



# **Metagovernance in the Realm of Private Sustainability Standards Setting**

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## Summary

Recent decades have witnessed a surge in popularity of the private standards setting approach to social and environmental governance. A single economic sector may now literally feature dozens of competing voluntary schemes. As these private standards setting initiatives often develop in an ad hoc and ad random manner, the resulting regulatory system is generally characterized by the absence of strategic linkages between the various, potentially mutually reinforcing, private (and public) initiatives. This uncoordinated coexistence of multiple competing schemes results in an unnecessary duplication of efforts, undermines the stringency of standards programs, and may exacerbate third party concerns regarding the credibility and legitimacy of private standards setting.

Overall, although degrees of multiplicity and fragmentation differ considerably across the sectors and issue areas that have become subject to voluntary standards setting, the negative consequences of fragmentation have come to considerably hamper the effectiveness of the private standards setting approach to sustainability governance. If the private standards setting system is to develop the coherence necessary for effective governance, this will require some purposive steering and coordination. There thus is a clear need for what has come to be called *metagovernance*, loosely defined as the ‘organization of self-organization’.

While the governance literature provides little insight into what sort of interventions the metagovernance of fragmented standards setting systems may entail, it is clear that such metagovernance may involve a lot of different things, depending on the regulatory context within which it is being pursued and the specific weaknesses in the regulatory system it aims to address. To facilitate understanding of the practice of metagovernance and create some order in the universe of different (possible) metagovernance interventions, this thesis categorizes metagovernance activities according to the final objective to which they aim to contribute. Three distinct yet potentially mutually reinforcing metagovernance objectives are identified. Firstly, metagovernance activities may be aimed at imposing some common goals and priorities on the different actors active within a governance system as to enhance its public interest orientation, usually by realizing a convergence of the substantive standards around which the operations of standards initiatives are built. Secondly, metagovernance may be used as a means of enhancing democracy and (hence) legitimacy in decentralized governance processes and institutions. The third objective that metagovernance interventions may pursue is to enhance the capacity of individual standards initiatives and the governance system as a whole to ensure compliance with their standards in a supply chain. While these metagovernance objectives are certainly worthy of pursuit in and of themselves, their pursuit is often also hoped to ultimately enhance the effectiveness with which standards initiatives can improve the sustainability performance of the targeted economic sector(s).

Building upon this classification of metagovernance objectives, this thesis seeks to provide better insight into the opportunities for metagovernance to ameliorate the orchestration deficit in private social and environmental standards setting. To this aim it addresses three interrelated research questions:

1. How do metagovernance initiatives in the private standards field give shape to their metagovernance aspirations, and which metagovernance objectives do they attempt to fulfill?
2. How effective have metagovernance initiatives in the private standards field been?
3. What factors influence the effectiveness with which metagovernance initiatives in the private standards field are able to effect change?

In order to answer these questions, qualitative in-depth case studies were conducted of four private and public-private transnational metagovernance initiatives, being the Joint Initiative on Corporate Accountability and Workers' Rights (JO-IN), the International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF), the International Social and Environmental Accreditation and Labelling Alliance (ISEAL), and the metagovernance efforts in the realm of sustainable tourism certification that culminated in the Global Sustainable Tourism Council (GSTC). Each case study addressed all three of the research questions, based on a review of the information available in the public domain (occasionally supplemented with not publicly available documents) and open and loosely pre-structured interviews with individuals directly involved in the initiatives studied. A synthesis and comparison of the experiences of the case study initiatives revealed some more general lessons and insights.

First of all, a look at the work of the studied initiatives through the lens of the metagovernance objectives revealed some interesting observations regarding their priorities. Overall, greatest priority appears to be attached to efforts aimed at enhancing the efficiency and effectiveness with which standards initiatives can bring about the implementation of their standards in targeted supply chains. Though generally receiving less emphasis, a convergence of goals and priorities has also been pursued by all sector-specific initiatives studied. The metagovernance objective of enhancing the legitimacy of private standards initiatives does overall receive the least amount of attention. Though its importance is recognized, the issue of legitimacy is simply not (yet) considered a priority. Notable exception is the ISEAL Alliance, which has in fact made the most progress with regards to this aspect of its work and may increasingly take care of metagovernance's legitimacy dimension for other metagovernors.

As regards the tangible impacts the studied metagovernance initiatives have been able to realize so far and their potential to (continue to) transform their respective regulatory fields in the future, the case studies have revealed a rather mixed picture. What is promising though is that the consensus standards the studied metagovernance initiatives have produced are all very ambitious and stringent, and the procedural guidelines being developed do often truly represent best practice. What is more, all case study initiatives have been of considerable value in spawning enhanced relationships, trust, and understanding among their participants, in effect laying the groundwork for future convergence.

