and the USA opposed (Humphreys, 2006). Later, this demand was abandoned and instead, the EU and Canada asked for "a *quid pro quo* commitment to strong time-bound commitments from other countries" (Humphreys, 2006: 112). As this was not achieved, the negotiations at UNFF 5 ended with a collapse (Humphreys, 2006; see also ENB, 2005). The negotiations at UNFF 5 ended with an agreement to postpone decisions to a resumed sixth session in 2006, where it was decided to renew the UNFF mandate until 2015 and the option of a legally binding instrument could be considered among alternatives in the future review of the international arrangement in 2015 (ECOSOC, 2006). In 2007, the Forum held its seventh session, where a non-legally binding was adopted (ECOSOC, 2007).

Table 3: *Overview of the alternative instruments stressed in the negotiations*

Forum and year	Alternatives	
UNCED, 1992	Convention	Principles
IPF, 1995 – 1997	Convention	Continue discussions in a new forums
IFF 1998–2000	Convention/LBI	Continue discussions in new forums, create a new body
UNFF 2000	LBI	NLBI
UNFF 6-7, 2006–2007	NLBI with quantifiable and time- bound targets embedded	NLBI without quantifiable and time- bound elements

4.3 The EU and the Negotiations on the Legally Binding Instrument

Before UNCED, the EC was in favour of creating a forest convention, as were most industrialised states at this time (Presidency Conclusions of the European Council, 1990: 8 and 26). Initially, the Council argued for a convention on tropical forests; however, after the Houston meeting of G7, the Parliament proposed a convention for all types of forests, which was a shift towards the proposal of the G7 (Humphreys, 1996). The EU continued to support the convention idea in the IPF. In March 1995, before the first session of the Panel, the Council stated: "The management, conservation and sustainable development of forests concern many aspects, especially socio-economic ones which go beyond issues of biological diversity and climate change. Therefore, the Council considers that, in addition to the Conventions agreed at Rio, a specific legally binding instrument on forests is needed to manage all aspects of this holistic approach" (Council of European Union, 1995).

Before the fourth and final session of IPF in 1997, the Commission issued a working paper suggesting a binding forest convention, which

concurred with the EU's earlier position and suggested the following approach towards the issue in the negotiations:

a) that the IPF recommends the creation of an Intergovernmental Negotiating Committee (INC) to CSD and at a later stage to UNGASS.
b) if participants are not ready to accept an INC from the outset, a fall-back position for the EU could be to accept the establishment by UNGASS of a preparatory process for an INC with the mandate to prepare these negotiations (European Union Commission, 1996).

This meant that the EU wanted negotiations for a convention to start as soon as possible after the Panel ended, and a negotiation committee would have corresponded with this plan. The recommended fallback position suggests that the aim with the subsequent process was to start negotiations for a convention. The approach suggested by the Commission became the collective EU position for IPF 4. In notes from a preparatory coordination meeting, before IPF-4, it is stated that: "The EU should work to get a decision to start negotiations of a global forest convention. The EU is in favour of a global forest convention and to establish an INC" (Swedish Ministry of Industry, 1997c: 3-4). The main arguments among member states favourable to a convention were to "get a holistic approach to forest issues and a better use of financial resources" (Interview no. 46).

After the fourth session, when there was no agreement on a convention, the EU continued to emphasise its support for such instrument. In the preparations of forest issues for UNGASS in June 1997, the EU position was:

> A holistic view would be a step forward towards sustainable forest management for all types of forests. A legally binding instrument would safeguard such holistic view and would further contribute to the implementation of the Forest Principles and the IPF proposals for action. Therefore, the EU strongly argues for establishing a convention […]. The EU believes that CSD should recommend the UNGA to establish an intergovernmental negotiation committee with a clear mission and time limit to negotiate a forest convention that should be open for ratification at the latest 2000 (Council of the European Union, 1997b).

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Among the member states, some were strongly in favour of a convention and others were lukewarm. Before the fourth session of IPF, when the convention issue was to be decided, internal EU discussions revealed a growing sense of division: there were no outspoken arguments, but a change of attitudes. The notes of one internal coordination meeting indicated Sweden, Denmark, and the UK emphasised the importance of considering both alternatives to a convention and having fallback positions if a convention was not attained. However, in the conclusions from the meeting, the EU's position was still to work in favour of a convention (Swedish Ministry of Industry, 1997b).

During the IFF, the EU's position was still in favour of a convention, although, a growing divide between member states emerged during the process. In the preparations for IFF-3, some member states questioned the EU goal and the legal basis for this negotiation position. In response to these concerns, the Presidency commented that the EU had already formulated its position and the Council secretary referred to the three Council conclusions that were the basis of the EU position. The Council secretary stated:

> If the member states wished to change the mandate, they needed new decisions from the Council. The Presidency emphasised the EU had a clear mandate and that member states had accepted this mandate (Swedish Ministry of Industry, 1999a).

Also during the EU's preparations for IFF-4, the mandate gave rise to discussion. One member state again brought up the issue of a changed mandate for the EU position at IFF-4. The motive was to encourage a more flexible attitude and openness to other actors' views. The member states considered the negotiation mandate too narrow and stated the EU needed to have a common view of the alternative solutions for creating a clear focus of forests on the global agenda. Another member state posed the question if there really was consensus within the EU of the convention issue (DFID, 1999; Interview no. 36).

However, the majority of member states did not want to change the legal basis, and thought that the Council conclusions from May 1997 could serve its purpose. Even though most member states recognised the difficulties to reach international consensus that were needed to start negotiations for a convention, they did not want to change the mandate (Interview no. 48). At the internal preparation meeting, participants considered the problems the EU had experienced in previous sessions with its locked attitude. This led to a rethinking with an emphasis on flexibility. However, at this meeting some member states cautioned that even if flexibility was important, it was critical the EU was explicit about what they wanted and what they would not give up (Ministry for Foreign Affairs of Finland, 1999).

Discussions at the preparatory meeting led to discussions of two scenarios for IFF-4: that the EU withheld the goal of a convention and that the EU showed flexibility without abandoning the long term goal of a convention. The perception was that the second alternative would lead to other states displaying flexibility on other issues, i.e. issues under programme element II, which dealt with trade and financial issues. Several member states considered the legal base for the EU position as still valid and that it could serve as a basis for action, if the EU adopted a more open and flexible attitude (Ministry for Foreign Affairs of Finland, 1999; Swedish Ministry of Industry, 1999d). Hence, the EU position on the convention issue before IFF-4 was in favour of such instrument, similar to what was expressed in the Council conclusions. However, growing recognition of the problems with an unyielding position on this issue resulted in the decision to maintain the convention line in combination with a signal of flexibility.

This became the EU's negotiation strategy, i.e. the EU based its negotiation mandate on the Council conclusions that explicitly demanded a convention but combined it with a more flexible attitude. This strategy proved to be difficult in the main negotiations at the fourth session. The issue of whether or not to initiate negotiations for a convention generated an intense debate, and many delegations adopted a "winner-take-all-attitude" (ENB, 2000: 13). The EU became handicapped when some member states emphasised the Council

conclusions and others supported the strategy of adopting a flexible approach (Council of the European Union, 2000d). As a result, the Portuguese Presidency faced major difficulties in finalising a common negotiation position for the EU (Council of the European Union, 2000c) and "could not offer a clear EU position on the issue" (Humphreys, 2006: 85).

In December 2004, the EU discussed its position on the international arrangements on forests at a Council Working Group meeting. The most important question was how to proceed on the convention issue that would be settled at the fifth session of UNFF. In a questionnaire issued by the Presidency before the internal meeting, the member states answered the question: "Should the EU maintain its focus on achieving a legally binding instrument for all types of forests?" (Council Working Party of Forestry, 2004). The answer was unified and summarised as: "No, the focus should rather be on forming a solution that makes it viable to come back to this question at a later stage given a positive development of an alternative International Arrangement of Forest-solution" (Council Working Party of Forestry, 2004). This should not be interpreted as united EU position against a convention. Despite this answer, there were some member states that wished to achieve a legally binding instrument. Rather this could be seen in the light of stronger opposition towards a convention among some member states.

Despite this, the EU long-term goal and preferred outcome of UNFF-5 was a legally binding instrument. Disappointment with the achievements of the UNFF rendered a legally binding instrument even more desirable for some member states due to the belief that such an instrument could actually achieve change (Interview no. 42). The argument was that a legally binding instrument was politically respected and could raise awareness of forest issues. The form of the instrument was less important: a framework convention or a protocol under another convention was suggested (Council Working Party of Forestry, 2004). The goals of the EU were to achieve an effective instrument. However, in the discussions on the minimum fallback positions for the negotiations the member states were less unified. Some member states stated that "a legally binding instrument is necessary", others said they could accept and interim

arrangement as long as it had a mandate for negotiations on a legally binding instrument. Yet others argued that this was unrealistic fallback positions for the negotiations (Council Working Party of Forestry, 2004).

At the time of the Country-led initiative, held in January 2005, a majority of member states were rhetorically still in favour of a legally binding instrument, although, the more hesitant member states expressed their doubts more clearly. They feared that the EU's position was unrealistic after the outcome of the expert group meeting. In commenting on the Country-led meeting, one participant from one EU member state expressed concerns over the EU's position:

> Hardliners within the EU seemed infatuated by a convention. They regard the UNFF as having failed to mobilize operative changes of the forest situation in the world and they believe that a legally binding instrument will increase political attention and resources. Some member states seem prepared to leave the UNFF if the legally binding instrument was not achieved (Interview no. 42).

Before the supposedly concluding fifth session of UNFF, the EU decided to adopt new Council conclusions. In the negotiations on these Council conclusions, some member states urged others to be realistic. According to them, it was obvious that after the expert group meeting and the Country led meeting, there was no international consensus on a legally binding instrument (Interview no. 35). Some member states argued in favour of a convention and stated that this was the goal of the UNFF. Others were astonished that the EU appeared prepared to attend UNFF-5 with the aim to reach an impossible goal and on top of that without compromise proposals or Presidency mandate to take others' proposals into consideration. They predicted that this would make the EU a very slow negotiating partner and coordination meetings difficult. In particular, the question of what the EU could accept within the framework of the Council conclusions was raised. One member state urged the Presidency to compose a negotiation strategy for UNFF5, as there was a risk of the EU being in a "responding negotiation seat" if there were no realistic compromise proposals (Interview no. 42). In

previous sessions, this had been a problem, as everything but a convention was regarded as lack of loyalty to the ultimate goal, despite that this is a utopia at present (Interviews no. 47 and 50).

The negotiations on the Council conclusions became somewhat difficult. The wording of paragraph 14 in the Council conclusions: "best be achieved through a legally binding instrument", became contentious. One member state wanted to condition the paragraph: "best be achieved through a legally binding instrument if enjoying broad support" (Swedish Ministry for Foreign Affairs, 2005a; Interview no. 42). The EU adopted Council conclusions that promoted a legally binding instrument and paragraph 14 remained without change. However, member states argued that other actors within the EU were aware of its position (Interview no. 44).

Despite the controversies around the EU position, the pro-convention line remained at the fifth session of the UNFF, and the EU arrived in New York with the ambition of achieving its goal. The member states against a convention viewed the EU position as an unrealistic compromise taken for dogmatic reasons. During the second week, the EU came up with a negotiating strategy with fallbacks and bottom lines: quantifiable and time-bound targets and legally binding instrument /voluntary code/guidelines (Interview no. 42). The tone was sharpened and the message was that the EU was willing to leave the negotiations if the bottom lines were not achieved. As the status quo would have been unacceptable, the only option left for the EU would have been to leave the negotiations. The US was worried by the threat to leave the negotiations of the EU ministers, who argued that the likely outcome of the negotiations would not represent an improvement upon the status quo. In the end of this session, the supposedly hard-nosed EU position crumbled. Most member states were willing to compromise, but still there were a few that wanted to stick to the EU position (Interview no. 42). As mentioned above, the outcome of UNFF-5 was a negotiation collapse without any agreement. Instead of being the final session, delegates agreed to continue the process into 2007. The sixth session of UNFF was held in 2006 and the seventh session in 2007.

At the sixth session, the EU argued that this session should initiate and conclude a text of a non-legally binding instrument: it proved to be too ambitious. Participants agreed on a draft resolution with a commitment to negotiate for a non-legally binding instrument that should pursue four global objectives. The time-bound dimension on these objectives, on which the EU and Canada had insisted at the fifth session, was lost in the negotiations. States agreed to extend the UNFF to 2015, with a review of the effectiveness of the international arrangement on forests (ECOSOC, 2006). The EU proposed a sunset clause to discontinue the instrument in 2015 unless its effectiveness is established, which was not accepted. The EU also pushed for the retaining the legally binding instrument as an option for the future. Delegates agreed, after quite intense debate, to include the legally binding instrument as a future option (ENB, 2006).

4.4 Analysis of the EU's Influence on the Negotiations on a Legally Binding Instrument

The EU argued for the creation of a convention at the IPF, the IFF and the UNFF, but did not attain this goal. When discussions commenced at the IPF, the issue of a convention was on the agenda. In preparing the agenda for the IPF, the EU had three issues that it wished to be addressed, among them the issue of a forest convention[20] (Interview no. 43; Swedish Ministry of Industry, 1995b). At the IPF, the discussions directly addressed the issue of a forest convention.[21] However, the IPF did not result in a forest convention, but the item was on the agenda of the IFF.[22] At the fourth session of the IFF, discussions focused on two proposals: a legally binding instrument or a new body within the UN-system (Humphreys, 2006). The latter was created after the IFF, with the mandate to "consider with a view to recommending the parameters of a

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[20] The other two issues were: Criteria and indicators for sustainable forest management and the convergence of different processes and the issue of certification of timber and the creation of an international regulation for certification (Swedish Ministry of Industry, 1995b). All issues were on the agenda of the IPF.

21 Under the programme element V: International organisations, multilateral institutions, and instruments, including appropriate legal mechanisms (ECOSOC, 1995).

22 Element III: International arrangement and mechanisms (ECOSOC, 1997a).

mandate for developing a legal framework on all types of forests" (ECOSOC, 2000a). As mentioned above, this was the result of a compromise that satisfied both anti- and pro-convention groups, and sufficiently obscured language to "save faces" on both sides (Dimitrov, 2006: 109). The obscured language indicates that the alternative of a legally binding instrument became more unlikely after the fifth session.

From how the issue of a convention was treated on the agenda, it was apparent that discussions on this instrument should continue from the IPF to the IFF and that this policy choice was a realistic option at this time. At the end of the IFF, the convention alternative appeared a less likely option. This development continued with the creation of the UNFF and the compromised language and opaque wording of the agenda item. This indicates that the convention proponents became less influential over time in the negotiation process. The EU managed to retain the issue on the agenda, which was part of its goal. The EU repeatedly mentioned that it was not an option to continue the process without any conclusion or promise to create a negotiating committee with a mandate to negotiate a legally binding instrument. In the end of the negotiation process, as noted above, at the sixth session of UNFF, the EU got through inclusion of a reference to a legally binding instrument as a future option (ENB, 2006). Thus, the issue is still on the agenda, albeit far in the future and the opponents have consented to similar proposals several times in the past without feeling obliged to seriously consider a legally binding instrument.

As aforementioned, the EU did not get through a sunset clause that would have discontinued the process after 2015, in case a legally binding instrument would not be achieved (ENB, 2006). When the EU realised it was impossible to achieving a legally binding instrument, it tried to push for time bounded targets and quantifiable goals instead. Thus, the EU wanted to make the instrument as similar to a legally binding instrument as possible. This was most obvious with regard to quantifiable and time-bound targets discussed in earlier sections. When quantifiable and time-bound targets proved to be unfeasible, the EU dropped this demand and argued for a *quid pro quo* commitment to strong time-bound

commitments from other countries. The negotiations collapsed when other actors did not concede to this (Humphreys, 2006: 112).

The EU was not sufficiently influential to achieve its goal of a legally binding instrument, but still pressed for its goals. When the goals were not achieved, the EU threatened to leave the negotiations. This is an indication of the EU's importance, the process could not continue without the EU, and they would not concede. Hence, negotiations broke down. The EU had influence on the process, i.e. it managed to retain the convention issue on the agenda over the years. However, the EU did not have influence on the outcome, as it did not attain the goal of starting negotiations on a convention. Instead, a non-legally binding instrument was created. Despite the EU's influence on the process, the lack of influence on the outcome suggests the EU did not have influence in the case of a forest convention.

Table 4: *Summary of the EU's goal achievement regarding the convention.*

Goal of the EU	Achieved	Partly achieved	Not achieved
A convention/legally binding instrument			X
Keep the issue on the agenda	X		
Not continue the process if no LBI (sunset clause)			X
Quantifiable and time-bound targets			X

4.5   Interest-based Explanation of the EU's Influence

In order to explain the EU's limited influence on the convention issue, this section turns to the analysis of interests and preferences. As demonstrated in the Council conclusions, various statements at the negotiation sessions, and internal meeting notes, the EU had a collective

preference for a legally binding instrument. The preference in favour of a convention implies a wish for some kind of legally binding instrument. The kind of instrument and the elements that would be part of the instrument were discussed and elaborated in the internal EU discussions. However, the legal status of the instrument appeared most important. This preference was the formal and aggregated preference of the EU.

To determine the strength of the preference, the emergence of the EU's common preference during the process is investigated. The material interests underlying the preference are rather difficult to identify in this case, which is partly related to the member states having different perceptions of what a convention should regulate. As demonstrated in the beginning of this chapter, the incentives for establishing a convention are various. However, a convention would address deforestation and as this is not a problem in the EU's member states (FAO, 2005), they would not consider such instrument to have an impact on their forest management practices. Thus, a convention would not likely impose burdensome measures and thus not generate difficulties to implement such an instrument at the national level. As Dimitrov expresses it: "For European governments an agreement would entail zero policy costs" (Dimitrov, 2006: 106). In interviews, respondents stated there are no economic interests at stake for EU member states in creating a convention:

> The convention debate is not a prioritized issue within the EU, as a convention would not be a driving force for change in the EU member states' own forestry sectors. A convention would not have any impact on the member states' own forestry (Interview no. 35).

