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At a time when the United National Forum on Forestry has indicated that it will work towards a non-legally binding instrument on forestry (for report from UNFF6
as approved by ECOSOC in July 2006 see http://
www.un.org/esa/forests) and when the International
Tropical Timber Organization (2006) publishes a
report indicating that only 5 per cent of topical forests
are managed sustainably these two books present mate-
rial on alternative approaches to forest management
led by citizens, consumers, non-governmental organi-
zations (NGOs) and industry rather than by states and
international organizations.

Cashore et al. indicate that the scope of their publica-
tion, focusing on forest certification in North America
(Canada and United States) and Western Europe (UK,
Germany and Sweden) is based on the premise that ‘if
non-state market-driven governance fails to institution-
alize fully in developed countries, it could very well
disappear as an innovative policy instrument to address
forest deterioration globally. And the inverse may be
true – institutionalizing certification in the North may
create the strongest and most effective way of develop-
ing certification institutions in the global south.’ (p. 6)
Besides a short introductory chapter highlighting the
emergence of Non-State Market-Driven Authority
which leads into an explanation of the approach used
for their study, this book does not situate these ap-
proaches to forest management within a wider context.
For that it would be appropriate to turn to the book by
Kirton and Trebilcock. This has a much broader focus
and examines a range of ‘soft law’ issues globally many
of which are directly relevant to forestry and the forest
industry. It does contain three case studies regard-
ing Forest Certification, including one co-authored by
Benjamin Cashore the senior author of the other book
in this review.

Kirton and Trebilock provide an overview of ‘hard’
and ‘soft’ law including some of the difficulties associ-
ated with the formation of binding international law
which may have led to the development of soft law.
Their book covers forestry, as trade in timber and for-
est products as well as a wide range of local, regional
and global ecosystem services, including possible cli-
mate change mitigation increase the forest sector profile
in the global arena. Case studies cover forestry, labour,
corporate responsibility and well as trade and environ-
mental issues. All these topics should be of interest to
managers in forest companies, as these businesses are
increasingly operating in an international market that is
subject to calls for Corporate Social and Environmental
Responsibility (CSER). One of the processes through
which businesses and consumers are responding to these
CSER issues, especially for timber, is through Forest
Certification. Forest governance and the control of
illegal logging is a topic of growing importance global-
ly, not least because of the rise of forest certification
organizations, initiates e.g. through the EU Forest
Law Enforcement, Governance and Trade (FLEGT) to
establish public procurement processes for legal timber.

The two books under review have chapters on British
Columbia, Canada, which highlight the complexity of
certification processes and the difficulties of achieving
agreements between highly disparate stakeholders.
These stakeholders can range from indigenous peoples,
forest companies and environmental NGOs. It further-
more shows how, especially in the discussion in Kirton
and Trebilock, the development of forest certification
does not take place in a vacuum. Certification processes
take place within national and international human
rights law (including treaty law) that are developing a
range of standards including that of Free Prior Informed
Consent for Indigenous Peoples in relation to activities
on land to which they have claims. In addition, forest
companies often operate in a global context where
setting of environmental, human rights and labour
standards may affect profitability but which could be
manipulated for strategic gain including access to cer-
tain markets. Cashore et al. focus on the development
of support for the Forest Stewardship Council (FSC) in
British Columbia from the perspective of forest com-
panies highlighting the finding that ‘an imperative of
non-state market driven systems if that they maintain
economic incentives for profit-maximizing firms’ (p. 61).

The lessons learnt from the case studies in Cashore
et al. provide some interesting pointers for efforts to
increase support for FSC initiatives in the tropics in-
cluding the positive statement that “race to the bot-
tom” effects of economic globalization can be reversed
by efforts to link access to these markets with environ-
mental performance requirements’ (p. 224). However,
the practical reality of undertaking FSC processes in
tropical forests and countries without good gover-
nance structures is illustrated by de Azevedo’s Brazilian
case study in Kirton and Trebilock. It highlights the
extra costs which might be incurred by community
forestry projects seeking certification, even as these
projects are attempting to contribute to local livelihood
development through finding market niches. The
implementation of formal forest management plans,
their monitoring and evaluation may be a new concept
in many countries where there is a low capacity among
government officials whose responsibility is this. Com-
bined with out of date laws and regulations (legality
issues), corruption, low formal education and re-
monoteness the day-to-day application of certification re-
quirements can be problematic. In the short term, it is
possible that forest certification processes may have a
more significant impact on national and international
policy arenas and help to create a better overall gover-
nance arrangement through which forest-land manage-
ment can contribute to local economic development.

Academics and forest management practitioners
would do well to read these two books in tandem to get
an overall picture concerning the complexity of forest
certification processes and the changing use of soft
approaches in areas where environmental, human rights and trade law intersect. These books are well referenced and therefore provide an important statement concerning forest certification processes in the early part of this century. Understanding the tensions highlighted in these works can provide an important understanding of how the certification, and wider FLEGT debate is moving. Forest management has global implications and forest policy makers, as well as forest managers need to see how their sector links to wider development in international law, and importantly international lawyers and academics need to grasp the complexities associated with the practical application of principles, norms and criteria for management. Without this dual understanding there is a danger that strategic decisions relating to forest protection and production globally will be ill informed and possibly contribute to the ongoing reduction in the quality and quantity of all types of forests.

Reference