While recognizing that the optimal design of a metagovernance process is crucially dependent upon the change sought after and the context within which the process is rolled out, this thesis does identify some more or less universal principles for the effective design and implementation of metagovernance processes. The case studies do for instance underline the importance of leadership and the competence and commitment of individuals, and highlight how important it is for metagovernance initiatives to make sure that their available time, funds, and ambitions are properly aligned with each other. The importance of securing the participation of a good cross-section of all major stakeholder groups is also emphasized, with particular consideration given to the role of the public sector. It is concluded that, while initiating coercive public sector metagovernance relying on top-down hierarchical controls may be a bridge too far, it could in many instances be quite beneficial for governments and UN agencies to step up their engagement in metagovernance, facilitating, participating in, or co-managing collaborative metagovernance processes. The thesis concludes with a discussion of how the pre-existing degree of institutionalization in the regulatory field to be transformed may shape the potential for success of metagovernance interventions.

# **1. Introduction and Background Information**

## **1.1 The Rise of Private Standards Setting**

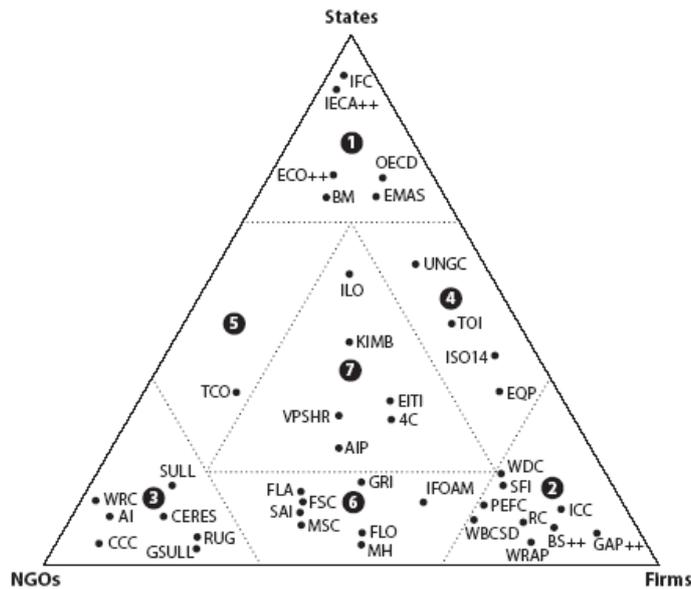
The production, and in some cases consumption, of consumer products is responsible for a large share of the impact of human society on the natural environment. What is more, while a potential motor of economic development and prosperity, modern supply chains may also exploit their employees and generate negative impacts on local communities. Accordingly, it is essential that social and environmental impacts are taken into account in the design of products and the organization of production processes. Traditionally, the regulation of these negative externalities, as virtually all other policy fields, has been the almost exclusive responsibility of the state.

However, in the past decades the internationalization of the economy has around the world diminished the state's capacity to regulate production processes, as the most exploitative and environmentally destructive parts of global supply chains are now often located abroad and hence difficult to address through nationally imposed rules and regulations. The only way for individual governments to directly address the negative externalities associated with production processes taking place abroad is to regulate imports, for example by only allowing the import of certain goods if it can be demonstrated that they have been produced in conformity with pre-determined social and/or environmental standards. However, as such an approach is very vulnerable to challenge under the global free trade regime, governments are very reluctant to use such mandatory, legislative means (Bartley 2003, pp. 447-448). The same has proven true of the intergovernmental regulatory system, in which neo-liberal free trade agendas appear to have become dominant and social and environmental standards are often framed as barriers to trade (Bartley 2003, p. 454). With national interests and priorities varying considerably, intergovernmental arenas also feature other obstacles to the development and implementation of effective international social and environmental regulations. In the view of the environmental and social justice movements at least, governments usually are too slow and intergovernmental agreements too easily subject to veto (Bartley 2003, p. 453).

As increasing economic globalization and the dominance of neo-liberal ideologies and institutions have reduced the capacity of individual states to act effectively, and the orchestration of effective intergovernmental action appears equally challenging, market and civil society actors have become increasingly involved in the realm of social and environmental governance in the last two decades. Institutions regulating the negative externalities of production and consumption are now being set up in a great variety of economic sectors by virtually all possible combinations of NGOs (and umbrella organizations), firms (and industry associations), and (inter)governmental actors.

Abbott and Snidal (2009b, pp. 49-53) schematically characterize this diversity of new regulatory initiatives by placing them in what they call the Governance Triangle (see Figure 1). The surface of this triangle, the vertexes of which represent the three basic types of actors active in environmental governance - states, firms, and NGOs - defines the transnational regulatory space in terms of direct actor participation. For clarity's sake, the regulatory space is subdivided in seven Zones to represent all possible combinations of actor participation. Zone one, for example, contains all state-led initiatives that lack significant involvement of market and civil society actors, while Zone seven features those collaborative efforts that involve actors from all three domains of society. Note that the exact location of the lines dividing the different zones is more or less arbitrary, as the degree of participation of a certain actor type declines continuously as one moves further away from its vertex, and does not change dramatically at each zone boundary. Thus, whether one would place a certain initiative

at one side of a zone boundary or the other is somewhat arbitrary, and a matter of interpretation and judgment.