> The EU would not provide funds for a convention, because it is not a prime issue for the member states' governments, neither a priority for the EU (Interview no. 55).

> None of the member states believe that their forest industry will be affected by a convention, there are no strong economic interests at stake for us or for any other the EU country (Interview no. 46).

The EU's preference for a legally binding instrument is quite apparent as shown in the preceding discussion. However, a closer analysis of the expressions of this preference reveals subtleties in the EU's preference. In order to determine how strong the preference is behind the rhetoric, the development of the wordings in EU documents is useful to examine. The Council conclusions from 1992 stated: "A forest convention is a clear goal of the negotiations" (Interview no. 43). At the IPF, the preference for a forest convention was expressed in terms of: "A specific legally binding instrument is needed" (Interview no. 43); "The EU favours a global forests convention" (Council of European Union, 1997b); "The EU is […] positive towards a global forest convention on forests" (Council of the European Union, 1997a).

At the IPF, the preference is straightforward and emphasised in that the EU strongly argues for establishing a convention. The majority of member states were in favour of a convention at the IPF: some member states were strongly in favour of a convention and others were lukewarm (Swedish Ministry of Industry, 1997b; Interview no. 35). Hence, at this time the collective preference of the EU enjoyed broad support among the member states. The EU's opening statement at the fourth session of the IFF expressed:

> The Presidency noted that while the EU has supported negotiating a legally binding instrument, it remains open to other proposals (ENB, 2000:2).

After the IFF, the EU clearly stated its desired outcome from UNFF:

> […] the EU maintains its belief of the requirement to stipulate a clear political and legal foundation, which best could be achieved through negotiations on a legally binding instrument (Council of the European Union, 2000b: para. 3).

The EU still supported a legally binding instrument at the IFF, but the EU's wish for such an instrument became conditioned by "best could be achieved through negotiations on a legally binding instrument" (Council of the European Union, 2000d).

This change reflected growing internal differences on the issue. The internal differences stemmed from an increasing concern of the possibility of reaching the goal of a legally binding instrument due to the unyielding resistance among other actors. Discussions at preparatory meetings before the third and fourth sessions of the Forum revealed the position of the EU was increasingly questioned. However, the majority of the member states still favoured the convention line or had a lukewarm attitude. The opposition came from member states that wanted the EU to be pragmatic in the negotiations and not "lock itself to a position" that was impossible to achieve (Interview no. 35).

Even though these member states did not strongly oppose a legally binding instrument, they requested more flexibility in the negotiations. The result was a decision to maintain the convention line in combination with a signal of flexibility. This is an indication the EU preference for a convention was weakening. The EU started to consider alternatives in its statements and in negotiation strategy. The preference was still that a legally binding instrument was the best alternative, but the EU was receptive to other options; hence, the preference appeared to weaken. The strongest evidence of the weakened preference is the situation that occurred at IFF4 discussed above, where the EU got paralysed by internal divisions which resulted in the Portuguese Presidency could not present a clear EU position at the negotiations.

In 2005, before the fifth session of UNFF, the EU stated:

> […] can best be achieved through a legally binding instrument [if this does not receive broad support,] any alternatives should offer equivalent guarantees for success and should significantly strengthen the IAF (Council of the European Union, 2005b).

Simultaneously, the member states emphasised a wish to shift focus from the convention, instead "the focus should rather be on forming a solution that makes it viable to come back to this question at a later stage given a positive development of an alternative IAF-solution" (Council Working Group of Forestry, 2004). Thus, before the important fifth session the preference was questioned.

At the fifth session of the UNFF, the Presidency stated

> that the present IAF has not achieved its full potential, […] and clear, quantitative targets and goals were essential for securing political commitment and accountability. The EU has advocated the creation of a legally binding instrument (ENB, 2005: 3-4).

The draft Council conclusions from 2005 contained an interesting bracket: "if this does not receive broad support" (Council of the European Union, 2005b). Although this bracket disappeared in the final version of the Council conclusions, it represented a compromise between the EU convention line and member states that saw the legally binding instrument as an unrealistic option without broad international support.[23] As with the IFF, a compromise had been agreed orally. At the UNFF, the member states not believing in the possibility of a convention appeared determined to condition the EU's preference. At the same time as these member states became more hesitant towards the possibility of an international agreement on a convention, some pro-convention member states became more convinced that this was the only alternative. This view can be seen in light of the disappointment many actors felt due to the failure to implement decisions and improve the forest situation. As mentioned elsewhere, according to the pro-convention member states, such instrument could help the situation and increase political attention and resources to forests.

The strength of the preference at this time becomes difficult to determine. When the EU did not attain quantifiable targets or strong time-bound commitments the negotiations collapsed. This indicates that the EU was unwilling to move away from its preference, which could be a sign of preference strength. However, the differences between the

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[23] The wording of paragraph 14 ('best be achieved through a legally binding instrument') in the Council conclusions became contentious. One member state wanted to put a condition the paragraph: 'best be achieved through a legally binding instrument enjoying a broad support' (Council of European Union, 2005b). The EU adopted council conclusions that promoted a legally binding instrument, and paragraph 14 remained without the change mentioned above (Council of European Union, 2005a).

member states appear to increase, which not necessarily weaken the preference but in this case seems to have pervaded the EU. The member states in favour became more persistent, e.g. the EU's threat to leave the negotiations if only achieving status quo. At the same time, the more cautious and hesitant member states started to get frustrated with the "unrealistic" pro-convention line, although they were not strongly against a convention, they were reluctant about the unrealistic position of the EU. Hence, at the UNFF, there was a group of member states with a strong preference for a convention and a group with a preference for pragmatism. As a result, the EU's collective preference becomes less intense. The EU was more willing to concede at the sixth and seventh sessions when the EU had to give up the sunset clause.

At the beginning of the process, there was a group of member states with a strong preference for a legally binding instrument, and one with a weak preference. According to the scenarios outlined in Chapter Two (see Section 2.4 and Table 2.), this corresponds with scenario 3: If one member state faction holds preferences but another holds weak preferences, the EU should be influential, as the strong preference decides the EU's collective position.

Later in the process, the situation that occurred resembled scenario 2: If different member state factions within the EU each hold strong, but differing, preferences, the collective preference of the EU becomes weaker and the EU becomes less influential as it is more difficult for the EU to reach a collective position that both groups are satisfied with.

This indicates that the EU should have been more influential in the beginning in the process. As the preceding discussion showed, the EU had influence on the process, particularly during the IPF and in the beginning of the IFF. However, it did not have influence on the outcome. Thus, the distribution of preferences only partly explains the outcome. However, connecting the distribution of preferences with interests increases the explanatory power. The fact that most member states consider the convention not affecting their vital interests weakens the preference. Interests pervade the strength of the preference, and the

preference explains the EU's lack of influence in the case of a legally binding instrument.

4.6   Institutional-based Explanation of the EU's Influence

In Chapter Two, the importance of the EU's institutional structures for explaining its influence or lack of influence was discussed. Competence provides a broader framework for the EU to act within, and the mandate specifies in detail what the EU is bound to in the negotiations. Competence in the convention case is unquestionably a shared competence area and the Presidency is representing the EU during these negotiations. The mandate for the negotiations on the convention is easily identifiable from the Council conclusions. At the beginning of the process, the Council conclusion was clearly on a convention and there was no leeway for interpretation. According to the mandate for the negotiations at the IPF, the EU's goal was to achieve a convention and not continue the policy process with less than the establishment of an international negotiating committee (Council of European Union, 1997a). This mandate was narrow and left no margins for interpretation.

The mandate remained unchanged for the IFF, which generated debate at the internal preparatory meetings before the third and fourth sessions outlined in previous sections. Despite the controversies, the mandate remained unchanged, which meant that it was narrow in its focus of achieving a legally binding instrument and discontinuing the process if this was not achieved. As outlined above, some member states argued the mandate was agreed in the Council and it clear stated what the EU should work for in the negotiations (Swedish Ministry of Industry, 1999a).

Before the fourth session of IFF, the discussion on the narrowness of the mandate generated substantial discussions. However, these discussions did not result in a changed mandate for the negotiations. Instead, the rather narrow mandate was combined with a signal of flexibility. Hence, the EU based its negotiation mandate on the Council conclusions that explicitly demanded a convention, but combined it with a more flexible attitude. At the negotiations, this proved a difficult strategy implement.

As the foregoing discussion showed, the EU became handicapped when some member states emphasised the narrow goal stated in the Council conclusions and others supported the flexible approach adopted informally as a negotiation strategy (Council of European Union, 2000c; and 2000d). Thus, this situation, where the EU could not offer a clear position in the negotiations, was a result of a narrow mandate combined with a strategy of flexibility. It caused an "embarrassing moment for the EU and it might have lost credibility in further negotiations" (Interview no. 56). At this point, the institutional structures constrained EU action, as its mandate was too narrowly defined to overcome the difficult situation that occurred.

After the failure at the fourth session of the IPF, the EU decided to adopt new Council conclusions. These allowed to a greater extent interpretation and flexibility. The formulation was as following:

> […] the EU maintains its belief of the requirement to stipulate a clear political and legal foundation, which best could be achieved through negotiations on a legally binding instrument (Council of the European Union, 2000a).

The latter part, "best could be achieved" allowed broader interpretation of the mandate on a convention. The mandate remained unchanged until the preparations for the fifth session of UNFF. Before this session, when the legally binding instrument was to be decided, new Council conclusions were adopted. As the preceding discussion outlined, the Council conclusion was given a condition in an addendum "[If this does not receive broad support,]" (Council of the European Union, 2005b: 6, para. 14), but this did not survive into the final version. The mandate for UNFF-5 was similar to previous versions and permitted, in theory, broader interpretation. Although a somewhat broader mandate, the situation before UNFF-5 was similar to IFF-4 in that the strategy was to combine the mandate with a more flexible approach. Only this time it produced internal questioning of what could be accepted within the framework of the Council conclusions. Hence, the mandate for the convention issue was still rather narrow.

In this case, the EU's position was far from the status quo and it wanted to achieve a change in the negotiations; thus, it had a reformative position in the negotiations on a legally binding instrument. Turning to the scenarios outlined in Chapter Two in Section 2.5, the reformative position in combination with a narrow mandate coincides with prediction 2: If the negotiating mandate is narrow and the position is reformative, the EU should not be influential. Achieving change is more difficult with a narrow mandate, due to an inability to give concessions and to adjust to what happens in negotiations.

However, according to the Schelling conjuncture (which, as noted above, suggests that having one's hands tied internally can be useful for extracting concessions externally (Schelling, 1960)), this situation could be an advantage in negotiations, if used as a strategy. In this case, the mandate remained rather narrow without room for compromises throughout the process. The strategy of combining a narrow mandate with a flexible attitude appears one way of combining divergent views on the issue. However, as a strategy in the negotiations, it was inadequate and only contributed to confuse the EU's position and handicapped it in the negotiations. Neither did the EU appear to have exploited its narrow mandate to gain concession in the negotiations. In this case, the prediction proves to be true, the EU was not influential. The explanatory power of institutional structures was verified, the EU did not have influence and its institutional structures were a hindrance in the negotiations.

4.7 Ideational-based Explanations of the EU's Influence

In addition to above explanations, Chapter Two argued that ideational factors are important to understand outcomes. This section starts with identifying the policy frames and the meta-level frames and discusses which meta-level frame that dominated the negotiations on a legally binding instrument. Then it analyses the EU's framing of the EU issue and how that can explain the outcome of this case. (See Table 5 for an overview of the frames identified in this context.)

In the negotiation process on a legally binding instrument the actors appear to have constructed the policy solution in two different ways, which represent the policy frames in this context. The policy frames that dominated this issue case represent two different perspectives on the most appropriate form of an international instrument for forests. These policy frames are identified as: "the legally binding frame" and "the non-legally binding frame". The legally binding frame emphasises that some sort of legally binding instrument would be the most appropriate policy solution for addressing international forest issues. This frame is characteristically expressed in terms of:

> Legally binding commitments are preferred since it forms real long-term commitment to management, conservation and sustainable development of the forests (Council of the European Union, 2000a)

Also this interview quote expresses similar thoughts: "a binding instrument would provide a solid frame for cooperation on forests" (Interview no. 2).

This frame also asserts the increased status the international forest policy area would attain if there would be a convention in place:

> A convention would raise the attention to forest issues and create political pressure (Interview no. 1);

> Forests would secure a spot on the international political agenda if there was a convention, it would be easier to argue for funding (Interview no. 45).

Other aspects of this frame are arguments the best approach towards deforestation and forest degradation is harmonization of law and international regulations by an overarching mechanism at the international level, for example: "There is a need for something very strong at the international level to get clarification in this area" (Interview no. 46).

The other policy frame, the non-legally binding frame, encompasses the resistance towards the establishment of a legally binding instrument.

Typically, this frame stresses problems of implementation of conventions and argues in favour of coordinating existing treaties, strengthening existing non-binding agreements, and/or establishing a permanent forum on forests as these interview quotes show: a legally binding instrument is "a lousy vehicle for implementation" (Interview no. 16) and

> A convention on forests is difficult, there are problems with implementation and what should it regulate. There are already many instruments that cover forests, e.g. CBD (Interview no. 28).

In addition, the complexity of the existing legislature is emphasised: "it is not rationale to add more international law, it is just getting more complicated" (Interview no. 31).

These are the two dominant policy frames within the negotiations on a legally binding instrument. Within these frames, there are subtleties of exactly what instrument or policy alternative would be preferable. The actors advocating a certain frame have different motives, justifications and arguments. However, the main course of action is whether or not to legally bind an instrument on forests, which also dominated the debate as noted above.

The policy frames could be derived from how the forests are viewed and the perception of international regulations. Examination of the discussions in the process reveals two dichotomous dominating meta-level frames that appeared to have shaped the negotiations. These meta-level frames were first identified in the following two statements from two different interviews:

> Reasons for difficulties to agree on a convention are the forests' economic value, and at the same time being viewed as global common. The voices against directly or indirectly guard the national sovereignty of the national forest resources. Forests are seen as either global common or national resource. These views are conflicting (Interview no. 2).

> Forests are all about sovereignty over national resources. It makes it difficult with strong commitments at the international level, it is the most important reason why there are no strong global regulations. In other areas of

international environmental cooperation such regulations have come in place but not within this process. Forests are not a global common, which makes it difficult to know what to regulate at the global level (Interview no. 45).

In the interview quotes the broader values in this discussion are exposed: forests as a global common and forests as a sovereign, national resource. The understanding of forests as a global common encompasses the view that forests are a global public good, which indicates that the forests are considered beyond the jurisdiction of the sovereign state. However, few would consider forests as a global common in the same sense as the atmosphere or oceans[24]. Forests grow on the ground within sovereign states. However, the perspective asserts the global aspects of forests rather than the national, and focuses on the characteristics of the forests that have global scope, such as sinks and trade (Interview no. 46; Interview no. 49) and views international regulation of forests as crucial. This is the meta-level frame "global regulations".

As the aforementioned discussion outlined, the other meta-level frame asserts forests as a sovereign, national resource and is here called "national sovereignty". This meta-level frame emphasises the sovereignty aspect: "Forests are about sovereignty issues: national boundaries are important" (Interview no. 47). The analysis of the negotiation process produced evidence to support that this frame appears to have dominated the forest negotiations. This is illustrated by following quote:

> Within UN, national sovereignty is fundamental. The gains for national sovereignty must be greater than the cost of an instrument. There is a discourse within the UNFF talks, which is national sovereignty. International rules and measures are also important but have not got strong hold in this process as in others (Interview no. 39).

Reports from the negotiations are expressing similar views:

> Sovereignty […] still stand between the international community and any consensus on forests (ENB, 1997: 10);

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[24] See Vogler, 2000 for a discussion on global commons.

> One theme that arose repeatedly throughout the IPF agenda was the pull between national control over natural resources and international oversight or regulation of "global" environmental concerns (ENB, 1997: 10);

> Yet others biggest concern is potential loss of sovereignty, specifically loss of control over forest resources within their territory, despite the appeal of showing commitment to strengthen the global forest policy dialogue (ENB, 2007: 18).

The issue of national sovereignty permeated the process, and is acknowledged in the outcomes through proposals for action and the non-legally binding instrument.

International environmental regulations have increased since the 1970s (Carter, 2007). As preceding discussion in Chapter Three outlined, the formal treaty-based part of global environmental politics was created through UN-summits, the establishment of environmental organisations, and negotiations on environmental treaties. The starting point of the forest process was UNCED, which resulted in three conventions on biodiversity, climate change, and desertification. There was no agreement on a convention for forests and forests are sometimes referred to as the "missing Rio-convention" (Interview no. 50). In the first years of the forest process, there was a firm conviction that convention was a proper instrument for tackling global environmental problems. Since then, this conviction has been eroded due to lack of implementation and the cost of such instruments. Today, there is convention fatigue, or as one respondent expresses it:

> There is or, I should say there was, a craving for conventions in these kinds of negotiations. From Rio there were four conventions [sic] created and the forest area should have one as well. There was this firm belief in these kinds of instruments but it has lost momentum in the last years (Interview no. 50).

The two dominating meta-level frames, global regulation and national sovereignty, influenced the negotiation process. In term of outcomes, national sovereignty was more dominant, whereas global regulation produced ideas of policy solutions that maintained its hold over the process. During the process, the option of a legally binding instrument

was negotiable, as the issue has survived on the agenda, although the process did not result in a forest convention. Even though the global regulation frame was powerful, national sovereignty frame dominated the process and appeared to have had more impact on forest negotiations than other environmental negotiations.

Table 5: *Policy frames and meta-level frames in the negotiations on a legally binding instrument.*

Meta-level frame	Global regulations	National sovereignty
Policy frame	Legally binding	Non legally binding

In this process, the EU policy frame was "the legally binding frame". Thus, in the EU's framing of the issue, the legal aspect was important. A legally binding instrument would ensure long-term commitment to sustainable forest management. Such instrument focuses political attention on an issue area and creates an umbrella for the fragmented international forest policy hampering powerful measures in the forest area. The EU appeared to justify its policy frame by the global regulation frame, and the connection between them is quite apparent. This meta-level frame was powerful, but did not dominate the negotiations on a convention.

