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#### Abstract

Scholarship in international law aims at addressing global forest governance comprehensively. This article reviews the recent contribution *Global Forest Governance – Legal Concepts and Policy Trends* by Rowena Maguire and puts it into the perspective of recent political and policy science research on global forests. While finding Maguire's volume being a very timely and valuable contribution to the interdisciplinary discussions on international forest governance, we identify some weaknesses which are mostly rooted in methodological critique and a lack of a systematic framework for analysis.

Rowena Maguire's *Global Forest Governance - Legal Concepts and Policy Trends* is a timely and comprehensive volume on the important topic of international legal and political scholarship, which in its entirety, still is somewhat under-researched. It details a number of legal concepts around global forest-related institutions and organizations. In particular, it provides a legal overview of the doctrines, principles and rules that underlie what elsewhere is referred to as an international forest regime complex (Giessen 2013a; Rayner et al. 2010). As one of the first comprehensive attempts to bring international forest law perspectives, employing the notion of global governance, into academic discussions, this book is of great value. However, some of the methodological and analytical points that arise from Maguire's writing could have been better covered. This review and its line of argument are rooted in empirical political and policy science, which also draw on the notion of global forest governance in analyzing international forest politics and resulting policies (see e.g. Arts and Babili 2012, Arts and Buizer 2009, Arts et al. 2010, McDermott 2012, McDermott et al. 2010). While the methodology and analysis lack a clearly structured frame, there are ways forward to overcome these deficits for improving future legal and political analyses of global forest governance (see e.g. Giessen 2013b for methodology integrating research disciplines such as policy analysis, international relations and international law).

Maguire covers, in great detail, a vast number of legal doctrines that apply to forest governance from the local to the global levels, including rule of law (Ch. 2, pp. 18-23), justice (Ch. 2, pp.23-41), sovereignty (Ch. 3, pp. 43-52) and property (Ch. 3, pp. 53-69) rights. Maguire also demonstrates the applicability of different areas of law (e.g. environmental, planning and development, property, constitutional, indigenous and international law) to forest governance (Ch. 3, pp. 79-83). The relevance of these legal concepts is then demonstrated against the United Nations Framework Convention on Climate Change (UNFCCC, an international regime), the United Nations Forum on Forests (UNFF, a soft regime), the World Bank (an international organization) and markets and certification (institutions), providing a solid understanding even for non-legal scholars of how the concepts relate to forest governance in the real world. The book finishes off with a number of conclusions and recommendations.

There are two key areas of analysis. One of these is what the author calls *public forest governance*, where the keystone analysis focuses on a soft regime, the UNFF, which, while global, has a very limited mandate, is limited in time (both its reasonably recent establishment in 2000 and its impending conclusion in 2015) and is not legally binding. These limitations of the UNFF make it a curious choice for analysis of a global forest policy. The author further analyses the UNFCCC without specifying the reasons for choosing this case over the Convention on Biological Diversity (CBD)

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where forests are equally important. The omission of the CBD, according to some scholars, as one of the central elements of the international forest regime complex (Humphreys 2006, Rayner et al. 2010) is not well argued for and remains unclear to the reader. The third public analysis focuses on the World Bank, which as an organization is involved in a number of regional, voluntary forest agreements as lead implementing organization of regional FLEGT agreements (World Bank 2013). Additionally, the World Bank has developed its own Forest Strategy, focusing on economic development, poverty reduction and protection of global forest values (World Bank 2009). Besides the question of whether the World Bank should be regarded as an international regime, this choice raises further questions about why no other, more forest-focused organizations have been scrutinized as well or instead. For example FAO could have made a nice case here.

The second key area of analysis is what the author calls *regulation by non-state forest institutions* and deals with forest markets and certification. Interestingly, trade is absent from these analyses, outside of a very narrow discussion on certification and restriction of trade. Forest certification is dealt with in a detailed and comprehensive manner, however, only the Forest Stewardship Council (FSC) certification scheme is discussed. While similar, there are other certification schemes, such as the Programme to Enhance Forest Certification (PEFC), which is also widely used (Cashore et al. 2005, Cashore and Stone 2012). Unfortunately it is not discussed in the book, nor does the author provide reasoning for its omission from the analysis.

And finally a small remark: Throughout both of these areas of analysis, there is some inconsistency with how the legal concepts we are introduced to in Chapters 2 and 3 are dealt with in subsequent chapters. For example, property rights are taken up in the analysis of the UNFCCC and forest markets, but not in the other analyses. State sovereignty is dealt with in the UNFF and certification analyses, but absent in others. Indigenous and forest dweller rights are addressed in the UNFCCC analysis in the context of REDD, but absent from the World Bank analysis, where their Forests Strategy and subsequent programmes impact heavily on indigenous and forest peoples. While rather formulaic, the author could have systematically addressed each of the introduced legal concepts in each of the analyses, finally tying them together in the conclusion.

While we acknowledge that a strong focus on methodology is not a 'tradition' in legal scholarship, as international law emerges in the interdisciplinary academic world, there is a need to recognize its value and apply clearly articulated and systematic methodological approaches. This is a key shortcoming, not only in this book, but in other academic legal texts. Maguire's choice of 'cases' for analysis, the UNFF, UNFCCC, World Bank, trade and certification have been selected without specifying any selection criteria, nor is there strong argumentation for selecting these particular cases over others. As readers, we do not have an understanding of the author's point of departure or what is seen as the research problem. This is one of a number of points where political science and policy studies could have been brought into play through outlining e.g. actors involved in the processes, their interests and what issues or problems arise out of these often conflicting interests to provide a solidly grounded point of departure (see e.g. Humphreys 2006, McDermott 2012, McDermott et al. 2010).

A further example of a lack of systematic and balanced argumentation can be seen around the issue of trade. Trade as an issue as well as some of the crucial international trade organizations and institutions, such as the World Trade Organization (WTO), have been largely omitted from the analysis and are only dealt with under forest certification schemes. While the omission of trade could have been argued through e.g. claims that it is a universal, not so much a forest-specific policy, such arguments on the selection of cases is missing, along with an analysis of the WTO, outside of the restrictive role it plays in certification. We bring this up for the simple reason that on a global scale, forestry is all about trade, with the WTO actively promoting this trade and economic activity

following the ideas of neo-liberalism (Humphreys 2009). We would suggest an analysis of trade from this other, rather supportive perspective, rather than the narrow restrictive one described.

One thread that is prevalent throughout is the focus on developing countries and is dealt with in a comprehensive manner. However, many of the issues facing developing countries are different than those encountered in developed countries, which are also important actors in international forest governance, but are treated rather superficially in a number of the analyses. This is where having a clear focus, explicit methodological framework, arguments as well as selection criteria for them would be beneficial.

As non-legal scholars, we do not feel that we are in a position to comment on the conclusions made in the final chapter. Whether or not these conclusions and recommendations, based on a legal rather than political analysis, are valid and reliable is outside of our scholarly expertise. However, were this volume an interdisciplinary work (as Afshin Akhtarkhavari claims on the back cover), involving political science and policy studies, we feel that we would have been able to provide comment. There are a number of points throughout the book where solid links to political science, policy studies and international relations could have been, and in future work should be made. In light of this, we would argue that the time is right for gathering legal experts and scholars, political scientists and policy analysts to come together to work on truly interdisciplinary projects for developing a comprehensive and greater understanding of *global forest governance*.

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