**Figure 1. The Governance Triangle** (Source: Abbott and Snidal 2009b, p. 50)

A particularly interesting category of new regulatory institutions, in that they differ most from traditional government regulation (Zone one), is comprised of those regulatory initiatives located at the bottom of the Triangle, in Zones two, three, and six. Zones two and three represent regulatory initiatives set up and implemented by (coalitions of) firms or NGOs, respectively, with only modest, if any, participation from the two other actor types. Zone six comprises those instances in which NGOs share governance responsibility with individual firms or industry associations, again with only minor state involvement at most. Although there clearly is a great deal of variety between (as well as among) the initiatives placed in these different zones, the fact that they share this characteristic of no or only minor state involvement is fundamental and significant enough for them to be grouped together under one general heading: private sustainability governance. Although such private rule making is not an entirely new phenomenon, it has acquired a new level of importance in recent decades. The number of such self- and co-regulating institutions has exploded since the 1980s, and there currently is “a nearly unmanageable number” of both company- and sector-specific initiatives (Fuchs 2006, p. 4).

In their attempt to regulate the social and environmental impacts of production processes and product chains, these new regulatory systems often utilize conventional standards setting and certification techniques (Meidinger 2007, p. 2). Directly or indirectly leveraging the market power of environmentally conscious consumers, the governance capacity of these codes of conduct, production/management standards, and eco-labels relies upon producers voluntarily committing themselves to adhere to standards specifying norms and rules for appropriate social and environmental conduct (O’Rourke 2003, p. 6). It is these private sustainability standards initiatives, which engage in the establishment, implementation, and monitoring of voluntary norms, rules, and standards (Pattberg 2004, p. 56), that are the subject of this thesis.

## 1.2 Characteristics of the Private Standards Setting Approach to Governance

Standards setting is defined here as “the making of voluntary, expertise-based structural, procedural, or substantive regulation” (Kerwer 2002, in Pattberg 2004, p. 57). The regulative rules set by voluntary standards initiatives thus do not only specify pre- and/or proscriptions of behavior directed towards sustainability, but also define who accounts for compliance and under what rules (Pattberg 2004, p. 58). Resembling traditional state-based legal systems, private sustainability standards initiatives generally frame their output in terms of normative principles, and define their standards, procedures, and the roles of the involved actors in terms of formalized rules, rights, and duties (Meidinger 2007, pp. 2-3, 12).

What should be explicitly noted here, as it considerably shapes the dynamics involved in the practice of private sustainability standards setting, is the fact that these standards serve a public policy objective, striving to “ameliorate global problems that, in their absence, firms have little incentive to address” (Bernstein 2010a, p. 110; ISEAL 2005a, p. 2). As they seek to prevent or limit the negative *external* effects associated with the production, sale, or use of certain (categories of) products, the quality of social and environmental standards, though in the interest of the general public, is usually not in the direct interest of the subgroup of those who are affected<sup>1</sup> (Rametsteiner 2002, p. 167). In this these so-called *regulatory* standards differ fundamentally from *coordinative* or *trade facilitation* standards, which primarily serve to reduce decision uncertainty, information costs, and other economic transaction costs by safeguarding compatibility, interoperability, or portability of technical components within a system, and are hence in the direct interest of the participating economic actors (Rametsteiner 2002, p. 167).

The content of regulatory standards varies considerably, ranging from very specific, detailed rules of action to general, sometimes ambiguous, principles of good practice or requirements for continuous improvement (O’Rourke 2003, p. 6). Standards will often contain content-based prescriptive rules with regards to selected social and environmental parameters for firms to adhere to, setting benchmarks, maximum, or threshold levels which may not be exceeded or undercut. Alternatively, however, they may simply promulgate procedural requirements for firms to implement an environmental management system, allowing the specific goals to be strived for to be formulated by individual firms. The institutions operating private standards programs do also differ significantly in terms of the actors involved, organizational set up, and mechanisms for verifying compliance. What then, in light of all this variance, are, in addition to the fact that they exert their influence through standards setting and verification, the common, distinctive characteristics of private sustainability standards initiatives?

### *Absence of State Authority and Control*

As it is the most fundamental characteristic distinguishing private standards initiatives from other regulatory standards setting programs, the fact that they are by definition set up by non-state actors deserves further elaboration. A first point that should be noted in this regard is that the two non-state domains of society responsible for these private regulatory efforts include groups of actors a lot more diverse than their simple labels in Abbott and Snidal’s Governance Triangle, ‘NGOs’ and ‘Firms’, would lead one to suspect. This is especially the case with the ‘NGO’ category, which next to NGO advocacy groups also includes the full range of other civil society organizations, such as labor unions, student groups, NGO umbrella organizations, and even socially responsible investors (which in other contexts would be

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<sup>1</sup> Sure enough, some of the improvements demanded by a sustainability standard will have direct benefits for implementing firms, such as cost savings due to eco-efficiencies or improved productivity because of enhanced employee morale. Overall, however, profit-maximizing firms lack the inherent economic incentives to maximize standards quality; in fact, more stringent sustainability standards will often harm, rather than benefit, profits.

considered firms). The 'Firm' category includes the full range of private sector actors, such as large multinational corporations selling branded consumer products and their suppliers, small firms selling intermediate goods, industry associations, small-scale farmers, and agricultural enterprises (Abbott and Snidal 2009a, p. 9). As the spread of sample initiatives in Zones two, three, and six of Figure 1 indicates, private standards schemes can be, and indeed are, initiated by all possible combinations of these non-state actors. However, according to Fuchs (2006, p. 6) "one can observe a basic (even though not exclusive) trend [in terms of participation] from business specific self-regulation [(Zone two)] to cross-sector coregulation [(Zone six)]".