The EU had influence on the process through the meta-level frame of global regulations and it was difficult to openly decline proposals such as a convention due to "good-will" reasons. As aforementioned discussion showed, although this meta-level frame was influential, the other meta-level frame of national sovereignty appeared to have dominated the negotiations. This opens up for the interpretation that the EU did not frame the issue in a "winning" manner or nest its policy frame to the dominating frame. According to the prediction outlined in Chapter Two (see Section 2.6), the EU should be influential if it managed to nest its

frame to the dominating meta-level frame. As the EU did not have influence in this case, the failure of framing could explain the outcome. Thus, the prediction of nesting frames is fulfilled in this case.

4.8   Implications of the EU's Influence

A legally binding instrument can have both advantages and disadvantages. In other environmental areas, such instrument has generated cooperation, but also shown lack in implementation. For the forest area, the benefits of a legally binding instrument are not entirely clear. The question is what it would regulate, which seems remain largely unanswered. The EU appears to have searched this cooperative solution, without reflecting or internal agreement on what the instrument should achieve. In the beginning of the forest negotiation process, the creation of a legally binding instrument for forests seems to have been a more feasible option, at least discussions were fairly clear on that this was an option to negotiate for.

When the instrument proved to be unfeasible, the continuous discussions diluted the forest process. If the idea of a legally binding instrument would have been abandoned on an earlier stage in the negotiation process, the chance of creating a platform for constructive exchange of experiences would probably have been greater. Instead, the persistence to continue argue for a legally binding instrument eroded the credibility of the process. The EU's position contributed to this erosion. The position was mainly rhetoric, but relentless. The EU's experiences of success in other environmental process have created a firm belief in global regulations, which contributed to the understanding of this as the best solution also in the forest area. However, the EU did not manage to act constructively in the negotiations on a legally binding instrument. Thus, in this case the EU appears to have further pervaded the process.

4.9 Conclusion

The analysis of the EU's influence on the issue of a legally binding instrument reveals that the EU did not have influence in this case. The EU's position in the negotiations was in favour of creating such an instrument. Rhetorically, the EU argued in favour of a legally binding instrument during the negotiation process, in statements, in internal meetings, and policy documents, and the evidence found suggests that the EU had influence on the process, but not on the outcome, i.e. no convention was created. Thus, despite EU support for a convention, it was unable to fulfil its goal. Throughout the different negotiation forums, the convention issue remained ardently debated and the issue remained on the agenda, but the EU did not reach its outspoken goal of establishing a convention. Hence, the EU did not have influence in this case. The EU's interests and preference were too weak to make the EU powerful in the negotiations and institutional structures were constraining even at some points overturning and handicapping the EU in the negotiations. The way the EU constructed its policy solution was by nesting with the less dominating meta-level frame, hence EU framing of the issue was not sufficient.

The explanatory power of the framework in this case is high. The problem of this case is that the EU appeared strongly in favour of a forest convention, but in reality the EU "kind of wanted it". Hence, the preference was not sufficiently strong. This outcome correlates with the prediction; the EU would not be influential, if it holds a weak preference. The institutional structures have explanatory power in that the weaknesses of the institutional structures constrained the EU, which hampered its influence. The inability of the EU to frame the issue in a "winning" manner also explains the lack of influence in this case. Hence, the three explanations support the outcome; the EU should not have been influential in this case. The framework could explain the outcome of the EU's lack of influence. When the EU has weak interests and preferences, its institutional structures are constraining, and it does not frame the issue in a convincing manner, its influence in international negotiations is eroded. The EU could not contribute to strengthen the cooperation in this case.

5   Certification: Disguised Protectionism or Forest Friendly Solution?

Certification has been a contentious issue in the forest negotiations. The debate concerned two important aspects of certification: the role of governments in certification schemes and whether or not these schemes constituted a trade barrier. In this case, the EU managed to maintain its position without affecting other actors. The negotiation process on certification is characterized by ambiguity in what to agree on and strong divisions between the actors. The overall perception of the EU in the certification issue is that it had a firm position on how certification should be treated in the negotiations, which was to establish that certification should be viewed as a market-based tool for sustainable forest management without governmental involvement, and that the schemes do not constitute barriers to trade. In the negotiations, the EU did not affect other actors, and in turn, was unaffected by other actors with opposing views. This chapter examines the main divisions related to two aspects of certification, the role of governmental involvement in certification schemes and the issue of certification as a trade barrier. As a point of departure, the chapter addresses the broader trade–environment debate that provides the context for trade related discussions in this negotiation process. The meaning of certification is briefly discussed and the context for the debate on governments' role and certification as a trade barrier provided. The negotiation process, the EU's position, and the outcome on the issues are then outlined. The analysis covers the EU's influence on the certification issue and explains the outcome.

5.1 International Trade and Environment

Certification can be seen in the broader context of the trade-environment nexus. The increased linkages between the trade and the environment areas have spurred a debate on how they are affecting each other. In general, trade can be seen as generating wealth that could be used to increase human wellbeing. However, the economic activity that trade involves, can in many cases increase environmental damage. In addition, wealth created by trade will not necessarily result in environmental improvements. Trade can also be good for the environment, since it creates wealth that can be used for environmental improvement, since the efficiency gains from trade can imply fewer resources used and less waste produced, and since trade can enhance access to efficient and environmentally-friendly technologies. (Neumayer, 2001.) Thus, there are different views on whether or not international trade is harmful for the environment, or if it could be used to protect the environment (for an overview of the trade-environmental nexus, see e.g. Esty, 1994).

The international institutional architecture managing these areas is built on different premises. The multilateral trade regime operates on liberal principles and free trade. Multilateral environmental agreements are based on principles of environmental protection (Eckersley, 2004). There are several links between the two areas and discussions on managing these links take place in several arenas (Clapp and Dauvergne, 2005). Controversies of "green protectionism" have been raised in this context, i.e. that countries use environmental protection as a trade barrier (Chasek et al. 2006). Trade issues related to forests are considered in a number of international forums, mainly World Trade Organisation (WTO) and International Tropical Timber Organisation (ITTO), but there are also environmental agreements containing trade provisions, such as the Convention on International Trade in Endangered Species (CITES) (OECD, 1999).

5.2 Forest Certification

Certification has been defined as "an economic policy instrument with environmental and trade objectives" (Elliott, 2000: 7). Forest certification is a process which results in a written certificate being issued by a third party, attesting to the location and management status of a forest that is producing timber (Baharuddin and Simula, 1994 cited in Elliott, 2000: 1). Characteristically, a forest certification scheme includes the development of principles and criteria of sustainable forest management; accreditation of independent third parties (certification bodies); forest management auditing (verification of compliance with or progress towards rules for sustainable forest management); and product labelling (tracing forest products through the supply chain) (Gulbrandsen and Humphreys, 2006). Over the past years there has been a significant increase in the number of certification schemes and it is estimated that 109 million hectares of forest is certified (UNECE, 2006).

Forest certification is one of the main items of discussion in the context of forests and international trade. The issue relates to a broader debate in WTO on eco-labelling[25] (Bridges, 2002). Government sponsored eco-labelling schemes raise concern about competition, as these might be skewed in favour of domestic producers. Private eco-labelling schemes are sometimes accused of reducing markets for domestic industry and unsustainable practices (Chasek et al. 2006). As discussed below, these concerns are also present in the international debate on certification.

The promoters of certification argue that certification might provide incentive for managing forests sustainably, as products certified as coming from sustainably managed forests experience an increase in market share and suppliers receive a price premium for selling a green product (Bridges, 2002). However, some actors are hesitant towards certification. They assert that Western Europe constitutes the biggest market for certified products, and most certification schemes for sustainable forestry are found in European countries, partly because developing countries

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[25] Ecolabelling is a voluntary method of environmental performance certification and labelling that is practised around the world. The subject of ecolabelling falls under the WTO agreement on Technical Barriers to Trade (TBT).

often lack the resources to implement such schemes. As a result, many developing countries are concerned that their non-certified products might be discriminated against, thus certification and labelling schemes constitute a non-tariff barrier to trade. However, others argue that certification schemes are usually voluntary and countries are not forced to comply with them (Koleva, 2006).

Another controversy in the context of certification is the role of governments in these schemes. Forest certification is driven by market actors, as it is a voluntary market-based instrument. However, governments have a major role in designing the institutional framework and providing assurance of equality in international trade and domestic markets[26] (Koleva, 2006). Despite the complex interaction of government activities and certification issues, governments have not been stakeholder members of the international certification initiatives: this relies on the need for these schemes to be voluntary and have market-based objectives, which might appear to be compromised by the presence of governments in the governance of the schemes. In addition, there is a fear that governmental presence could hamper dialogue between economic, environmental, and social stakeholders. Even if governments have an important role in certification, there is no consensus on the extent of governmental involvement (Koleva, 2006).

5.3 Negotiations on Certification

In the context of the international forest negotiations, certification has been addressed under Programme area IV (IPF) and Programme element IIb (IFF) together with other trade related issues. At the beginning of the forest negotiations, certification was addressed in a background report from the IPF's Secretariat. The report considered the possibility of "the formulation of an internationally accepted basis for product certification and labelling schemes and initiatives" (ECOSOC, 1995: 11). This indicates the rationale for bringing certification into this

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[26] Governments could also be actors in the schemes as well as forest owners and buyers of wood products. They can also contribute to the development of schemes by providing capacity building, and moderate between competing schemes etc. (Koleva, 2006: 2).

process: proliferation of different schemes and their linkages to sustainable forest management made it important for assessing the status of the current schemes.

During the IPF, the debate on certification was a response to the Secretariat's background report. Some delegations saw this as an appeal to create global standards, which caused them to stress that certification "has to be voluntary and developed according to specific national conditions" (ENB, 1996: 10). The response highlights the sensitive nature of the subject, as even discussions in general terms were difficult to accept in the negotiations. In broader trade discussion during the IPF process, two fundamental views were apparent: those countries that prioritised national sovereignty over natural resources, and those who favoured international regulation over global environmental concerns (ENB, 1997). These divisions had repercussions for the certification issue, which proved to be one of the most problematic trade related areas, and it was difficult make progress with certification in the context of the forest negotiations; the IPF was unable to conclude the work on the agenda item and forwarded it to the IFF (ENB, 1997).

Before the second session of IFF, a Secretariat background paper stated that "the possible role of voluntary and non-discriminatory timber certification in promoting sustainable forests management on a significant scale globally is, at best, still not clear" (ECOSOC, 1998a, para. 25). Hence, certification turned out to be sensitive and difficult to deal with in the negotiations. The formulation of the report indicates no progress had been made on the clarification that was sought at the beginning of the process. Trade issues, among them certification, were intended to be finalised at the second session of the Forum. However, the divisions from the fourth session of IPF had not disappeared, and the differences resurfaced in the Forum (ENB, 1998). In the forest negotiations, the general trade discussions focussed on how trade and environment should be mutually supportive, certification and labelling, and illegal trade in forest products (ECOSOC, 1998a). Despite intense discussions in a working and contact groups, the whole text on the trade issues was bracketed (Swedish Ministry of Industry, 1998: 6-7). With the creation of the UNFF, trade issues became more indirectly covered than in the

IPF/IFF sessions. The EU was in line with other developed countries on the avoidance of discussing trade within the framework of the UNFF, other than in general terms. Certification was not on the UNFF agenda, but was occasionally brought up and is part of the UNFF resolution 3/1 (Gulbrandsen and Humphreys, 2006), and is mentioned in the non-legally binding instrument (ECOSOC, 2007).

The role of governments in certification schemes created debate during the negotiations. One side in this debate emphasised the need for governments to ensure transparency, participation, non-discrimination, and open access to schemes. Thus, governments role in certification schemes are important according to this perspective. In addition, the importance of sovereignty is highlighted, i.e. certification schemes should observe national sovereignty. The other side in the debate stressed the private and voluntary nature of the schemes, and that governments should play a minor role in enforcing harmony among them (Koleva, 2006: 22-25). The different views generated tensions in the negotiations. At the fourth session of the IPF, the role of governments caused lengthy and difficult negotiations. Developing countries strongly supported the role of governments in certification schemes, as illustrated in the text negotiations, where they proposed that:

> governments' role in ensuring that schemes are transparent, voluntary and non-discriminatory; have open access and full participation; observe national sovereignty; and do not conflict with relevant domestic regulations (ENB, 1997: 6).

The EU, together with other developed countries, proposed that

> governments have a role in 'encouraging' rather than 'ensuring' transparency, full participation, non- discrimination, and open access to certification schemes (ENB, 1997: 8).

The phrasing indicates how the EU wanted to play down the role of governments, i.e. governments should not be a guarantee for the schemes. The formulation suggested by the EU became part of the final conclusion of the negotiations. However, the EU and its supporters did

not manage to delete a reference that certification should observe sovereignty (ENB, 1997). A similar debate played out at the IFF, with a similar outcome regarding governments' involvement in certification schemes (ENB, 2000).

The second issue that gave rise to tensions during the IPF and the IFF negotiations was certification as a trade barrier. At the beginning of the negotiations, developing countries (in particular timber producing countries) feared that certification would be used as a trade barrier (ENB, 1996). The issue continued to be sensitive and difficult to discuss without creating divisions between the actors. The question revolved around whether or not certification schemes could comprise potential obstacles to market access. During the negotiations, "the need to ensure that certification should not be discriminatory or used as a form of disguised protectionism" (ENB, 1999: 5) was emphasised on several occasions.

In the discussions on trade barriers, the issue of whether or not to refer to WTO agreements in the final report caused disagreement. Led by Brazil, developing countries supported text referring to WTO agreements (particularly the Agreement on Technical Barriers to Trade and its Code of Good Practice (TBT)[27]) and argued the TBT Agreement would be useful in ensuring certification schemes do not become disguised trade barriers (ENB, 2000). The EU, together with other developed countries, took a position on deleting text in the TBT Agreement. The EU doubted that a reference to ensuring certification schemes comply with WTO rules was relevant. The negotiations returned to this issue several times without reaching consensus (Swedish Ministry of Industry, 2000). Thus, one side in the debate emphasised the need to ensure certification was not used as disguised protectionism and that conformity with the TBT agreement could ensure that; therefore, the reference to WTO was needed. The other side argued that certification schemes not should be seen as a trade barrier as they are

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[27] The TBT Agreement covers technical regulations concerning products and their process and production methods. It is not clear if schemes for certification of products made of sustainably produced timber and eco-labelling will be subject to the TBT (ECOSOC, 1998b).

voluntarily, and questioned the reference to WTO. At the end of the IFF, the final text takes note of the WTO's work on voluntary eco-labelling schemes and includes a footnote stating the Forum discussed, but could not reach consensus on, the specific reference to the WTO (ENB, 2000).

The tariff discussion also surfaced during the second session of UNFF, but in a more fragmented manner. During this UNFF session, there was a disagreement between developing countries proposing the inclusion of references to the elimination of tariff and non-tariff barriers on forest products in the context of the WTO Doha agenda, and developed countries opposing these references (ENB, 2002). In the compromised text the Forum: "Urges countries to promote trade policies and practices to support sustainable forest management, including in the World Trade Organization (WTO), and encourages countries to participate in the negotiations of WTO in the context of the work programme adopted at Doha in order to implement, *inter alia*, relevant IPF/IFF proposals for action related to trade" (ECOSOC, 2002: para. 5). The compromise was an effort to resolve the disagreement between developing and developed countries on the proposed inclusion of references to the elimination of tariff and non-tariff barriers on forest products in the context of the WTO agenda (ENB, 2002).

When delegates at the seventh session of UNFF negotiated the non-legally binding instrument in 2007, certification and tariffs became an issue in these negotiations. Most contentious in this context was a reference to encouraging voluntary measures, such as forest certification schemes, which was supported *inter alia* by the EU, but opposed *inter alia* by Brazil, Colombia, India, and China. Delegates eventually agreed to retain the reference stating that "voluntary measures, such as certification schemes and other appropriate mechanisms, should be developed in a transparent and participatory manner" (ENB, 2007: 7).

5.4   The EU and the Negotiations on Certification

In the broader set of trade issues in the forest negotiations, the EU had a number of goals regarding these issues. These included:

- To keep the trade discussion general;
- To avoid discussions concerning WTO in these forums;
- When trade issues were to be discussed, all measures must be compatible to WTO rules;
- Trade should act as a driving force in this context, but most importantly trade liberalisation must be mutually supportive to sustainable forest management and the environment (sometimes the EU argued that others did not include environmental concerns in the discussions in this context) (European Union Commission, 2002; Swedish Ministry of Industry, 2000).

On certification and labelling in the forest negotiation process, the EU argued certification should be market based without governmental involvement. As voluntary, market-based tools, certification schemes could not be regarded as trade barriers. In the EU's view, certification schemes are not a technical barrier to trade; hence, the IPF and the IFF could not refer to the TBT Agreement of the WTO (European Union Commission, 2002). The EU argued in favour of voluntary, market-based systems, which not should be considered as a trade barrier. However, this should not be interpreted as an "anti-governmental" position. The EU acknowledged the important role of governments in certification schemes, but could not agree too extensive interference.

The discussion on whether or not certification schemes constitute a tariff barrier proved to be extremely sensitive. The connection between free trade and sustainable forest management, which was in the mandate of the IFF to discuss, was anticipated as leading to a condition on free trade. Accusations of disguised protectionism ran high at occasions. For example, the EU's fought hard for its position that certification not should be viewed as a trade barrier, which made some other actors to consider the EU out as protectionist. Also other actors were fighting for their positions, the G77's demand for a reference to WTO became an emotional requirement (Swedish Ministry for Foreign Affairs, 2000).

Internally, the EU appeared to be quite aligned on the certification issue. The differences that existed were small on regarded governments' role in certification schemes. A survey issued by UNECE shows the member states had different opinions on the appropriate degree of governmental intervention in private certification programmes (Koleva, 2006). However, this division was small and a matter of nuance. Trade issues gave rise to discussions on competence within the EU. The Commission asserted its right to represent the EU on these issues, and the Presidency argued in favour of its competence. The dispute was solved by dividing the responsibility so that the Presidency introduced the EU positions and the Commission developed thoughts, arguments, and positions during the debate (Swedish Ministry of Industry, 1997a).