A second, more important, point is that these private regulatory initiatives are very rarely, if ever, fully detached from all state-orchestrated governance processes and completely unaffected by state actors (public authorities of all levels, governmental agencies, and intergovernmental organizations). Indeed, Falkner (2003, p. 76) points out that "the 'pure' form of private governance (governance outside the realm of the states-system) is of only limited empirical and conceptual relevance", since most cases of private sustainability governance do feature some kind of limited government involvement. In fact, in a comparative case study of the emergence of private certification in the forest products and apparel industry, Bartley (2003, p. 457) even concludes that given the amount of support they have offered for private regulatory initiatives, "ironically [...] public agencies are in large part responsible for the rise of private regulation".

There is a number of ways in which state actors can exert influence upon private sustainability standards initiatives (Cashore et al. 2004, pp. 23-25). Firstly, and perhaps most counter-intuitively, they can actually directly or indirectly support their establishment (Bartley 2003, p. 455). The Global Reporting Initiative, for instance, benefited considerably from the Dutch government's contribution of facilities and financial support, and gained in legitimacy and influence due to its inauguration at the United Nations (Abbott and Snidal 2009b, p. 85). Furthermore, the multi-stakeholder process resulting in the establishment of the Fair Labor Association (FLA) was convened by the US government (Glasbergen 2010, p. 135). Secondly, in addition to such direct support, there also is considerable scope for governments to push for the creation of private schemes via more informal and indirect means. For example, governments can stimulate the formation of private negotiation and standards elaboration systems, and subsequently exert significant influence on their outcome, by threatening governmental action in the event of a failure of private actors to produce satisfactory standards<sup>2</sup> (Rametsteiner 2002, p. 168). In as far as state actors have influenced the decision to set up private standards schemes, such initiatives can thus be considered to be the product of "negative public policy decisions", with governments consciously deciding to rely upon such private measures rather than state regulations (Cashore et al. 2004, p. 35).

Thirdly, state actors can attempt to influence private standards setting processes on a par with other traditional interest groups, for instance by providing expertise and resources, offering advice, or helping to write specific rules. This does not have to compromise the private nature of an initiative, as long as the involved state actors remain just one of many interest groups, and do not position themselves as the source of the initiative's authority<sup>3</sup>. Fourth, being a powerful participant in many markets, governments can also act to influence market dynamics in the desired direction. As a large consumer of many goods<sup>4</sup>, governments

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<sup>2</sup> In fact, Mayntz and Scharpf (1995, in Rametsteiner 2002, p. 168) even consider a credible threat of governmental intervention to be an important *prerequisite* for successful private governance arrangements.

<sup>3</sup> Such government involvement can be pictured as the mirror image of traditional state-centric decision-making processes, which allow for interest group influence but do not transfer direct policy making authority to non-state actors (Cashore et al. 2004, p. 24).

<sup>4</sup> The value of public procurement in EU markets, for example, is about 11% of the EU's gross domestic product (Rametsteiner 2002, p. 172).

can significantly bolster the demand for certification by initiating procurement policies favoring certain certified products. On the production side, they can in certain sectors exert substantial influence by acting in their capacity as property owners, for example by pursuing the certification of state-owned forestlands and state-allocated fisheries. Such market actions are not only beneficial because of their direct impact on certification program adoption rates, but have additional significance as they signal the granting of legitimacy to private standards schemes. Another way state actors can get involved is by providing resources to or otherwise supporting needy market participants attempting to become or remain certified. Also, governments could reduce the import tariffs on appropriately certified products (Rametsteiner 2002, p 172). Finally, and most indirectly, many private standards initiatives allow for an indirect state role by partly basing their standards upon, or even explicitly referring to, state-generated rules, norms, and standards (Abbott and Snidal 2009a, p. 10). For instance, transnational private organizations certifying compliance with fair labor standards do not do much more than harnessing the implementation of internationally agreed upon labor laws, which are not adequately enforced in many countries (Glasbergen 2010, p. 135).