Within the IFF, internal EU discussions on trade and environment repeatedly returned to the competence issue. In the preparations for the IFF's fourth session, a number of member states asked if it was the Presidency or the Commission that held the competence and should represent the EU in issues concerning trade (Swedish Ministry of Industry, 1999b). The Commission regarded the issue to be a Community exclusive competence area, whereas, the Presidencies argued that a number of issues within this category were not of exclusive competence for the Commission. During the preparatory meeting for the Forum's fourth session, the Commission sought to discuss the issue with the new Presidency and stressed the interest of the Commission was to use the EU's collective knowledge in the best way (DFID, 1999). During the IFF process, the Commission negotiated on behalf of the EU and on several occasions requested discussions on the mandate and a clearer strategy on what the EU wanted to achieve regarding trade (Swedish Ministry of Industry, 1999a).

5.5 The Outcome of the Negotiations

The outcome of the deliberations on certification was negotiated text in form of different policy documents: one proposal for action, one paragraph in an UNFF-resolution, and one paragraph in the non-legally

binding instrument (see table 5 below). These texts were vaguely written and as noted above the process did not make any substantial contributions to the international debate on certification. The issue of certification is intertwined with other areas and institutions to the extent that the forest negotiation process faced major difficulties in achieving any concrete and important results on this topic. As Gulbrandsen and Humphreys express it: "The IPF, IFF and UNFF have made no significant contribution to the international debate on certification, although by negotiating [sic] text [the process has] endorsed certification as an idea" (Gulbrandsen and Humphreys, 2006: 48). Thus, the main quite general result is that the process supports the idea of certification. The negotiated text reflects the tensions among the delegates and their different views, as shown in table 5 on the following page.

Table 6: *Outcome of the negotiations on certification.*

The outcome of the IPF
133 (a) The Panel urged countries, within their respective legal frameworks, and international organizations to consider the potentially mutually supportive relationship between sustainable forest management, trade, and voluntary certification and labelling schemes operating in accordance with relevant national legislations, and to endeavour to ensure, as necessary, that such schemes are not used as a form of disguised protectionism, and to help to ensure, as necessary, that they do not conflict with international obligations. (ECOSOC, 1997b, para.133 a).
The outcome of the IFF
41 (b) Urged countries, international organizations, including WTO (4), and other interested parties to undertake, as appropriate, further cooperative work on voluntary certification and/or labelling schemes, in line with the recommendations of IPF, while seeking to enhance their international comparability and considering their equivalence, taking into account the diversity of national and regional situations, and to ensure adequate transparency and non-discrimination in the design and operation of such schemes, and are consistent with international obligations so as to promote sustainable forest management and not to lead to unjustifiable obstacles to market access;   (4) The Forum discussed, but could not reach consensus on the specific reference to WTO in this context. (ECOSOC, 2000a, para.41 b)
Outcome from the UNFF, UNFF Resolution 3/1
8. Invites the Collaborative Partnership on Forests member organizations, in cooperation with others, to work on operationalising the IPF/IFF proposals for action on voluntary certification of forest management and related voluntary labelling, with a view to promoting sustainable forest management in a way that does not create unnecessary barriers to international trade, is non-discriminatory, transparent and in accordance with commitments and obligations under relevant multilateral agreements; such work should focus on building country capacity and not favour or endorse any particular certification scheme; (ECOSOC, 2003 Resolution 3/1)
Outcome of the UNFF: Non-legally binding instrument V. National policies and measures
(x) Encourage the private sector, civil society organizations and forest owners to develop, promote and implement in a transparent manner voluntary instruments, such as voluntary certification systems or other appropriate mechanisms, to develop and promote forest products from sustainably managed forests harvested according to domestic legislation, and to improve market transparency (ECOSOC, 2007: chapter V, para. 6x)

5.6 Analysis of the EU's Influence on the Negotiations on Certification

As noted above, the EU argued certification should be market based without governmental involvement. According to this view, schemes are seen as voluntary, market based tools, and as such they cannot be regarded as trade barriers. In the EU's opinion, certification schemes are not a technical barrier to trade; hence, the IPF and the IFF could not refer to the Agreement on Technical Barriers to Trade of WTO. The EU's position on certification was related to the overarching trade-goals mentioned above. In particular, the EU's emphasis on certification as a market based tool clearly link to its important goal of trade liberalisation as a driving force for environmental protection, i.e. using market-based solutions and trade as a driving force for achieving sustainable development. Also, when certification discussions touched upon references to the WTO, the EU's goal of avoiding discussions concerning WTO in the context of the forest negotiations becomes quite obvious.

Analysis of the proposal for action from the IPF process reveals a rather vaguely formulated paragraph with conditioning phrases, e.g. "as necessary" (ECOSOC, 1997b, para.133 a). The paragraph 133a mentions "voluntary certification schemes", which is of importance for the EU. On the other hand, the paragraph also expresses "such schemes are not used as a form of disguised protectionism" (ECOSOC, 1997b, para.133 a). According to the EU, certification is not a trade barrier and should not be viewed as protectionism. However, the text is vague and the EU did not appear to concede much in order to create this paragraph, however, it could not influence other actors with other goals on this item.

A similar interpretation can be made from the paragraph 41b that was the outcome of the IFF. The EU suggested different language for the last sentence, instead of "avoids unjustified obstacles to market access", the EU wanted "ensuring adequate transparency and non-discrimination" (ENB, 2000: 5). This was not achieved. Developing countries insisted on the inclusion of a reference to the WTO and this created major

difficulties for the negotiations. The EU could not agree on such reference and called for also including references to UNCTAD, the FAO and UNEP. The delegates could not agree about the reference to the WTO and as they did not want to bracket the text (ENB, 2000), a footnote to WTO was included in the paragraph: (4) "The Forum discussed, but could not reach consensus to the specific reference to WTO in this context." (ECOSOC, 2000a: para. 41 b). This outcome reflects the deep divisions and difficulties on agreeing.

The outcomes related to certification from the UNFF consist of Resolution 3/1 and the paragraph in the non-legally binding instrument. These documents are similarly worded, mentioning "voluntary" and "not create unnecessary trade barriers" (ECOSOC, 2007: chapter V, para. 6x; ECOSOC, 2003 Resolution 3/1). In the negotiations on the non-legally binding instrument, the EU (together with some other developed countries) wanted a reference to "encouraging voluntary measures, such as forest certification schemes" (ENB, 2007: 7). Despite opposition from Brazil, India, and China, the paragraph states:

> Encourage the private sector, civil society organizations and forest owners to develop, promote and implement in a transparent manner voluntary instruments, such as voluntary certification systems (ECOSOC, 2007: chapter V, para. 6x).

This indicates that the EU had influence through inclusion of their language in the non-legally binding instrument.

In the negotiation process, the EU pressed for its important objectives regarding the agenda items on the role of governments and highlighting the benefits of certification. However, the EU realised the difficulties in achieving progress on these items in the context of the international forest negotiations. Therefore, it appears as if the EU wanted to keep the issues off the agenda, and one way of doing that was to keep the discussions as vague as possible. The overall perception of the EU's influence on the certification issue is that the EU had a firm position on how certification should be treated in the negotiations. The EU pushed for certification as a market based tool that does not constitute a trade

barrier. These were important goals for the EU and the outcome reflected some of these goals, and compromises with other actors. In addition, the vague outcome was an effect of the role the forest negotiation process could have for certification. The EU did not manage to affect other actors nor was it affected by other actors with opposing views. None of the actors wanted to yield on this issue. The EU had some, but limited, influence on certification within the forest negotiation process, i.e. the EU managed to attain part of its goal by its own interventions. Taken together, the EU had some, but limited, influence on the outcome and the process.

Table 7: *Summary of the EU's goal achievement regarding certification.*

Outcome and Process Goal of the EU	Achieved	Partly achieved	Not achieved
Certification- not a trade barrier		X	
Certification- market based: no governmental involvement		X	
Process: Keep it off the immediate agenda	X		

5.7 Interest-based Explanation of the EU's Influence

To explain the outcome of this case where the EU had some influence, interests and preferences are analysed in this section. For identifying the EU's preference, its position in the negotiations needs considering. On governments' role in certification schemes, the EU's preference was in favour of voluntary, market-based systems (Swedish Ministry of Industry, 1997a). In the debate on certification as a tariff, the EU's preference was clear: certification should in no way be regarded as trade barriers insofar as they are voluntarily (European Union Commission, 2002). The EU deemed the discussions on certification in the negotiations biased in that the Secretariat's background reports emphasised possible discrimination and trade restriction, rather than highlighting the possible benefits of

those measures (European Union Commission, 2002). Summarized the collective preference of the EU was to establish that certification would be viewed as a market based tool for sustainable forest management without governmental involvement and that the schemes do not constitute barriers to trade.

Turning to interests, the EU's preferences in trade issues in general are based on economic interests (Dür and Zimmerman, 2007). The trade aspects of forests are significant for all the member states as among the member states, there are both importers and exporters of forest products. The member states of the Northern Europe have a positive balance of trade regarding forest products, but Central and Southern Europe depend on imports of such products. (Andersson, 2007: 136-137). The majority of the world's certification schemes are in Europe, as are the markets for certified timber (UNECE, 2006). These conditions indicate that the EU had a strong economic incentive for maintaining certification schemes as it benefits its own producers and consumers.

From documents and internal meeting notes, the general impression is that there were no extensive internal discussions on the EU's position for the negotiations on certification. The discussions focused on the problem of discussing certification in the context of these negotiations. Thus, it was not differences among the member states that were a focus for internal discussions, rather the problems of achieving an outcome in the main negotiations. This can be interpreted that the EU was unified on how the issue of certification should be dealt within the negotiations and what they perceived was possible to achieve.

As mentioned above, one exception of the EU's unity was discussions at the beginning of the process on the role of governmental involvement. These discussions reveal some internal divisions regarding the perspective on certification. The division between member states concerned the degree of market regulation and governmental involvement. Some member states were willing to contribute to governmental certification systems, which other member states found problematic (Swedish Ministry of Industry, 1997a; Interview no. 57). The different conditions for the member states generated different perspectives on these issues that

were to some extent derived from whether the member state was an exporting or importing country (Swedish Ministry of Industry, 1997a). However, the different perspectives never pervaded the EU's position and did not appear to create difficulty for the EU to agree on its negotiation position. The collective preference in this case was strong due to the alignment of the member states and strong economic interests that underpinned the preference. The strength is proved by the unwillingness of the EU to concede in the negotiations.

The alignment of the member states' preferences corresponds with scenario 1, outlined in Section 2.4 and Table 2. in Chapter Two: If all member states have the same preference and this preference is strong, the EU should be influential as it will act on its position of strength and unity. An exactly identical preference is unlikely and this case highlights there was not complete unity among member states and their preferences were not identical. However, the differences were minor and more a question of nuance. The interest linked to the preference appears to have heavily affected the preference. Thus, the material interests underpinning preferences in this case increased the strength of the preference. Accordingly, the EU should have been influential due to the intensity of its preference. However, the EU only had some influence. Thus, this case only fulfils the prediction to some extent. The EU's influence in this case could be partly understood from its strong and united preferences. The explanations do not stand up to full explanatory power, as the EU only was partially influential. To consider this factor to have full explanatory power, the EU should have been influential due to its strong preference.

5.8 Institutional-based Explanation of the EU's Influence

The analysis of institutional structures derives from competence, negotiating mandate, negotiating strategy, and negotiating context. The EU's decisions on trade related matters in the forest negotiations are affected by its general trade policies. The trade component in this case renders competence more complicated than in the other issue cases and the division of competence might be more difficult to decide. As

aforementioned, most of the EU's work with trade issues falls under exclusive competence, while environmental negotiations are of shared competence, but can contain trade provisions, as with the case of certification in the forest negotiation process. In theory, when environmental negotiations move on to a trade related topic the competence may be exclusive (Delreux, 2006). However, in practice, the actual representation and mandate are more flexible and each negotiation process has its own dynamics (Sbragia, 2005).

As preceding discussion outlined, the mandate and competence in this case were repeatedly discussed at internal EU meetings. Occasionally, the Commission tried to claim its sole right to represent the EU, and the Presidency argued for its right. Discussions within the EU expose how the division of competence was not established. In the first round of negotiations, the Presidency and the Commission found a solution by dividing the representation on trade issues (the Presidency introduced the issues in opening statements and the Commission took over in debates), although, the issue resurfaced in later negotiations when discussing mandate and strategy for trade issues (Swedish Ministry of Industry, 1997a). However, these discussions should not be exaggerated, during the negotiations, the representation appeared to function and the EU was able to take advantage of the collective knowledge of the member states and the Commission. This might be a result of the extensive and well developed policy area that trade constitutes within the EU.

In previous chapters, it has been explained how the legal mandate to negotiate is decided by the Council and given to the Presidency (in shared competence negotiations) or the Commission (in exclusive competence negotiations). In this case, the mandate on trade issues was not decided in the Council working group on forestry as the other issues in the forest negotiations were. Instead, the mandate was decided by what was agreed in other Council working groups (Interview no. 57). Thus, the mandate for the certification issue in this process was not explicitly stated in the Council Conclusions that are prepared for the forest negotiations. Instead, the EU was aware of what it could and could not accept in this area due to broader policy decisions.

In international negotiations with trade provisions, the rules for what the EU can agree on are inflexible and compromise is not always possible (Delreux, 2006). This might also be the case for trade issues in a process not primarily focused on trade. The negotiators in the forest process need to consider the trade issue that they may have distant knowledge of, and it is easier to be stern and inflexible in external negotiations rather than risk crossing internal trade rules. Hence, despite the lack of formulations in the mandate, the trade element renders the mandate narrow with little room to manoeuvre. The EU could not go beyond rules created in other policy areas. The trade element is so strong in the certification negotiations that it creates a de facto narrow and strict negotiating mandate.

As Chapter Two outlined, in addition to competence and mandate, the negotiating context is important for how the institutional structures matter for the EU's influence. The negotiating context can be either conservative or reformist. In this case, the EU's position was close to the status quo; hence, a conservative position. This interpretation of the negotiating context is based on how the EU's preference was to "defend" the certification schemes and to keep the issue general in this process. Different combinations of mandate and negotiation context generate predictions on the EU's influence. In the negotiations on certification the negotiation mandate appears to be narrow, which is combined with a conservative position of the EU.

The situation corresponds with scenario 1 (outlined in Section 2.5): If the negotiating mandate is narrow and the position is conservative, the EU should be influential, as the EU has strict orders to defend a position. The EU was an inflexible actor in this case and the institutional structure bound the EU to goals that went beyond this process. It was difficult for the EU to concede in these negotiations. The prediction asserts that the EU should have influence under these circumstances. However, the EU had limited influence in this case. Thus, the EU's influence could not fully be explained by its institutional structure. In addition, it was hard to find evidence that the EU used its inflexibility in this case as a strategy in the negotiations.

5.9 Ideational-based Explanation of the EU's Influence

As asserted in Chapter Two, the EU's framing of an issue can affect its influence depending on how its frame nests to broader values. In this section certification is analysed by identifying the policy frames and meta-level frames in this context. This is followed by a discussion on which meta-level frame that dominated the negotiations, then the EU's framing of the issue of certification and the nesting of its frame is analysed.

Certification is a rather narrow issue in the forest negotiations and the policy choices at stake were less clear. However, in the negotiations the view on certification seems to have been important, i.e. to what extent it should be a market-based tool for sustainable forest management. Two dominant policy frames are identified in this context; they are considered central as the negotiations focused on clashes between them. The first dominant policy frame was held by actors who wanted more governmental involvement in certification schemes, and considered certification as a potential trade barrier. The characteristic view based on this frame is illustrated by the following two statements from the negotiations:

> […] emphasized the role of governments in ensuring transparency, full participation, non-discrimination, and open access of schemes. […] also highlighted that certification should observe sovereignty (ENB, 1996: 4),

> […] said certification can act as potential obstacles to market access" (ENB, 1998: 8).

The other policy frame asserted certification as a market based tool, hence favoured none or less governmental involvement, which was typically expressed by: "governments have a role in 'encouraging' rather than 'ensuring' transparency, full participation, non- discrimination and open access to certification schemes" (ENB, 1997: 4).

These two different views articulate the different actors' view on certification. The first perceives certification as a political issue, meaning

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that the schemes could create unfair conditions for trade and therefore governments should have a role to ensure non-discrimination etc. This view is related to the fact that most certification schemes are found in European countries as developing countries lack the resources of implementing such schemes (Bridges, 2002). Therefore, according to this view, this is a political issue. The second perspective views certification as a technical issue, in the sense that schemes are an instrument developed with technical criteria for evaluation. According this view, the schemes should be market based in order to create the best instrument that considers local and national conditions. Thus the policy frames identified in the case of certification negotiations are: the political frame and the technical frame.

In the broader debate on trade and environment, the dichotomies in this context are represented by the following statement:

> The goals of preserving global biodiversity and promoting strong trade in forest products are complicating factors (ENB, 1995: 1).

Hence, the issue is connected to aspects of the debate on environment and trade. The basis for the policy frames appears to derive from perceptions of environmental versus economic and social goals of trade. Ultimately, national control over natural resources and trade liberalisation appear to be the origin of the discussion on what underlies the policy frames, which also reveal where these frames derive from. The political policy frame is derived from and reflects sovereignty over natural resources, such as forests, which were a dominating argument throughout the negotiation process and in many of sub-issues. The technical policy frame is based on the idea of market mechanisms as a tool for achieving sustainable development and is attached to the values of mutual support of trade liberalisation and environmental protection. Hence, the dichotomously meta-level frames in this context are: sovereignty over natural resources and trade liberalisation and environment. Both these meta-level frames seem to have a strong hold over this process.

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Table 8: *Policy frames and meta-level frames in the certification process.*

Meta-level frame	Trade liberalisation and environment	Sovereignty over natural Resources
Policy frame	Technical frame: market based, non-political, not a trade barrier	Political frame: governmental role, political issue, can be disguised protectionism

The EU argued in favour of certification as a market based tool for sustainable forest management without governmental involvement, and that the schemes do not constitute barriers to trade. The EU treated the issue as technical and non-political; thus, in this context, the EU's policy frame on certification was the technical policy frame. This frame nested with the meta-level frame trade liberalisation and environment, which was one of the dominating meta-level frames. This situation seems to apply to scenario 1. (outlined in Chapter Two, Section 2.6): The EU manages to nest its policy specific frame to the broader meta-level frame, and that framing is reflected in outcomes. This suggests that the EU's framing effort enabled a greater degree of influence. The EU frames the problem in a manner that makes it appear credible and more convincing in the context of prevailing values.

The EU had some degree of influence in this case, which could be explained by the fit of its policy frame with one of the dominating meta-level frames. However, the EU did not dominate this issue and could not convince other actors of its position. This relates to the existence of two policy frames that nested well into two different meta-level frames that appeared to co-exist, each influencing the process and outcome: the other actors could equally convincingly support their arguments of how they constructed the understanding of certification, thus for their policy frame. This outcome is connected to the extent of the EU's influence in this case: the EU had some influence. The EU was able to nest its policy frame to a broader frame, but the co-existence of another meta-level frame, to which other actors managed to nest their policy frame,

rendered it impossible for the EU to dominate the negotiations and gain full influence. Thus, frames prove to have explanatory power in this case.

5.10 Implications of the EU's Influence in the Case of Certification

This case highlights what sometimes appears to be an inherent difficulty in the forest negotiations, that is, the lack of a clear goal of what to achieve. In this case, the actors stand out as ambiguous over what discussions of certification in this process should lead to. Yet the negotiations were contentious and the actors had difficulties to agree. The EU's goals are related to linkages between trade and environment, i.e. trade and environment should be mutually supportive. This creates a firm belief in market-based solutions, such as certification. In this process, these goals collided with other actors' strong emphasis of national sovereignty.

Certification (and the trade issues in general in the forest negotiations) appears to have created gridlocks among the actors, which did not confine to this issue. The broader process suffered from the discussions on certification and other trade-related issues. The EU had limited influence in this case, which renders difficulties to substantially interpret the implications of its influence. Viewing this counterfactual, if the EU would have been influential, the outcome would have been more in line with its goals. This would probably have involved a negotiated text with stronger emphasis on certification as a market-based tool and less on sovereignty. However, the outcome would in all likelihood still have been vague, since there was no clear policy at stake. The EU did not contribute to strengthen the cooperation in this case. Instead, the EU and the other actors created gridlocks in these discussions that might have increased difficulties to act constructively in other areas.

5.11 Conclusion

The analysis of certification in the forest negotiations highlights that the EU had some influence in this case. The issue in the negotiation process was vague, but at the same time, contentious and the debate did not produce significant results for certification schemes. The outcome was negotiated text, which reflected a compromise and was vaguely worded. The EU argued in favour of certification schemes as a market based and voluntarily tool, with less governmental involvement and stressed that certification schemes should not be regarded as trade barriers, as they are voluntary. In pursuing this goal, the EU was successful in maintaining its position and not conceding. However, other actors were equally unwilling to give concessions, which led to the compromised outcome. This leads to the conclusion that the EU had some, but limited, influence in this case.

In explaining this outcome, it was determined that the EU had a strong, collective preference derived from economic interests in this area. Economic interests and alignment of the member states contributed to the strength of the preference. This indicates strong EU influence, but as the EU did have limited influence in this case interests and preferences explanatory power is lower in this case.

The trade element affected the institutional structures, e.g. competence in the negotiations and the negotiation mandate. The mandate for certification was decided through agreement in other Council working groups. Thus, in the forest negotiations, the EU had to form its negotiation position according to a broader decision. The trade element created a narrow mandate for the EU in the negotiations on certification. The negotiating context was difficult to interpret in this case, as there was no clear policy choice at stake in the negotiations. As the EU wanted to preserve certification as intact as possible, its preference was interpreted as closer to defending the status quo. Consequently, certification constituted a conservative case. The theoretical framework asserts that a combination of a narrow mandate and a conservative negotiating context would have made the EU influential. The EU had the institutions "in place", but still, its influence

was limited. The institutional structures of the EU predicted that the EU should be influential. As the EU only had some influence, the explanatory value is lower in this case.

The ideational explanation had the most profound explanatory power in this case. The prediction was that the EU should be influential when it nested its policy frame to a meta-level frame, which the EU did. However, the coexistence of a second meta-level frame, to which other actors nested their policy frame, made it impossible for the EU to influence the negotiations and the outcome. The interpretation of this situation was that the EU should have some influence, but was limited due to coexisting meta-level frames. The existence of two parallel meta-level frames, to which each of the opponents managed to nest their respectively policy frame, explains why the EU had some influence in this case.

This case study raises several important points that refine the understanding of the EU's influence. This represents a case when the EU was organised, it had a strong preference and interests, should have been enabled by the institutions, and it managed to nest its frame to one dominating meta-level frame. Even so, the EU was not as influential as it should have been, according to the predictions. This case proved to be a difficult case for the theoretical framework to explain. The first two explanatory factors have rather weak explanatory power, while the third factor can explain the case. The combined factors indicate a strong and influential EU that should have been able to act forcefully and convince opponents of its position. However, the outcome of limited influence suggests the explanatory power of the framework is lower in this case. This case shows that the EU did not contribute to constructive cooperation. Instead, it rather (together with other actors) created gridlocks that rendered difficulties in other issues of the negotiations.

6 Financing Sustainable Forest Management: Efficiency or Sufficiency?

The discussions on the establishment of a global forest fund became an obstacle in the negotiation process. Justifications for a fund included developing countries need for funding the transition to sustainable forest management. The opponents advocated better use of existing funds before establishing new mechanisms. The debate on a fund was marked by the classic North – South divide that typically surfaces in negotiations on development related issues. Delegates returned to the issue of a global forest fund throughout the negotiations. Ultimately, no fund was established, although there are suggestions of establishing a voluntary fund in a near future. The EU argued against the creation of a forest fund, stressing alternatives of private funding and argued for exploring existing funds and mechanisms. The EU did not manage to fight the issue off the agenda. However, its most important goal of not establishing a fund was achieved. Debate on the topic was marked by strong tensions among the delegates. In the forest negotiations, the issue of a global forest fund and financial issues in general relate to a broader discussion over the financing of the implementation of global environmental politics. This discussion serves as a starting point for this chapter and the negotiation process, the outcome, and the EU's position on these issues are outlined. Subsequently, EU's influence in this case is analysed and the outcome explained.

6.1   The Environment – Development Nexus

The debate on financial issues in the global environmental context originates from questions about responsibility for environmental degradation, and ultimately concerns issues of equity (Chasek et al. 2006). The effects of global environmental degradation have led to an understanding that political action is needed. Developed countries, which account for the major part of environmental degradation, have had to accept their responsibility for addressing these problems. Developing countries also need to act, but have difficulty taking this responsibility and are reluctant to consider global environmental problems in their national politics, unless additional funds from developed countries materialise. In order to attain international consensus and improve global environmental cooperation, provision of additional financial support has proved crucial (Streck, 2001).

A central theme in global environmental politics is "distributive justice"[28], which comprises the merging of environment and development (Parks and Roberts, 2006: 330). Poor countries that fear future restrictions on their economic growth have to threaten non-cooperation and appeal to socially shared norms of social justice in order to achieve this outcome (Parks and Roberts, 2006). The debate on distributive justice in the context of global environmental politics has been present since UNCHE in 1972, and has been a recurrent theme in this context since then. The message from UNCED was that more aid from rich to poor countries is necessary to finance environmental protection. The commitments have not been honoured. At UNCED, rich countries commit to providing US$ 125 billion (of necessary US$ 625 required to implement Agenda 21). The total of all global assistance to developing countries was US$ 52.3 billion in 2001 (Clapp and Dauvergne, 2005: 207). Since then, financing has been a constantly recurring issue in international environmental negotiations. Lack of financial resources is often used as the primary explanation for why countries do not implement and comply with environmental standards (Chasek et al. 2006).

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[28] Distributive justice concerns justice in relation to allocation of goods in a society and focuses on fair outcomes (Konow, 2003: 1189).

Both rich and poor countries agree that in this context more aid is needed, but they disagree on where it should come from, how much is needed, and how it should be allocated. Furthermore, disputes have arisen over the conditionality of environmental aid, that is, over the restrictions donors attach to the aid, sometimes this is broad policy reforms, such as with structural adjustment loans, or specific measures to protect the environment (Clapp and Dauvergne, 2005). Traditionally, Official Development Assistance (ODA) is seen as the source for "new and additional" resources. Private funding is an alternative to increased ODA and developed countries tend to emphasise this source of funding in international environmental negotiations. However, the environmental impact of private global financing on developing countries is unclear. Private financing is more difficult to hold accountable than public funding (Clapp and Dauvergne, 2005).

In this context, the Global Environment Facility warrants mentioning. Before the UNCED meeting, an environmental fund was established: the Global Environment Facility (GEF). The GEF is a multilateral fund for financing additional cost for countries where projects have global environmental benefits.[29] The GEF assists countries to meet their obligations from international environmental conventions they have signed and ratified. The GEF has been heavily criticized, *inter alia*, for its commitment to only funding incremental costs of projects, the dominant role of the World Bank, and the weight given to donors rather than recipients (Clapp and Dauvergne, 2005).

Discussions on financial resources in the context of the forest negotiations have followed a similar pattern as other international environmental negotiations. The focus in the forest negotiations is on how to finance sustainable forest management. In the Preparatory meetings of the UNCED negotiations, transfer of financial resources and

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[29] The GEF is the designated financial mechanism for a number of multilateral environmental agreements (MEAs) or conventions: Convention on Biological Diversity (CBD); United Nations Framework Convention on Climate Change (UNFCCC); Stockholm Convention on Persistent Organic Pollutants (POPs); UN Convention on Combatting Desertification (UNCCD).

technology were the two issues that developing countries most frequent linked to forests (Strong, 1991) and financial issues came to dominate these negotiations. During the UNCED-meeting, developing countries frequently used the phrase "compensation for opportunity cost foregone", which would be in the form of financial and technology transfer (Humphreys, 1996: 91). This emanates to issues of distributive justice that were already a theme in UNCHE 1972 and gained force in the UNCED and the WSSD meetings (Parks and Roberts, 2006: 330). In the forest process after the UNCED conference, the debates in the forest negotiations focused on sources and forms of funding (Braatz, 2003).

Developed countries emphasise that resources could come from many different sources, in particular from private funding. This was an effect of a change in strategy by the developed countries, in which they tried to broaden the range of financial issues on the agenda and avoid being continually placed in the position of refusing developing countries' demands for the commitment of new and additional resources (Humphreys, 2006). Linked to this debate is the question of whether or not ODA is declining (ENB: 1996). Mobilisation of international financial resources for sustainable forest management has remained one of the most critical and politically sensitive issues deliberated since UNCED. The main dividing line is between those who emphasise need of increased ODA and those who view private funding as an important alternative for financing sustainable development of forests (Joshi, 1999). The arguments in this debate have been that resources are available but are not used efficiently, which is opposed by those who stress there is not sufficient resources, particularly in light of declining ODA. A number of proposals for strengthening financial resources have featured in the negotiations. One of these has been to create a global forest fund. International deliberations on a proposal for establishing such a fund turned out to be one of the most politically sensitive policy issues in the forest negotiation process (Joshi and Chipeta, 2001).

6.2   Negotiations on a Global Forest Fund

In the negotiation process, one side of the familiar debate on sources and forms of finance focused on the need for new and additional resources in order to achieve sustainable forest management, which have been manifested in demands for a global forest fund. The other side emphasised the fact that there are several sources of funding besides ODA and that existing financial mechanisms should be considered before creating new ones. Those defending the proposition of a fund consider it as a tool for assisting the international community in combating deforestation and forest degradation in developing countries, and in promoting sustainable forest management worldwide (Tomaselli, 2006). The arguments in favour of establishing a global forest fund are based on the need for new and additional financial resources, which *inter alia* would pay for "global environmental services provided by forests and underlie the transition from unsustainable to sustainable forest management" (Chipeta and Joshi, 2001 29-30). The argument has been expressed as "if funds were available for paying for these kinds of goods, people would be compensated for preserving trees instead of logging them" (e.g. carbon sequestration is an example of a global public good provided by forests) (Joshi, 1999: 21).

The detractors of a global forest fund are concerned that a fund would merely reallocate ODA, rather than contributing to new and additional resources (Joshi and Chipeta, 2001). In practice, this would mean that resources already available for forest management are merely become redistributed. In addition, there are voices that caution against creating environmental funds without the support of GEF, as experience has shown that environmental funds outside GEF are under funded (Rechkemmer, 2005). Another important and familiar critique in this context stresses that instead of creating a new forest fund, it is essential to make effective use of existing funds and mobilise domestic resources (Joshi and Chipeta, 2001).

The proposal of a global forest fund was broached during the last session of IPF, held in 1997. This proposal found support in calls for new and additional resources articulated at the UNCED and the promise made in

the Forest Principles: "new and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources, including through afforestation, reforestation and combating deforestation and forest and land degradation" (United Nations, 1992: para. 10). With the message from the UNCED and in light of declining ODA in the 1990s, developing countries asserted that a new global forest fund was needed. At the fourth session of the Panel, Brazil proposed establishing a global forest fund. The proposal created much debate. Opposition to a fund focused on three things: lack of consensus on the need for a fund; the late timing of the proposal; and the need for further studies before it was considered. Despite the opposition, the final document mentioned a new forest fund. However, opposition from donor countries was clearly presented and the proposal was listed alongside options to increase funding in other ways (ENB, 1997).

During the IFF, the idea of a forest fund gained strength and there were several calls for the establishment of such fund throughout the Forum's sessions. The arguments were similar to those featured at the IPF. The EU, together with other developed countries, emphasised the importance of reviewing existing mechanisms before discussing a new fund. Some countries wanted to examine the GEF as a potential source of funding for forests before creating new financial mechanisms. In addition, several actors questioned the need for new funds, as they might detract from other investment creating alternatives. Proponents responded that a fund would not detract from other resources. Canada, a strong convention proponent, tried to link the fund to a convention in stating it could be useful to discuss a new fund in the context of the convention. As discussed below, the EU had similar thoughts. At the second session of the Forum, delegates requested a comprehensive evaluation of the GEF and other financial mechanisms regarding the potential for financing sustainable forest management. (ENB, 1998.) The Forum failed to reach consensus on the creation of an international forest fund.

During the negotiations at the IFF, developed countries tried to repackage the phrasing of the text on resources and instead of "new and

additional", they introduced "innovative" funding, which could have paved the way for other sources (ENB, 2000: 13). However, the fact that they were not going to offer new resources remained (ENB, 2000), neither was there agreement on expanding and reviewing the scope of existing mechanisms. The final text states "the Forum discussed, but did not reach consensus on whether to establish a global forest fund" (ECOSOC, 2000a).

The debate continued at the UNFF. The concern was still where funding should come from: new or existing resources. As in previous sessions, divisions between proponents of a global forest fund and its detractors were evident. The reports from the second and fourth sessions of the Forum clearly note the lack of consensus between the both sides in this debate:

> There was an urgent need […] to increase the efficiency and effectiveness of existing mechanisms to help mobilize and channel funds for sustainable forest management (ECOSOC, 2002: para. 26),

> It was pointed out that although establishing a global forest fund continues to be an important issue, establishing new funds would require substantial contributions as well as effective mechanisms for deploying the money (ECOSOC, 2002: para. 31).

One of the three ad hoc expert group created at the UNFF was tasked with finance and the transfer of environmentally sound technologies. The report of the expert group on financial issues recorded the lack of consensus on the issue: "The concepts of an institutional investment promotion entity drawing its resources from the private and public sectors and of a global forest fund, among others, were discussed at the meeting but did not result in any particular recommendation" (ECOSOC, 2004: para. 43). Thus, the delegates were clearly divided over the creation of a forest fund.

The fifth session focused on how to strengthen the Institutional Arrangement on Forests (IAF), and financial resources were at the centre of the discussions. All key proposals for strengthening IAF were followed

by insistence of new financial resources as a guarantee for implementation (ENB, 2005). Developing countries continued to argue for establishing a global forest fund, which was not accepted by the donor countries. Instead, they tried to distribute some of the financial responsibility to international organisations and the private sector. Similar to in previous negotiation sessions, the demand for financial assistance was followed by insistence on policy commitments from donor countries. However, developing countries did not consider promises of new funding in exchange for policy commitments as credible (ENB, 2005). When a proposal suggested deleting a paragraph on creating a global forest fund, G77 proposed "basing the fund on new and additional financial resources on a voluntary basis rather than commitments" (ENB, 2005: 8).

The same discussion continued at the Forum's sixth session, where discussions on the fund followed predictable patterns; developing countries called for the establishment of a global forest fund and developed countries stressed the importance of more efficient use of existing resources (ENB, 2006b). However, for the first time, the concept of a global forest fund survived although in "a very weak form" (Davenport and Wood, 2006: 319). A paragraph calling for assessment and review of current funding mechanisms stated:

> Including if appropriate, the possibility of having a voluntary global funding mechanism as a contribution towards achieving the global objectives (ECOSOC, 2006, para. 5e).

The G77 proposal from 2005, where "on a voluntary basis" was added, appears to have made it possible for developed countries to accept the wording on a funding mechanism in the report.

The sixth session was followed by an expert group meeting for considering the content of the non-legally binding instrument. Despite the agreed wording in the report from the sixth session, the issue of a global forest fund became one of the most contentious topics. The alternatives under consideration were similar to previous negotiation

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sessions: a new global forest fund or assess and review current funding mechanisms (ENB, 2006a).

The discussions continued into the seventh session of the Forum. At the very end of the negotiations, a compromise text was presented with the phrasing:

> On developing and considering for adoption, if appropriate, at UNFF8 a voluntary global financial mechanism/portfolio approach/forest financing framework, and convening an ad hoc expert group to develop proposals for developing a mechanism (ECOSOC, 2007).