As public sector actors can thus play an important role in shaping the practice of private standards setting, the question presents itself at what level of state involvement standards systems then cease to be private initiatives. Since there is not one definitive criterion, the answer to this question is not clear-cut. As Abbott and Snidal (2009b, pp.52-53) point out in relation to their Governance Triangle, whether one places an initiative on one side of a zone boundary or the other (e.g. the top of Zone six or the bottom of Zone seven) is a matter of interpretation and judgment. In a general sense though, it is clear that private standards programs derive their authority to (attempt to) embed social and environmental norms in the global marketplace directly from interested audiences, including the firms they seek to regulate and consumers (Bernstein 2010a, p. 105). They do thus not derive their governing authority from states, nor are they accountable to them (Bernstein and Cashore 2007, p. 3). Although boundaries may become blurry at times, this characteristic distinguishes private standards initiatives from public-private partnerships and private authorities whose competencies and powers are delegated by states, as these do ultimately still rest on the inherent authority of the state to define public policy (Bernstein 2010a, p. 107). Similarly, this defining feature distinguishes private standards initiatives from more traditional standards setting bodies deriving their authority from governments or intergovernmental organizations, such as the FAO/WHO's Codex Alimentarius Commission and the national standards setting bodies united by the International Organization for Standardization (ISO) (Bernstein 2010a, p. 107). Thus, what state actors in any case do not do is themselves initiate private standard setting initiatives (such initiatives would by definition not be private from the start) or use their sovereign authority to require adherence to privately developed standards (an initiative would cease to be private once this happens<sup>5</sup>).

### *The Voluntary Nature of Private Standards*

The latter point introduces another distinctive characteristic of private standards initiatives. Since non-state actors lack both the authority to make compliance with their standards mandatory and the capacity for coercive enforcement, adherence to private social and environmental standards is by definition voluntary. Although industry association rules and the implicit threat of future state regulation may occasionally provide a strong incentive for standards adoption, failure to adopt a private standard will never result in state sanctions (Abbott and Snidal 2009a, p. 34). Private programs thus have to be able to provide some sort of benefits to their clients to induce adoption of their standards by firms. For, although

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<sup>5</sup> At least with regards to the jurisdiction of the state actor(s) in question.

voluntary sustainability standards initiatives do partly depend for their clientele on the willing adherence of companies with a strong normative commitment to corporate social responsibility, most profit-oriented firms decide on whether or not to participate in a private standards initiative by comparing the anticipated costs and benefits (Abbott and Snidal 2009a, p. 50; 2009b, p. 83). Some companies perceive considerable commercial advantages from participation, such as premium prices, access to ‘ethical markets’ and high-standards consumers, improved brand loyalty, employee recruitment and morale, and a continuing ‘social license to operate’. Others feel the need to adopt a standard because the anticipated (direct and indirect) costs of not doing so, in terms of economic and social pressure from NGOs, consumers, employees, investors, and the public, boycotts, and/or legal proceedings, simply exceed the costs of compliance (Abbott and Snidal 2009a, pp. 50-51).

In certain contexts these forces may gather enough strength to make standards compliance a ‘requirement of doing business’, hence rendering adoption virtually mandatory in practice<sup>6</sup> (Abbott and Snidal 2009a, p. 3). However, in the great majority of cases none of these forces is widespread enough to result in market uptake rates even closely resembling industry-wide adoption<sup>7</sup> (Abbott and Snidal 2009b, p. 83; Glasbergen 2009, p. 6). For example, the willingness of the average consumer to pay a premium for ‘sustainably’ produced products has hitherto proven very modest, and NGOs are dependent upon special circumstances (e.g. heightened public awareness after a recent environmental disaster in the sector) for the leverage needed to push firms in a socially responsible direction. The voluntary nature of the decision to participate in a standards initiative, however, should not be taken to mean that standard implementation necessarily remains discretionary once a firm adopts a private standard<sup>8</sup>. Taking up a voluntary standard often does lead to real duties and commitments.

### *Monitoring and Enforcement*

This points to a third key characteristic of private sustainability standards initiatives, namely that they specify some kind of verification procedure to institutionalize an evaluation of the extent to which regulated entities actually comply with the agreed-upon standards (Cashore et al. 2005, p. 56). Such verification often entails third-party auditing processes, in which independent auditors “‘certify’ firm or producer compliance with the rules [set out in the standard] or identify improvements required for a successful audit” (Bernstein 2010a, p. 110). The parties responsible for such external monitoring of performance and verification of compliance are not necessarily the same as those who initiated the program and set the rules. Although standards setting organizations requiring third-party auditing may conduct their own audits, they may also establish a close relationship with one or a select few designated certification bodies that have usually been set up with the specific purpose of certifying to their standard (yet operate independently from the standards’ owner), or have a system in

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<sup>6</sup> For example, producers of intermediate products may find that the branded downstream firms they supply (themselves pressured by external stakeholders) condition their purchase contracts on these suppliers’ adherence to their own or third-party standards (Abbott and Snidal 2009a, p. 51).

<sup>7</sup> The generally rather modest market uptake of (ambitious) standards is especially disappointing considering that the direct impact of a regulatory standard typically is an exponential function of the adoption rate, since industry frontrunners (where the least gains are to be made) are most likely to join voluntary initiatives and industry laggards (where most gains are to be made) are least likely to do so. The FSC, for example, has mainly certified non-controversial, already well-managed forestlands in Europe and North America, while the tropical rainforests and temperate virgin forests most in need of improved management practices remain uncertified or join less demanding certification schemes (Pattberg 2005a, p. 367; 2005b, p. 186).