Some developing countries wanted to delete "if appropriate", but developed countries stated that "it would be impossible to decide to adopt a financial mechanism at UNFF8 at this meeting" (ENB, 2007: 9). Together with the African Group, the EU suggested a compromise phrasing: "decide to develop and consider with a view for adoption at UNFF8" (ENB, 2007: 9), on which delegates agreed. Hence, the non-legally binding instrument does not have any concrete text on a global fund; however, there are provisions in the text that the issue will be addressed at UNFF8 in 2009 (ECOSOC, 2007). The concept of a global forest fund was finally placed on the agenda; however, as noted above, the word "voluntary" makes it quite weak and does not imply commitment from the donor countries.

6.3 The EU and the Negotiations on the Global Forest Fund

The EU has been against the creation of a new forest fund. For these countries, negotiations on the fund concern strategy and emphasising alternative sources of funding. During the IFF-sessions, when the issue of a forest fund was repeatedly raised, the EU emphasised the importance of assessing existing mechanisms and initiatives before considering new funds or mechanisms. In later sessions of the IFF, the EU returned to this argument and stated that "a forest fund would counteract mainstreaming of existing funding mechanisms" (Ministry for Foreign Affairs of Finland,

1999). In a response to the G77 proposal of considering the creation of an international forest fund, the EU suggested:

> Using National Forest Programmes to identify appropriate financial strategies and funding requirements for SFM and promoting effective utilization of available financial resources (ENB, 1999: 4).

With this statement the EU stressed, that instead of inventing new mechanisms, focus should shift to existing resources and the national level. In line with this, the EU highlighted the need for evaluating existing mechanisms for finance before discussing a new financial mechanism:

> The EU is of the opinion that the financial needs for sustainable forest management should be met through effective mobilisation of domestic resources […] countries should also focus on the more effective use of available funds. The EU believes that existing financial instruments should be used to channel the mobilised resources into sustainable forest management (Presidency of the EU, 1998: para. 2).

Hence, the EU preferred to investigate existent funds and mechanisms for financing sustainable forest management and to ensure this happened, the EU asked the IFF's Secretariat to evaluate existing financial instruments before launching any new initiatives (Presidency of the EU, 1998: para. 5). The strategy appeared to have been to prevent, or at least, to postpone the claims for a forest fund.

Internally, there was consensus among member states regarding the rejection of a new forest fund. The internal discussions focused on tactics, e.g. how to "package" the message, so the EU would not be considered negative. Several member states stressed the importance of the EU being clear on its position, and at the same time, diplomatic (Swedish Ministry of Industry, 1999a). This appears to have been important for the EU, and in a statement at the third session of IFF, held in 1999, the EU dedicated two paragraphs to clarifying its position on a fund. In the first, the EU highlights the alternatives to a fund:

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> Regarding the option to establish an international forest fund […], the EU stresses the importance and wide spectrum of existing financial structures […] (Presidency of the EU, 1999: para. 3).

Then the EU emphasises the disadvantages of a fund:

> A special fund for international co-operation to promote SFM would counteract the needed mainstreaming of funding within existing instruments and would itself not secure increased funding (Presidency of the EU, 1999: para. 3).

In the internal preparations for the fourth session of the Forum, the EU stressed that any language about "new and additional financing" was unacceptable (Swedish Ministry of Industry, 1999c). In drafting the EU's position on financial issues for this negotiation session, the Presidency expressed that:

> To consider the possibility of creating an international fund is not acceptable to the EU and it does not reflect consensus and should be deleted (Presidency of the EU, 2000, para. 12e).

On this issue, the EU was united. During the main negotiation session, the issue of a global forest fund became contentious. The EU tried to transfer this issue and other difficult financial issues under element III[30], in order to focus the issues. The goal was to achieve a better overview of the consequences and conditions for the improvement of existing mechanisms. However, the G77 could not accept this and presented a counter-proposal, which still contained clear demands on a forest fund and GEF adjustment. The EU considered this a step-back in the negotiations and rejected the proposal. The result of the negotiations was that the final document contained text stating the forum discussed but could not agree on the three proposed measures regarding financing of sustainable forest management (Swedish Ministry of Industry, 2000: 7-9). The other two were related to the international fund: to assess and develop new improved financial mechanisms and assess if existing

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[30] Programme element III International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests

financial mechanisms, e.g. GEF, could be used in order to finance sustainable forest management and possibly widen the mandate for these mechanisms (Swedish Ministry of Industry, 2000: 8)

During the UNFF, the EU's position on a fund remained solidly against any new financial mechanisms. The EU reiterated the importance of making sustainable forest management self-financed in the long-term and ensured its devotion and commitment to development cooperation. The EU also acknowledged the continuing need for ODA flows, especially to the poorest countries (Presidency of the EU, 2001; Swedish Ministry for Foreign Affairs, 2001). Facing the first session of the UNFF, the EU's opinion was that the deliberations of financial issues should focus mainly on what could be done at the national and regional levels (Presidency of the EU, 2001).

The EU's internal discussions reveal a stern position with strong rhetoric on the issue. An internal position paper states:

> It should be underlined that the UNFF is not the forum to discuss and agree upon financing for development with focus on forestry, but to develop polces to enhance the effectiveness of existing financial resources and support the creation of an enabling environment for investments (EU Draft position paper, 2003).

Similar thoughts were expressed when preparing the strategy for the expert group meeting:

> There will be a discussion on a "global forest fund", but it is paramount that there is no mutual understanding or position within the EU on the issue of creating a new financial mechanism. Any agreement on such a mechanism would depend on much broader policy decisions. Therefore, the EU will clearly flag its reservations in case such recommendation is elaborated by the ad-hoc working group (EU Draft position paper, 2003). [31]

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[31] This statement has complicated wording, which can be somewhat confusing. The meaning of "there is no mutual understanding or position within the EU on the issue of creating a new financial mechanism" is that there is an agreement among the member state not to create a new financial mechanism.

During the fifth session of the Forum, the EU repeated its position: "The EU reiterated that it could not accept any new international [financial] mechanism" (Swedish Ministry for Foreign Affairs, 2005b). Also, in the EU preparations for UNFF7, the familiar position of not creating new structures was revisited and the EU emphasised its favouring of strengthening and adapting already existing instruments. "The EU needs to consider possible options with regard to means of implementation, *inter alia* as a bargaining chip to achieve a strong instrument" (EU Non-paper, 2007).

For the EU, negotiations on a global forest fund entailed a much manoeuvring and this resulted in two tracks of bargaining. First, it was important for the EU to be clear that it could not agree on a forest fund. At the same time, the EU did not want to appear negative when denying additional ODA. Typically, the "no" was sweetened in such statements as:

> ODA will of course remain of great importance in securing SFM, and the EU confirms that it will continue to play a leading role in providing ODA in the forest sector (Presidency of the EU, 1996: para. 5).

The EU also cautioned that:

> development finance must however continue to become more targeted and co-ordinated, […] with a particular emphasis on supporting local and private funding on generation of revenues from the forests themselves (Presidency of the EU, 1996: para. 7).

The second track was a strategy to connect the forest fund to the convention. In response to the demands for new and additional resources, *inter alia* a forest fund, during the IPF, the EU tried to link the issue to a convention with both "carrots and sticks". In a non-paper, the EU emphasised the possibility to allocate funding to forests would increase with an agreement on a convention:

> The European Community also increased its specific financing for tropical forests in the hope that eventually a convention would be adopted. A convention could provide a framework for funding arrangement and might

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attract additional funds to flow into the sector, or at least stabilize present levels (EU Non–paper on financial matters, 1997: para. 3).

Simultaneously, the EU highlighted that for increased funding a convention required: "Without a convention this money may be allocated to other purposes" (EU Non–paper on financial matters, 1997: para. 5). The following also reflects the EU's strategy:

> Without a convention it is a real danger of forests slipping down the list of ODA priorities in favour of other sectors with a clear framework for action"(EU Non–paper on financial matters, 1997: para. 5).

At the same time, the EU was unwilling to concede on a new forest fund: "The EU rejects a new financial mechanism within the framework of a convention and stresses that the financial needs to achieve sustainable forest management should as much as possible be reached by mobilization of national resources, including incomes from the forest sector and foreign investments. Sustainable forest management can also lead to access to new markets for forest products" (Swedish Ministry of Industry, 1997a: 8). Hence, the EU was eager to assert the opportunities of increased financial flows, if a convention would come into place, but was unwilling to promise new additional resources in the form of a fund. The EU was resisting a global forest fund throughout the negotiation process, and appeared dedicated to maintaining this position.

6.4   The Outcome of the Negotiations

To summarise the outcome, the long debate over a global forest fund did not result in the establishment of such fund. The reports from the IPF and the IFF state it was not possible to reach consensus on the issue of a global forest fund (ECOSOC, 2000a; ECOSOC, 1997b). In the report of UNFF 5, there is a list of alternative sources of funding to consider, reflecting the inability to agree on the topic (ECOSOC, 2005). At the sixth session of the Forum, the issue of a global fund survived for the first time in the report (ECOSOC, 2006). As mentioned above, the non-legally binding instrument does not contain concrete text on a future funding mechanism or fund, but the draft ECOSOC resolution

outlines the process for addressing the issue at UNFF8 in 2009 (ECOSOC, 2007). (See Table 9. for an overview).

Generally, the outcome reflects the disagreement between those who wished to establish a forest fund and those who resisted such and instead stressed the importance of utilising existing resources. The moves for a global forest fund failed; the small victory for this camp was future considerations of financing mechanisms. However, the language in the outcome documents emphasises the voluntarily character of a potential new financial mechanism. Thus, the outcome of the negotiations on the global forest fund reflects developed countries aversion to a fund; they could agree to keep the word fund on the future agenda as long it was voluntarily, but not to making commitments for new resources.

Table 9: *Overview of the outcome of the negotiations on a global forest fund.*

Intergovernmental Panel on Forests (IPF)
The Panel also discussed the proposal that an international fund be established […] without a consensus being reached on those or other possible procedures: 68 (a) To urge the establishment of such a fund; 68 (b) To invite the international community to discuss the proposal; 68 (c) To pursue action to enhance funding in other ways, *inter alia*, as proposed in paragraph 67 (f) above (ECOSOC, 1997b: 26, para 68).
Intergovernmental Forum on Forests (IFF)
The Forum discussed but was not able to reach consensus on the following proposals for action: (a) Continue further exploration, identification, and development of new and improved and more effective financial mechanisms, and further explore the potential and results of innovative use of existing mechanisms […] and sharing experience and information on such mechanisms; (b) Create an international forest fund to support, *inter alia*, the additional costs during the transition period towards sustainable forest management (ECOSOC, 2000a, para. 31)

United Nations Forum on Forests (UNFF–5)
(g) Creating a global forest fund through new and additional financial resources on a voluntary basis; or (g) alt Creating a global forest fund as part of the United Nations Forum on Forests Trust Fund or (g) alt2 Inviting the governing body of the National Forest Programme facility hosted by the Food and Agriculture Organization of the United Nations to establish a fund to support national actions to implement sustainable forest management; (g) alt2 bis Also inviting the governing body of the Programme of Forests hosted by the World Bank to establish a fund to facilitate collaborative work among members of the Collaborative Partnership on Forests at global and regional levels; (g) alt2 ter Urging countries to contribute to the National Forest Programme facility and the Programme of Forests for these specific purposes as mentioned in paragraphs 1 and 2 above; (ECOSOC, 2005, para. 5)
United Nations Forum on Forests (UNFF 6)
(e) Assessing and reviewing the current funding mechanisms, including, if appropriate, the possibility of setting up a voluntary global funding mechanism as a contribution towards achieving the global objectives and implementing sustainable forest management (ECOSOC, 2006, para. 5e)
United Nations Forum on Forests (UNFF 7)
Decides to develop and consider, with a view to adopting at the eighth session of the Forum, a voluntary global financial mechanism/portfolio approach/forest financing framework for all types of forests, aiming at mobilizing significantly increased, new and additional resources from all sources, based on existing and emerging innovative approaches, also taking into account assessments and reviews of current financial mechanisms, to support the implementation of sustainable forest management, the achievement of the global objectives on forests and the implementation of the non-legally binding instrument on all types of forests (ECOSOC, 2007, para.4)

6.5 Analysis of the EU's Influence on the Negotiations of a Global Forest Fund

As the foregoing discussion outlines, the most important goal for the EU was to avoid the creation of a global forest fund: this goal was clearly achieved in the beginning of the process, as the documents in Table 8 highlight. The decision to create a voluntary fund should not be seen as a concession from the EU: the amendment "voluntary" substantially

weaken the commitment to a fund. In addition to the overarching goal, the EU tried to have the issue removed from the agenda by emphasising evaluation of existing mechanisms and funds. Most likely, the EU wanted to establish there were no new resources available, and move the focus towards other alternative sources of funding and towards more efficient use of existing resources. The issue of a forest fund resurfaced at every session, with the same arguments and counter-arguments. Hence, the EU was unable to fulfil this goal, i.e. it had less influence on the process (described as "get the issue off the agenda" in Table 10). However, the EU managed to achieve its most important goal in these negotiations: no new financial mechanisms or funds were established, i.e. it had influence on the outcome in this case. This goal attainment is indicative of the EU as being influential in this case.

Table 10: *Summary of the EU's goal achievement regarding the global forest fund.*

Goal of the EU	Achieved	Partly achieved	Not achieved
Not to create a global forest fund	X		
Get the issue off the agenda			X

6.6 Interest-based Explanation of the EU's Influence

In this case, the EU had influence and in this section interests and preferences are examined in order to explain this outcome. The foregoing discussion shows that the EU held a collective preference throughout the whole negotiation process against creating a global forest fund. The preference is identified in various documents. In particular, internal discussions reveal the preference against the establishment of a forest fund, e.g.: "there is no mutual understanding or position within the EU on the issue of creating a new financial mechanism." (EU Draft position paper, 2003) and "The EU reiterated that it could not accept

any new international [financial] mechanism" (Swedish Ministry for Foreign Affairs, 2005b).

As discussed in Chapter Two, the strength of the preference is related to actors' interests. Here, the EU's the underlying interests are examined to determine whether they strengthened the preference the EU held regarding the global forest fund. The issue of a global forest fund is intimately linked to developing assistance, an area related to several different interests, which makes identification of interests complex. In general, development policy entails the transfer of financial resources for economic and social development and involves political considerations, such as the promotion of human rights and democracy assistance (Carbone, 2008). Thus, ODA involves a wide range of applicable interests and not all are material in character, e.g. poverty alleviation, colonial ties, market access, and environmental goals such as reducing the ecological footprint and spreading sustainable forest management. However, when examining the strategy the EU pursued in this case, i.e. stressing the importance of private funding for sustainable forest management, it is possible to link the preference against a forest fund to economic interests.

On several occasions in the negotiations, the EU emphasised the importance of making sustainable forest management self-financing. There are two advantages to this, costs of improvement of forests would be covered by funding outside governmental budgets, and markets are created for environmentally sound technologies. Hence, economic interests stand out as important in this case. However, this might oversimplify the EU's interests, as the EU also is dedicated to development and environmental goals. The complex linkages to other areas dilute the connection between the material interest and the preference to some extent. However, the EU's strong focus on self-financing indicates that economic interests are of importance in this case. Thus, interests are considered as an indicator of how important the preference is for the EU.

The analysis of the unity of the member states does not reveal division among the member states regarding this preference. On the contrary, the

unity of the member states was mentioned several times in the notes from internal EU meetings. The absence of discussion, and internal discussions mainly focused on tactics, indicate accordance among the member states. This perception is further strengthened in the formulations in position papers, for instance:

> […] there is no mutual understanding or position within the EU on the issue of a new financial mechanism. […] the EU will clearly flag its reservations in case such recommendation is elaborated by the ad-hoc working group (EU Draft position paper, 2003)

> The EU reiterated that it could not accept any new international [financial] mechanism (Swedish Ministry for Foreign Affairs, 2005b).

The fact that no member state objected to these straightforward formulations indicates alignment among the member states. Hence, the perception is that there was a unity among the member states. The preference also appears to have been consistent throughout the entire process. Of the scenarios outlined in Chapter Two (see Section 2.4 and Table 2.), scenario 1 applies to this situation: If all member states have the same preference and this preference is strong, the EU should be influential as it will act on its position of strength and unity. As mentioned before, it is not likely that all member states hold identical preferences, but in this case there was no divergence among the member states on this topic. They even appeared remarkably united on the issue of a global forest fund.

The member states held the same strong preference against the establishment of a forest fund, and the EU did not consider this an option. In addition, the interest underlying the preference increased the strength of the preference. Hence, in this case, the collective EU preference was strong and the EU was influential. Thus, interests and preferences explain the outcome. The EU acted from a position of strength and could influence the outcome. In this case, the explanatory strength of this factor is high.

6.7 Institutional-based Explanation of the EU's Influence

The theoretical framework predicts that the EU should be influential if a combination of the attributes in the institutional structure and the negotiation context was favourable. In addition, competence and negotiating strategy could affect the outcome. The issue of financing sustainable development crosses the boundaries of a number of policy areas, such as environment, development, and trade. In this case, competence is shared; hence, the Presidency represented the EU in financial discussions and there were no discussions on competence in this case. The mandate for negotiations on the fund does not directly express that no fund should be created, in fact the forest fund is barely mentioned in the Council conclusions. Instead, the formulations of the mandate brought up financial issues in general terms, but with a clear emphasis on making sustainable forest management self-financing, the importance of several complementary sources of funding, and to strengthen existing financial mechanisms (see below). The negotiating mandate did not explicitly state the EU should avoid a fund. Instead of stating what the EU wanted in the negotiations (no global forest fund), the mandate stressed the alternatives the EU favoured.

The negotiation mandate for the negotiations on the global forest fund could be found in the Council conclusions of 2002, 2005, and 2007:

> Underlines that one of the main challenges to achieving sustainable forest management is to make it self financing in the long run. Public, private, domestic and international sources have complementary roles in achieving this goal (Council of the European Union, 2002: para. 5).

> […] notes in this respect that financing arrangements for achievement of sustainable forest management require strengthening and access to financial resources at the international level. Existing mechanisms at global, regional and national level should be further strengthened and supported by current bilateral and multilateral programmes (Council of the European Union, 2005a, 8305/05: para. 16; Council of the European Union, 2005b, para.16).

> ACKNOWLEDGES the continued need to strengthen and adapt existing financing sources in support of SFM and STRESSES in this regard that creating an enabling environment for financing of SFM and incorporating

SFM among the priorities under Poverty Reduction Strategies and similar cross-cutting strategies are indispensable for achieving SFM; RECOGNISES that a value-added NLBI, as described above, will also require the development of new mechanisms and innovative ways of efficient SFM financing from all sources; CONSIDERS that further coordination of international and public forest-related funding is needed and that UNFF7 should invite the Global Environment Facility (GEF), the World Bank and other financing institutions and mechanisms to come forward with proposals to that effect (Council of the European Union, 2007, paras. 10-12).

This phrasing of the mandate provided a general written formulation regarding financial issues and it is problematic to explicitly word the mandate so as to avoid a fund. That would be undiplomatic and generate a negative image of the EU. However, even if there was a lack of explicitness, the mandate expresses what the EU should work towards in the negotiations on the fund. The emphasis in the mandate on "self-financing", "public and private sources", and "further strengthening of existing mechanisms" indicates what the EU wanted in these negotiations. Thus, the mandate is restrictive in the sense that it is quite obvious what the EU wanted and what it could accept. The mandate for the seventh session of UNFF was slightly different in that the EU recognised the non-legally binding instrument would require new financing mechanisms. However, the need to strengthen existing financing and discussing financing from different sources was still emphasised. This should be seen in the light of that the new mechanism to be discussed in future sessions is voluntary.

The perception of a narrow mandate is further strengthened by internal EU discussions on strategy. The mandate was not discussed in the Council working group meetings, all member states appeared to agree on the problems connected with creating a new fund. In addition, a decision of a forest fund goes beyond what can be decided in the Council working group on forestry as outlined above by the following quote:

> Any agreement on such a mechanism would depend on much broader policy decisions. Therefore, the EU will clearly flag its reservations in case such recommendation is elaborated by the ad-hoc working group (EU Draft position paper, 2003).

This indicated the EU could not make a decision on a fund in this context as its decision depended on a broader EU decision-making context. In summary, the EU's mandate for the negotiations on a global forest fund was narrow, which did not allow the EU to move from its position.

The EU's position in this case is against creating a fund and thereby against change. The negotiation context of the global forest fund is considered to be conservative where the EU's orientation is to defend the status quo. Turning to the predictions outlined in Chapter Two (see Section 2.5), this situation resembles with scenario 1: If the negotiating mandate is narrow and the position is conservative, the EU should be influential, as the EU has strict orders to defend a position. The combination of a narrow negotiating mandate and a conservative case, proved to be beneficial for the EU's influence in the case of a global forest fund. The EU could not be flexible in these negotiations. The strategy used in this case, i.e. shift the attention towards alternatives and arguing that a decision on a fund could not be taken in the context of the forest negotiations, further strengthened the EU on this topic. The EU managed to make the constraining institutional structures an advantage. Institutional structures have explanatory power in this case, as the EU had influence.

6.8 Ideational-based Explanation of the EU's Influence

As aforementioned, the EU's influence can, in addition to interests, preferences and institutional structures, be analysed through ideational frameworks. This approach allows examination of how the EU framed its policy choice and whether or not this framing nested with broader meta-cultural values. The section follows the same procedure as the analysis of ideas in the other issue cases: first the policy frames and meta-

level frames are identified, followed by a discussion on which meta-level frame that dominated the negotiations, then the EU's framing of the issue of a global forest fund and the nesting of its frame is analysed. Table 11 provides an overview of the frames.

The actors in the negotiations on the global forest fund appeared to have constructed the problem they wanted to address in two different ways. The first emphasises better use of existing resources and innovative use of existing mechanisms (ECOSOC, 2000a). This underlines the perspective that sustainable forest management should be made self-financing in the long run. Public and private sources of funding have complementary roles in achieving this goal (Council of the European Union, 2002). The second way of constructing the problem stresses that a global forest fund is necessary for achieving sustainable forest management as new resources are needed in this area. A fund would contribute to resources directly to forest management, which would enable developing countries to combat deforestation and forest degradation (ENB, 1997). Two policy frames represents these views and they emphasises the theme of the debate: the existing resources frame and the new resources frame. Thus, the existing resources frame constructed the problem in terms of existing resources not being used efficiently and the new resources frame constructed the problem as a lack of resources for financing sustainable forest management. According to this frame, the problem was not that existing resources were used inefficiently; it was a matter of insufficient resources.

The next step in the analysis is to identify the meta-level frame from which the policy frames are derived. The arguments used in the negotiations are recognisable from the broader debate on how to finance sustainable development in general. As the preceding discussion has outlined, this debate focuses on issues of where funding should come from, how much is needed and how it should be allocated. As outlined in the beginning of the chapter, this debate origin from questions of responsibility for environmental degradation, and ultimately concerns over equity issues. The argument is that existing resources are not efficiently used, opposed by the argument that existing resources are not

sufficient. The dichotomous views on this topic are illustrated in an interview:

> The discussion on financial issues in the UNFF is the same as in all environmental negotiations. Either existing ODA is not sufficient to finance implementation of agreements etc, or the existing funding is not used efficiently (Interview no. 49).

The negotiations on financial issues in general appear to have focused on these opposing perspectives:

> The question is not one of efficiency, but whether enough resources have been mobilized to measure up to the task at hand" (ENB: 1995: 5)

> Improve the effectiveness and efficiency of available resources for SFM (ENB: 2000:4).

The two dichotomous metaphors dominating in this case appear to be: sufficiency versus efficiency. The negotiations on the global forest fund are a version of these meta-level frames. Calls for "new and additional resources" found support in the sufficiency frame, which asserted concerns of equity and responsibility for environmental degradation. The sufficiency frame had dominated forest negotiations before 1995, and continued to be influential in this process. However, over time, the efficiency frame became more influential in the process, as the moral advantage of the sufficiency frame appeared to be undermined due to developments in other environmental processes (Interview no. 55). At the beginning of the forest process, the developed countries learned to exploit the efficiency frame in financial discussions. They were uncomfortable being placed in a situation of constantly denying developing countries demands for new and additional funding. Instead, they started to stress alternative funding and efficiency (see also Humphreys, 2006).

Table 11: *Policy frames and meta-level frames in the negotiations on a global forest fund.*

Meta-level frame	Efficiency	Sufficiency
Policy frame	Existing resources	New resources

The EU's policy frame is the existing resources frame. In identifying this policy frame, it was possible to distinguish how the EU clearly expressed its preferred policy option: not to establish a global forest fund. In pursuing this objective, the EU highlighted the need of using existing resources more efficiently. This was further proved by the EU's manoeuvring in order to achieve its goal. The EU appeared to draw attention to the disadvantages of a fund and highlighted the alternatives to a fund instead of clearly stating no to the suggested policy, e.g. "a forest fund would counteract mainstreaming of existing funding mechanisms" (ENB, 1999: 5) and "the limitations existing international financial arrangements and funds have in supporting sustainable forest management" (ENB, 1999: 4). The argument of efficiency was also used: "promoting effective utilization of available financial resources" (ENB: 1999: 4).

The other policy frame that dominated the negotiations, the new resources frame, was used by the actors advocating a forest fund in view of the need for new resources. Although most developing countries are supportive of private sector investment, many emphasise it should not be a substitute for ODA (ENB, 1998). As the foregoing discussion outlined, the claim for a global forest fund rests on UNCED promises: "new and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources" (United Nations, 1992: para. 10). This frame highlights the most favourable policy option in this context which is the creation of an international forest fund as a financial mechanism to promote sustainable forest management. Hence, in

this case the meta-level frame of efficiency appeared dominant and the EU nested its policy frame to the dominating meta-level frame. In the theoretical framework, this situation equals scenario 1 outlined in Chapter Two, Section 2.6: The EU manages to nest its policy specific frame to the broader meta-level frame, and that framing is reflected in outcomes. This suggests that the EU's framing effort enabled a greater degree of influence. The EU frames the problem in a manner that makes it appear credible and more convincing in the context of prevailing values. Thus, the explanatory power of this factor is high in the case of a global forest fund.

6.9 Implications of the EU's Influence in the Case of a Global Forest Fund

This case sheds light on how the EU was influential in preventing the creation of a fund. The reasons for not creating a forest fund may be legitimate. Such a decision can depend on broader policy decisions and it may be impossible for policy-makers to agree on new funding in this particular negotiation process. The outcome of the forest negotiation process in general has been vague. The process has not resulted in mechanisms for implementation or compliance. Therefore, new financial resources may be seen as wasted without a better structure. However, the establishment of a financial mechanism dedicated to forests could have strengthened the cooperation in this policy area. A fund would have been part of an institutional framework for forests, which might have boosted international cooperation. A cooperative process without funding renders difficulties to be constructive and fostering compliance (Chasek et al. 2006). The EU's strong influence in this case did not contribute to stronger cooperation in the forest area, even if its reasons for not establishing a fund may have been rational. As a result, there is no special fund ear-marked specifically for sustainable forest management.

6.10 Conclusion

The analysis of negotiations on a global forest fund reveals that the EU had influence. The EU was firmly against the creation of a fund. As the

negotiations did not lead to the establishment of such mechanism, it was concluded that the EU had influence in this case, but had less influence on the process, as it did not manage to have the issue removed from the agenda. The EU held a strong preference for not creating a fund. The interests linked to the preference were difficult to identify due to the complex linkages between development and other policy areas. However, the primary interest was found to be investments and trade, hence, economic interest which strengthened the preference. In further understanding the strength of the preference, the member states were considered and it was found that they shared the same preference and there was no sign of divisions on this issue.

The institutional structures were beneficial, the combination of a narrow negotiating mandate and a conservative orientation of the EU proved to be an advantage. The policy frames identified in this context were: the new resources frame and the existing resources frame. The first constructed the problem in terms of lack of resources for financing sustainable forest management. According to this frame, the problem was not the inefficient use of existing resources, but a matter of insufficient resources and it nested with the meta-level frame of sufficiency. The existing resources frame shaped the understanding that existing resources were not used in an efficient manner. The arguments derived from this frame also stressed the importance of increasing the number of sources of funding. This policy frame nested with the meta-level frame of efficiency, which was identified as the policy frame of the EU. The broader context of this case revealed a debate on how to finance sustainable development in general. The debate concerned where funding should come from, how much is needed and how it should be allocated.

The EU was influential in the negotiations on the global forest fund and it was explained by the theoretical framework. The EU was united through a strong preference and, the institutions enabled its action, and the framing of the issue nested with a broader, dominating frame. In this case, the EU's strong influence did not contribute to strengthened cooperation.

7 Conclusions

Over the past two decades, scholarly attention to global environmental politics has increased tremendously. With that attention has come a newfound understanding of this relatively young policy area. However, there are still several gaps in the understanding of processes, issues, and actors in this area which demand further analysis. This study has shed new light on the EU and its role in global forest policymaking. An initial review of the literature on this topic revealed a number of assumptions, some of them contradictory. One often repeated maxim is that the EU is a consistently powerful actor in environmental cooperation. On the few occasions when it is not, failure to influence tends to be attributed rather simply to divided member states positions. In the specific area of global forest policymaking, two contradictory claims are made. The first stresses the EU's unity and influence in this case (Jokela, 2006). The second argue that although the EU had influence, it has not been a leader as it was hampered by internal divisions in the forest case (Chaban et al. 2006; see also Vogler, 2005). Against this contradictory background, and considering the EU's traditional success in global environmental forums, this thesis aimed to explain the extent to which the EU exerted influence in this case.

The thesis built an explanatory framework capable of illuminating the complex factors acting against the EU's exercise of influence. A central premise of the framework held that the EU's influence on both process and outcomes, were best explained by focusing on the interests and preferences of its member states, the institutional rules that affect EU

cooperation, and the ideational framework in which the negotiations take place. It is the combined effect of these factors on the EU's influence, the approach suggested, that best explains the EU's role in these negotiations. The framework was applied to three cases within the global forest negotiations: the issue of a legally binding instrument, certification for forest products, and a global fund for financing forest management. In-depth analysis of each case revealed varying degrees of EU influence, shaped largely, but not entirely, by the proposed factors outlined in the explanatory framework. This concluding chapter summarises the thesis chapters, revisits the research question, and discusses the utility of the approach and the implications of the findings. It also addresses limitations of the study and offers suggestions for future research.

7.1 Overview of Thesis Chapters and Empirical Findings

Chapter Two outlined the theoretical framework used to guide the analysis of the case studies. The central concept of this study was identified and operationalised in outlining and elaborating the concept of "influence". How to define influence and how influence is best measured were discussed. To make the concept analytically manageable, the study used a narrowly focused definition of influence. To specify the conditions affecting the EU's influence, or lack of influence, in the cases, three bodies of literature were utilised: interest-based, institution-based, and idea-based approaches. Interest-based approaches explain outcomes by focusing on the actor, and what factors shapes its preferences. Drawing on this literature, interests and preferences were found as important for influence. Here, the thesis made the argument that when an actor holds a strong preference, it should be influential as it makes the actor devoted to achieving its goals and less inclined to deviate from its goals. Institution-based explanations provided an insight into how an actor can be enabled or constrained by its institutional structures. These explanations showed how the EU's institutional features, in combination with contextual variables, could affect its influence. Finally, idea-based explanations emphasised the importance of understanding that political outcomes must be understood in the light of ideational frameworks,

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which are divided into different levels of abstraction. To explain influence from this perspective, the concepts of "frames" and "nesting" were utilized. The central argument was that the EU's influence could be understood as how well it nested its policy frame with the prevailing meta-level frame. From these three explanatory factors, predictions were derived that were used in the three case studies. If the EU's preference for a policy choice is strong, it should be influential; if the EU's institutional structures enable the EU in the negotiations, it should be influential; and the better and more convincing the EU can frame an issue in the negotiations, the more the EU will be influential.

Chapter Three provided the overarching context for the thesis by placing the forest negotiations in a broader framework of global environmental politics. The positioning of the forest issue on the international political agenda and how this took place was examined, as was the EU's role in global environmental issues, its development, and how it came to be involved in global forest policy. The chapter thus provides a background of how forest negotiations have evolved and how they are pursued by global actors. This contextual discussion is crucial for understanding EU participation in this context, and what "successful" outcomes usually represent.

The remainder of the thesis applied the explanatory framework developed in Chapter Two to the sub-cases in the international forest negotiations. Those sub-cases are the respective subjects of chapters Chapter Four (a legally binding instrument), Chapter Five (certification), and Chapter Six (a global forest fund). Table 12 provides an overview of the findings.

Chapter Four analysed the EU's influence on the issue of a legally binding instrument. The EU's position in the negotiations was favourable to creating such instrument. However, the EU did not have influence in imposing its agenda of the creation of a legally binding instrument. In this case, the EU's interests and preference were too weak to make the EU powerful in the negotiations. Its institutional structures did not enable influence, but rather constrain it. The way the EU constructed its policy solution proved to be nesting with the less

dominating meta-level frame, hence, the EU's framing of the issue was not "good enough". The EU managed to keep the issue on the agenda, and had some influence over the process, but it did not manage to fulfil its most important goal.

Chapter Five examined the case of certification in the international forest negotiations. In this case, the EU argued for the importance of this tool as market based, and worked hard to ensure that any certification scheme would not be a barrier to trade. The negotiations ended in a "draw", i.e. the outcome was a compromise as both sides had stern positions. The EU had some, but limited, influence. This case provided a more difficult case for the theoretical framework. According to the interest- and institution-based predictions, the EU should have been influential. The situations of strong preference and enabling institutions created facilitating conditions for the EU in the negotiations on certification. The EU managed to nest its frame to one of the dominant meta-level frames, but the co-existence of another meta-level frame eroded that effect. Even so, the factors indicated a strong and influential EU that should have been able to act forcefully and convince opponents of its position. However, the outcome of limited influence suggested the explanatory power of the framework was lower in this case.

In Chapter Six the case of a global forest fund was analysed. This case concerned the creation of a global forest fund for financing sustainable forest management. The EU was firmly against the creation of a fund and the negotiations did not lead to the establishment of a forest fund. The EU had influence in this case. This case appeared well explained by the theoretical framework. The EU had a strong, united preference, the institutions enabled its action, and the framing of the issue nested with a broader, dominating frame. Hence, the EU had its act together and was influential.

Table 12: *Overview of empirical findings and explanatory power of the theoretical framework.*

Issue cases	EU's position	Interests	Institutions	Ideas	Outcome of negotiations	The EU's influence	Explanatory power
A legally binding instrument	In favour of creating a legally binding instrument	Situation: Weak preference (stronger in the beginning, weakened over time, the interests weaken the preference) Prediction fulfilled	Situation: Narrow mandate and reformist case (the mandate was narrow, the EU was far from the status quo, the Schelling conjuncture, but the EU did not manage to use the situation to its advantage) Prediction fulfilled	Situation: No nesting of policy frame (the EU's policy frame nested to a meta-level frame, but this did not dominate the negotiations and outcome) Prediction fulfilled	The negotiations did not lead to the creation of a convention	The EU did not have influence on this issue	The EU's lack of influence can be explained by its weak preference, the weaknesses of the institutional structures to manage the internal division, rather they constrained the EU, than enabled it, its inability to frame the issue in a "winning" manner
Certification	In favour of preserving certification as market-based	Situation: Strong preference (all member states hold the same strong preference, in addition interests are strengthening the preference) Prediction not fully fulfilled	Situation: Narrow mandate and status quo case (the mandate was narrow, the trade element narrow, the mandate de facto narrowed the mandate further the EU was close to the status quo) Prediction not fully fulfilled	Situation: Nesting frame, but presence of two different meta-level frames (co-existence of two meta-level frames that seem to have been equally important) Prediction fulfilled	The negotiations ended in a draw, the result was compromised policy documents	The EU had some influence on the outcome	When the EU has a strong preference, institutions facilitate its actions and it has nested its policy frame to a dominating frame, it should be influential. But in this case it only had limited influence.
Fund	Against creating a global forest fund	Situation: Strong preference (all member states hold the same strong preference, quite strong interests) Prediction is fulfilled	Situation: Narrow mandate and status quo case (the mandate was narrow and the EU was close to the status quo) Prediction is fulfilled	Situation: Nesting frame, the EU nested its frame to the most dominating meta-level frame Prediction is fulfilled	No global forest fund was established	The EU had influence on the outcome	The EU had a strong preference, its institutions enabled its actions and it nested its policy frame to the dominated frame and it was influential.