<sup>8</sup> Though in practice this may be the case with some standards.

place that allows every certification body that proves competent<sup>9</sup> to certify to their standard. The latter option requires the establishment of an accreditation program, which itself in turn may or may not operate independently from the standards setting organization, that independently assesses certification bodies as to “ensure that they are competent at interpreting and auditing to [the] standard [in question]”<sup>10</sup> (ISEAL 2008a, p. 4).

Though often the case<sup>11</sup>, private standards initiatives’ verification procedures do not necessarily entail mandatory auditing by independent third-party auditors. They may also require firms to report their progress to an industry association (second-party verification), or simply to set up internal monitoring procedures (first-party verification). Detailed auditing results may or may not be made available to the public, and compliance may or may not be rewarded with the opportunity to make use of a logo or eco-label<sup>12</sup>. Although independent third-party auditing generally is preferable to first-party and even second-party monitoring and verification<sup>13</sup>, this defining characteristic thus certainly does not serve to exclude from the ‘private standards initiative’ concept those industry-friendly standards setting initiatives and codes of conduct that specify relatively flexible internal monitoring arrangements. What it does do is distinguish private standards initiatives from voluntary codes of conduct, statements of principles and the like that are completely discretionary and are not tied to any kind of procedures for implementation and monitoring. Although such paper promises, serving more as PR tools than as drivers of change<sup>14</sup>, may qualify as private sustainability governance in the broader sense of the term, they are not considered instances of private standards setting for the purposes of this thesis.

Considering the need to continuously monitor compliance as well as periodically revise the standards being used, private standards initiatives are generally set up as sustainable independent organizations, establishing their own internal governance arrangements and developing the capacity to back up the obligations their clients sign on to with enforceable rules (Bernstein 2010a, p. 104). Though joining a private standards scheme is voluntary, firms that sign on do thus generally subject themselves to governance, rules, and enforcement mechanisms that are far from non-committal (Bernstein 2010a, p. 110). Though the most severe consequence of non-compliance usually remains limited to the formal revocation of certification, this sanction is usually backed up by (the threat of) NGO-led negative publicity campaigns as to maximize the public relations costs of non-compliance or formal withdrawal from the system.

### **1.3 The Fragmentation of Private Standards Setting**

As the number of potential standards setters is enormous and the barriers to entry to the regulatory system are relatively low, economic sectors subject to the scrutiny of social and environmental NGOs often see numerous (combinations of) private actors (firms and industry

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<sup>9</sup> The rise of standards setting as an approach to regulation has resulted in the establishment of many (often for-profit) certification bodies that operate as independent service providers and offer a ‘menu’ of certification options, often even spanning multiple sectors.

<sup>10</sup> In essence “certifying the certifiers” (Sanabria 2002). For a certification body, being accredited by a certain standards initiative works as “a license to perform certification based upon [this particular program’s] principles and standards” (Rainforest Alliance 2003, p. 36).

<sup>11</sup> At least with the initiatives from Zones three and six from Abbott and Snidal’s Governance Triangle

<sup>12</sup> Which, depending on the product, will often require systems for tracking products along global supply chains to be in place.

<sup>13</sup> That is, from the point of view of ‘the public interest’. From the perspective of a business that has signed on to the system, third-party certification is the most demanding, and consequently the most burdensome, of the different verification mechanisms prevalent today.

<sup>14</sup> Which admittedly may also be said of some of the initiatives from Zone two that do have monitoring procedures in place (Bernstein 2010a, p. 105).

associations as well as NGOs) promulgating and promoting different regulatory standards (Abbott and Snidal 2009a, p. 33). Emerging gradually as a result of the uncoordinated actions of these various independently operating actors, the rise of private standards setting, viewed as a system of governance, has thus been “largely spontaneous and unplanned” (Abbott and Snidal 2009a, pp. 36-37). In other words, in contrast to traditional state-based regulatory systems, which are *designed* from the top down more or less in their entirety, private standards setting fields *develop* from the bottom up. This results in the emergence of a highly pluralized regulatory system, featuring a number of different private standards initiatives that do not have any authority over each other (Abbott and Snidal 2009a, p. 33).

Ideally, all the private (and public) actors involved in such an issue area, based on an integrated understanding of all associated problems and their interdependencies, allocate tasks among themselves according to their different strengths and capacities. Such a more integral approach would also entail a “*more strategic and reserved policy towards [the creation of] more new initiatives*” (Visseren-Hamakers and Glasbergen 2007, p. 418). In reality, however, functional interdependencies and strategic alliances between competing initiatives are hampered by the sheer number of different schemes and actors involved, a divergence in goals, priorities, and areas of focus, an inability to overcome ideological differences, and a lack of communication (Visseren-Hamakers and Glasbergen 2007, p. 417; Abbott and Snidal 2009b, p. 83).

This is not to say that the excessive multiplicity, as initially feared by some, has resulted in the disintegration of the entire private standards setting system. Most participants in the regulatory system, operating in parallel in pursuit of both shared and different objectives, seem to be aware that they have become mutually interdependent (Meidinger 2007, p. 11). In fact, as part of their competition they have at times developed various kinds of complex linkages, so that competing standards initiatives may now be observing, mimicking, competing, communicating, negotiating, and adapting to each other in various ways (Meidinger 2008, p. 262). Overall, however, due to the reasons mentioned above, the extent of such coordination has remained rather limited in most sectors. Private regulatory initiatives continue to develop in an ad hoc and ad random manner, and although those involved recognize their interdependencies, the arena of private sustainability standards setting is generally characterized by the absence of strategic linkages between the various, potentially mutually reinforcing, private (and public) initiatives.

#### *Advantages of Multiplicity*

Such decentralization and multiplicity certainly has its advantages. For one, (the competition often associated with) variety may be a source of innovation (Glasbergen 2009, p. 8). The proactive involvement in the governance process of a diverse array of stakeholders, each with their own interests, values, and competencies, allows for the same regulatory issues to be addressed in multiple and diverse ways. As Abbott and Snidal (2009a, p. 18) note, “[t]he synergy provided by multiple actors pursuing similar goals through varied means may be more effective than the actions of a single centralized regulator”. For instance, by allowing for experimentation, demonstration effects, and the replication or scaling up of successful approaches, such regulatory diversity allows the system as a whole to learn and evolve faster (Abbott and Snidal 2009a, p. 19). What is more, competition between initiatives active in the same sector may, in Rametsteiner’s eyes (2002, p. 169), “result in a propensity to reward initiative instead of a passive wait-and-see attitude: it rewards those who are interested in achieving results, and it enables stalemate situations to be overcome through the possibility of shifting to an alternative structure, thus outmanoeuvring blocking parties”. Furthermore, as the sustainability issues that private standards initiatives aim to ameliorate are often context-specific, the fact that it allows for the fine-tuning of standards and procedures to local

circumstances is also an important benefit of regulatory multiplicity (Abbott and Snidal 2009a, pp. 42-43).

Another advantage of the multiplicity and diversity associated with private standards setting is that it makes it more difficult for the targets of regulation (as well as for NGOs) to 'capture' the entire regulatory system, which in the absence of multiplicity would be a significant danger of private standards setting (Abbott and Snidal 2009a, p. 44). Whereas in a traditional state regulatory context an industry might be able to gain complete control over the regulatory process by capturing a single government agency, the decentralized and fragmented nature of private governance makes this considerably more difficult (Abbott and Snidal 2009b, p. 79). If one private standards initiative, or even a state agency or intergovernmental organization, were to be captured, the activities of other programs could compensate for it. Also, these schemes would be quick to reveal and criticize the capture of a competing standards initiative (Abbott and Snidal 2009a, p. 44). Furthermore, new schemes may arise at any time when parts of civil society feel that none of the relevant existing schemes are independent enough (Abbott and Snidal 2009b, p. 79). Thus, whereas the regulatory capture of a government agency would both place the full coercive power of the state behind the resulting distortive measures and allow the captured institution to trump other schemes, the capture of a single private standards initiative would be a lot less detrimental and the capture of all relevant private schemes a lot more difficult. Especially the multi-stakeholder schemes from Zone six in the Governance Triangle are difficult to capture, as the involved firms and NGOs are continuously working to preserve the balance between their countervailing interests and would find it relatively easy to challenge the legitimacy of the scheme if they felt the 'other side' had succeeded in capturing the institution (Abbott and Snidal 2009a, pp. 44-45).

A final potential advantage of regulatory multiplicity is that competition between private standards setting initiatives may exert pressure towards higher standards, stricter verification mechanisms, and more democratic governance arrangements. Competing for the favor of consumers and other concerned audiences, the theory goes, standards initiatives may repeatedly raise their quality to distinguish themselves from their competitors, resulting in a race to the top. In practice, these dynamics will seldom play out as to gradually raise the standards of all initiatives in a particular standards setting field. Rather, the result is generally that less stringent initiatives raise their standards, reducing differences with the frontrunner(s) in their field, just enough to retain credibility. For instance, as they have to compete with NGO and multi-stakeholder initiatives for credibility and public support, various industry initiatives set up primarily to preempt or undermine more stringent regulations, such as the Sustainable Forestry Initiative, the Programme for the Endorsement of Forest Certification Schemes (PEFC) (both competing with the Forest Stewardship Council (FSC)) and Worldwide Responsible Accredited Production (industry response to the Fair Labor Association (FLA)), have considered it necessary to strengthen their substantive standards, procedures, and governance arrangements (Abbott and Snidal 2009b, p. 78, Cashore et al. 2003, p. 241). In addition to their direct impact on adopting firms, frontrunner schemes such as the FSC and the FLA thus also have an indirect impact through their influence on competing initiatives. Private standards initiatives themselves do also increasingly see themselves as part of a larger emerging governance system rather than as free-standing programs, and realize that they may achieve some of their goals through their competitors. The FSC's executive director, for example, describes his organization's role as being "a global pacesetter for development of standards and certification" (Leidekker, in Meidinger 2007, p. 11).