7.2 The Research Question Revisited

This thesis aimed to improve understanding of the EU's role in international forest policy discussions between 1995 and 2007. The research question posed was the extent to which the EU exercised influence over the process and outcomes of the international forest negotiations. In asking that question, the thesis was also interested in which factors operate to enable or constrain the EU's influence. Through building a framework integrating three different approaches to explaining EU influence in global policy discussion, and then applying that framework to three issue cases within the international forest negotiations, answers to the questions could be given. The EU exercised influence over the process and outcomes of the global forest negotiations to a considerable degree. However, that influence varied in each case.

As preceding discussion showed: in the first case (that of a legal instrument), the EU had little to no influence. This outcome could largely be explained by the predictions of the explanatory framework: the EU's collective preference for its position was weak, it was constrained by its institutional structures, and it did not frame the issue in a way that resonated with prevailing meta-level frames. In the second case (that of certification of forest products), the EU had a medium level of influence. This outcome proved more difficult to explain with the explanatory framework. The EU had a strong preference, but the institutional structures of the EU should have enabled it to exercise influence. Moreover, the EU managed to nest its frame within a meta-level frame. The predictions of the explanatory framework would have suggested considerable EU influence, but the EU failed to influence the process in its preferred way and had little affect on the outcome.

One potential explanation for this dissonance is that multiple meta-level frames existed in this case; as such, "nesting" frames was not an easy option and was subject to competition. Nevertheless, the explanatory framework was not as helpful in this case. In the third case (that of a global fund for forest management), the EU had strong influence in affecting an outcome concordant with its position. The EU's influence

came about largely because it had a strong collective preference, EU institutional structures enabled it to act freely in the negotiations, and it succeeded in successfully nesting its preferred policy frame with the dominant meta-level frame. As such, the explanatory framework demonstrated considerable utility in explaining outcomes in this third case.

Overall, the analysis in this thesis illustrates a differentiated but clear picture of EU influence over the process and outcomes of global forest negotiations. The EU was successful in furthering its position in most issue areas at most times of the process. When the "influence facilitators" of aligned interests, enabling institutions and nested ideas can be found, the EU tends to be influential. When those facilitating factors are not present, the EU cannot easily influence either process or outcome.

The findings here thus caution against assumptions of the EU's weak influence in the global forest negotiations. On the contrary, in some areas the EU was very influential. Indeed, the EU influenced outcomes on two of the most important issues in the negotiations. At the same time, these findings repudiate the finding that the EU was uniformly influential in these negotiations. Assessment of the EU's influence in the three cases demonstrates that the EU had different "influence profiles" in different issues, even within the same negotiation process. Thus, when the EU's influence was enabled by all three components, the EU had the highest level of influence and when all three components constrained the EU, it had the lowest level of influence.

Moreover, findings reveal that explaining EU influence (or lack thereof) only in terms of divided member state positions is too crude. Although member state positions are important, as a simple explanation it only provides a partial picture of outcomes. Equally important were the EU's institutional structures, which were shown to affect the EU's influence under most conditions. Moreover, how the EU framed their position in broader meta-level frames and prevailing public sentiments was an important determinate of influence.

It should be noted, as in the introductory chapter, that EU influence is not synonymous with an expansion in global environmental governance. In this case, the EU's position was against the development of certain instruments (e.g. a global fund for forest management). By exercising influence, the EU effectively prevented the realisation of multilateral agreements. The EU's influence is not always directed towards promoting environmental cooperation. In this negotiation process, the EU was more influential on weighty political issues, such as trade and finance, and in these issues, the EU did not use its influence to create stronger cooperation. On the contrary, its actions further deprived opportunities for cooperation. By the same token, the ambiguity related to the convention issue also showed that the EU appeared "half-hearted" in its attempt to strengthen the cooperation. Although the EU's "constructive influence" is probably a necessary prerequisite for building international environmental regimes, evaluating that claim was beyond the scope of this study. However, the concern here was on influence per se rather than how that influence may or may not be related to the building of international environmental agreements.

In short, this thesis revealed that the EU exercised considerable influence. The thesis found, more generally, that assessing the full extent of the EU's influence requires a more in-depth explanatory framework of how the EU can exercise influence, and that framework must be applied to different dimensions of the discussions (negotiations) before a complete assessment can be made. Finally, the outcomes of the discussions remind us that EU influence is not always exercised in favour of more environmental policy making and governance regime building.

7.3 Utility of the Approach

Most studies of the EU in international environmental negotiations focus either on vague notions of EU leadership or very specific dynamics of EU negotiation skills. This thesis took a middle range approach focused on the question of influence. This question is usually avoided in most studies, considering the difficulties of defining and operationalising the concept. As noted above, recent theoretical discussions about influence

have concerned only the influence of non-state actors in international negotiations (see e.g. Betsill and Corell, 2001; Corell, 1999; Arts, 1998). In that research scholars complain of the lack of proper definition and operationalisation: "It is surprising that few scholars defined what they mean by "influence"—the dependent variable of the studies they are undertaking. It is simply a discussion that is left out in most works" (Betsill and Corell, 2001: 68). In focusing on the EU, scholars have mainly been concerned with its odd "actorness" status and the various ways the EU displays leadership. Now that EU actorness is established as a phenomenon, it is more relevant to revisit the question of influence in the EU context. The task is not an easy one, as Heclo reminded us many years ago: "identifying who has influence in messy, modern policy processes can be exceedingly difficult" (1978: 102).

This study has taken a first cut at that challenge by defining influence in terms of changed processes and outcomes as a result of EU action. The concept was operationalised by first highlighting where influence traditionally derives, then presenting how to measure it, and finally the specific enablers and constraints on influence. It is the latter effort that represents the most significant contribution of the explanatory framework. By showing that influence is strongly dependant on interest -based concerns, institutional-based considerations and ideational-based factors, a framework for exploring the causal detail of EU influence is provided. The findings suggest the framework could be applied in other settings and in other issue areas with helpful effect.

More generally, this study proves useful as a corrective for overly simplified accounts of EU influence in environmental negotiations. In previous studies, the EU's failures are often explained by its internal divisions (Carter, 2007; Chaban et al. 2006; see also Vogler, 2005). These explanations have some explanatory strength and improve understanding of the outcomes. However, by explaining the EU's influence through building a three-part explanatory framework, this study provides a useful, nuanced contribution to the existing literature. The framework cannot explain everything about the EU's influence, but can provide a fuller picture than by reducing the EU's lack of influence to a

consequence of internal differences among the member states and inflexible structures.

7.4 Implications

This study has implications for several different audiences. The following discussion identifies three audiences in particular: those interested in international forest policy per se, those interested in the practical aspects of the EU as a negotiating actor, and those interested in the theoretical implications of the EU in global governance.

The study adds to the body of the literature focused on international forest negotiations. As aforementioned, earlier research describes the forest process as a failure, and weak in substantial outcomes and policy coordination (Dimitrov, 2006). The main focus has been to explain the absence of a legally binding instrument with the domination of principles of neoliberal free trade (Humphreys, 2006), with the unwillingness of the US (Davenport, 2005), and with the absence of reliable scientific information (Dimitrov, 2006). Only a handful of explanations have focused in detail on key actors in the process. By examining the EU, this study sheds light on one aspect of the failed negotiations. The EU did not act according to its normal behaviour in the global environmental area, which could explain the outcome of the negotiations to a certain extent. Its acting on these issues in the forest negotiation process confirms what other scholars have found, the actors appeared to have been uninterested in creating a strong regime in this area. Hence, this study highlighted that a key actor did not have a keen interest in strong international forest cooperation, despite supportive utterances.

Given the outcome in this case, this study shows that a key actor, such as the EU, is important for the outcome of the negotiations. To understand these dynamics, it is crucial to understand that a key actor holds preferences, must operate within institutional structures, and must consider the effects of ideational frameworks. The functional goals of negotiating environmental agreements are important, but the behaviour of individual actors and their interaction is central for complete

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understanding. For international forest policy processes, this study highlights the need to analyse both the practical needs of global forest management and the actors and political processes that intervene between intentions and outcomes.

The EU in international negotiations is a central focus of this study. On a practical level, the message is that the EU needs to be aware of the interaction between the member states interests, the EU's institutional structures, and how the issue at stake is defined and understood. In explaining the outcome, the factors have to be separated due to analytical reasons. In a negotiation, they can be difficult to separate. However, to be successful in negotiations, it is important to understand that there are several interconnected factors that constrain or enable the EU.

In answering the question of the EU's influence in the forest negotiations, this study enhanced understanding of the EU's role as an international environmental actor. Although most scholars analyse cases of "successful" EU influence, this study targeted a case of apparent failure. EU influence must be carefully measured and assessed through several conditioning factors. Those factors must be equal if the EU is to exercise influence. For example, analysis of only the strength of distribution of preference among EU member states in a negotiation cannot provide all information about EU influence. Even if member states are closely aligned in their positions on an issue, institutional rules and ideational "consistency" in frameworks must also be conducive, if the EU is to exercise its full influence. The EU is not uniformly in favour of global environmental cooperation, especially if an issue is broken down into its negotiation components. On certain issues, the EU seeks to keep those issues off the agenda. In some cases, the EU may be successful, in others it may not. This study offers an explanatory utility for understanding the reasons why.

7.5 Shortcomings

Although the explanatory framework devised in this thesis appears to have considerable utility, it cannot explain everything about the EU's influence in international environmental negotiations. One reason for this is that the framework incorporates primarily internal variables, ones related to the EU's internal dynamics. External factors are incorporated in terms of the focus on ideational frameworks, but other external variables, such as the power of the negotiation partners has not been incorporated. Other considerations, such as policy uncertainty or issue linkages have not been fully explored.

In this respect, the findings of the case studies suggest that additional considerations might be added to future designs of the explanatory framework. In the case of certification for forest products, the framework had some difficulties in explaining the outcome of the EU's limited influence. One reason for this may lie in the opponents' position and the vagueness of the issue. In the case of the global forest fund, the framework succeeded in explaining EU influence. However, the position of opponents and geopolitical power frameworks undoubtedly contributed. For instance, the EU's strength in economic affairs and its relative affluence made the negotiations asymmetric. The convention case was largely explained by the explanatory framework. However, in this case the EU's lack of influence was probably affected by the stern resistance of opponents and the policy complexity of the forest issue, i.e. how to create a global agreement on forests. Hence, the framework did not allow analysis of the external variables that might have affected EU influence. In order to study influence in complex decision-making processes, a delimitation of factors is necessary.

A second limitation of the framework is that it cannot explain how influence are exercised and on what resources. The definition of influence used in this study was analytically narrow and focused on the actor's goal attainment. Although clear and relative parsimony, the approach leaves out interesting issues of what different kinds of influence the EU had in the negotiations (such as normative or economic influence), as well as how it wielded its influence. For instance, evidence

suggested that the EU at some points explicitly tried to connect the fund and the convention issue, which could have been explored further. However, the framework did not allow deeper analysis of the EU's strategies in that regard. Hence, the framework makes it difficult to analyse all aspects of the EU's influence in this case. Simultaneously, an analytical narrow definition makes the analysis more focused.

One limitation to what this study reveals about the EU's influence relates to the issue cases. As described in Chapter One, these sub-cases were selected because they represent high-profile issues in the global forest negotiations and are central to the development of a comprehensive agreement. Additional cases, perhaps associated with more practical forest policy concerns at "ground level" might prove a useful test of the value of the explanatory framework.

7.6   Further Research

The findings of this study suggest a need for further research in two broad areas. The first area relates to the explanatory framework. As the discussion of limitations shows, there are other factors that might intervene with the explanations studied in this thesis. Some of these factors have been studied in the context of the forest negotiations, but not explicitly connected to the EU. Future research could examine factors such as power asymmetry in negotiations and the adequacy of a global agreement on forests, and determine how these factors affect EU influence in the negotiations. Another topic related to the framework, is the definition of influence. Given the complexity of the negotiations, the narrow definition was meaningful in this study. However, future studies could broaden the definition of influence and include resources and the pursuit of influence, and apply it to a less complex case. To improve the knowledge of the EU in the area of global environmental politics, an integration of influence assessment with discussions on leadership would be beneficial.

The second area is connected to case studies. The first, and most obvious, suggestion for future research is to add more case studies. This

can be done in several ways and for different purposes. Including an assessment of the EU's influence on other issues in the forest negotiations would further deepen understanding and provide a more solid basis for generalisation. Additional case analysis would evaluate the utility of the framework designed here and provide valuable insights into the similarities and differences in the way the EU manages "soft" and "hard" issues, i.e. issues in the negotiation process that not concern weighty political issues, such as trade and finance. How would interests, institutions, and ideas play out in "soft" cases? Such research could improve understanding of the EU generally. If future research takes the sources of influence and influence strategies into more focused account, a useful research design would be to compare if "hard" and "soft" cases differ on additional variables, such as the role of expert knowledge or norm diffusion.

Another type of study could make a comparison between different international processes dealing with forest issues. With the same approach as in this study, but expand the number of cases would increase the understanding of the EU's forest policy at the international level. Processes such as the Convention on Biological Diversity, International Tropical Timber Organization, and the UN Framework Convention on Climate Change all contain forest-related issues. The way the EU frames the "forest issue" in the different processes would certainly be different, and depending on which aspect of the forests are important, the institutional structures would have different impacts, as would the interests and preferences of the EU in each of these cases.

7.7 Concluding remarks

The EU's role in international environmental negotiations is complex and conditioned by several factors, as confirmed by this study of global forest policy. A number of key explanatory factors need considering if we are to fully understand the EU's influence and thus to develop a nuanced understanding of the EU's more general role. In many respects, the EU "has arrived" as a global actor on the world stage, meaning that studying and measuring its exercise of influence should be a top concern

amongst researchers. In this case, analysis not only improves understanding of the EU, but also the EU's role in global affairs. However, we should not forget the case at hand. International forest policy affects the health of ecosystems, the wealth of economies, and the livelihoods of human beings. For these reasons we should aim to continue research into understanding, explaining, and even predicting the future direction of international forest agreements.

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Interviews
See Appendix

Appendix

List of conducted interviews by category, date and location

EU officials
Interview no.14, 7 May 2004, UNFF-4 Geneva
Interview no. 24, 8 December 2004, Brussels
Interview no. 25, 9 December 2004, Brussels
Interview no. 26, 9 December 2004, Brussels
Interview no. 43, 19 April 2007, UNFF-7, New York
Interview no. 54, 7 June 2007, Brussels
Interview no. 55, 7 June 2007, Brussels
Interview no. 56, 8 June 2007, Brussels
Interview no. 57, 2 October 2008, Stockholm

State officials
Interview no. 1, 30 May 2003, UNFF-3, Geneva
Interview no. 2, 30 May 2003, UNFF-3, Geneva
Interview no. 5, 31 May 2003, UNFF-3, Geneva
Interview no. 6, 2 June 2003, UNFF-3, Geneva
Interview no. 7, 2 June 2003, UNFF-3, Geneva
Interview no. 8, 2 June 2003, UNFF-3, Geneva
Interview no. 9, 4 May 2004, UNFF-4 Geneva
Interview no. 10, 4 May 2004, UNFF-4 Geneva
Interview no. 11, 5 May 2004, UNFF-4 Geneva
Interview no. 12, 5 May 2004, UNFF-4 Geneva
Interview no. 18, 9 May 2004, UNFF-4 Geneva
Interview no. 20, 10 May 2004, UNFF-4 Geneva
Interview no. 27, 19 May 2005, UNFF-5, New York
Interview no. 28, 19 May 2005, UNFF-5, New York
Interview no. 29, 20 May 2005, UNFF-5, New York
Interview no. 30, 20 May 2005, UNFF-5, New York
Interview no. 35, 10 October 2005, Stockholm
Interview no. 36, 15 October 2005, Stockholm
Interview no. 42, 6 May 2006, Stockholm
Interview no. 44, 19 April 2007, UNFF-7, New York
Interview no. 45, 19 April 2007, UNFF-7, New York
Interview no. 46, 20 April 2007, UNFF-7, New York
Interview no. 47, 20 April 2007, UNFF-7, New York
Interview no. 48, 20 April 2007, UNFF-7, New York

Interview no. 50, 24 April 2007, UNFF-7, New York
Interview no. 51, 25 April 2007, UNFF-7, New York
Interview no 52, 27 April 2007, UNFF-7, New York
Interview no. 53, 25 May 2007, Leiden

Intergovernmental Organisations
Interview no. 3, 30 May 2003, UNFF-3, Geneva
Interview no. 4, 31 May 2003, UNFF-3, Geneva
Interview no. 13, 6 May 2004, UNFF-4 Geneva
Interview no. 15, 7 May 2004, UNFF-4 Geneva
Interview no. 33, 26 May 2005, UNFF-5, New York
Interview no. 34, 26 May 2005, UNFF-5, New York
Interview no. 38, 3 November 2005, Rome
Interview no. 39, 3 November 2005, Rome
Interview no. 40, 4 November 2005, Rome
Interview no. 41, 7 November 2005, Rome
Interview no. 49, 24 April 2007, UNFF-7, New York

Non State Actors
Interview no. 16, 8 May 2004, UNFF-4 Geneva
Interview no. 17, 8 May 2004, UNFF-4 Geneva
Interview no. 19, 10 May 2004, UNFF-4 Geneva
Interview no. 21, 7 December 2004, Brussels
Interview no. 22, 7 December 2004, Brussels
Interview no. 23, 8 December 2004, Brussels
Interview no. 31, 25 May 2005, UNFF-5, New York
Interview no. 32, 26 May 2005, UNFF-5, New York
Interview no. 37, 20 October 2005, Stockholm