### *Disadvantages of Fragmentation*

Although the existence of competing voluntary standards initiatives is thus not without its advantages, the fragmented nature of the resulting regulatory system also has some important drawbacks. At the very least, this uncoordinated coexistence of multiple competing schemes results in the wasting of scarce organizational resources due to the (unnecessary) duplication of efforts. Looking at a regulatory standards system made up of a number of independently operating initiatives, the sum is less than the combined total of its parts. Not only would the initiators of the different schemes have had to allocate fewer resources if they had combined their efforts to set up a single initiative, they often would also have been able to benefit considerably from setting up shared functions, or even just exchanging information, ideas, and experiences. As it is, new initiatives continuously have to reinvent the wheel, allocating scarce resources to solve problems already encountered and overcome previously by other schemes. What is more, standards multiplicity may also entail duplication of efforts for some vulnerable firms, which may face heightened transaction, implementation, and organizational costs as they are pressured to adhere to multiple schemes simultaneously (Abbott and Snidal 2009a, p. 42).

Another important pitfall associated with the fragmentation characterizing private standards setting fields, mirroring the possibility of a race to the top discussed above, is the fact that a multiplicity of competing voluntary schemes may exert pressure towards lower standards and more flexible verification procedures. In fact, this historically has often been a main reason for this multiplicity to develop in the first place. In a variety of sectors, the creation of the first (NGO-based or multi-stakeholder) voluntary regulatory scheme was quickly responded to by the relevant industry association (or individual firms) with the creation of a competing, more business-friendly scheme (Abbott and Snidal 2009b, p. 76). Although some of these initiatives are sincere attempts to achieve the same goals with a more business-compatible approach, others are relatively insincere efforts aimed more at undermining the competitor program and easing the external pressure on companies to join this more ambitious scheme than at actually realizing environmental improvements (Abbott and Snidal 2006a, p. 11; Bernstein and Cashore 2007, p. 13; Glasbergen 2009, p. 6). As an example of the latter, Cashore et al. (2003, p. 237) even quote one PEFC supporter calling the PEFC “*the certification program that nobody wants*”, as environmentalists see it as an illegitimate alternative to the FSC and forest owners only accept it reluctantly as “*the lesser of two evils*”.

By undermining standards stringency, a multiplicity of competing standards thus risks ‘softening’ the voluntary approach to environmental governance. Most straightforward, as already suggested above, by allowing companies to present themselves as ‘responsible corporate citizens actively improving their sustainability performance’ without joining the environmentally superior scheme, the existence of not-so-stringent regulatory schemes undermines the market share of more ambitious initiatives. Relatedly, and somewhat more subtle, competition may also erode the stringency and effectiveness, in terms of achieving sustainability goals, of the more sincere and ambitious private regulatory initiatives. When companies can go forum-shopping, selecting the least costly certification capable of providing consumer support, they can play out regulatory initiatives against each other (Pattberg 2005a, p. 371). Since the voluntary adoption by market actors is essential for the success of any private standard, both in terms of achieving organizational goals and the ability to raise resources, individual schemes perceive an incentive to make themselves more attractive for target companies by weakening their standards and/or procedures (Abbott and Snidal 2006a, p. 10; 2009b, p. 79). Thus, as aptly noted by Abbott and Snidal (2009a, pp. 52-53), “[w]hile [...] advocates [of private standards setting] hope that [...] standards will be ‘ratcheted up’

over time through competition for legitimacy and public support, as has occurred in certain sectors, schemes also face strong incentives to ‘ratchet down’ their standards”.

Although it is especially the newly established initiatives that hardly have a visible appearance in the market yet that are at risk of compromising the stringency of their standards and verification procedures for a larger market share, virtually all voluntary standards initiatives face the same incentive when confronted with competition (Pattberg 2005a, p. 371). As a result, even the coexistence within the same issue area of multiple sincere, well-intended standards initiatives sympathetic towards each other’s objectives may be detrimental to the goal attainment capacity of these schemes. However, although competition between standards may thus even result in a race-to-the-bottom when it concerns multiple well-intended initiatives that share the same goals (Abbott and Snidal 2006a, p. 10), it should primarily be considered to be a threat when an ambitious scheme has to compete with a much less demanding industry alternative. For example, in the face of fierce competition from industry-dominated schemes, the FSC has had to soften some of its standards to take account of business concerns<sup>15</sup>.

Besides its direct impact on the market share and stringency of individual standards initiatives, the existence of a multitude of different schemes may on a more general level also weaken the credibility of private standards setting per se. Since it is difficult for third parties, especially individual consumers, to distinguish between sincere and insincere standards, the existence of many different voluntary schemes may very well confuse them, undermining their interest in and commitment to the general idea of sustainability certification (Abbott and Snidal 2009b, pp.79-80; Pattberg 2005a, p. 369). This is especially so in the face of strong public rivalry between schemes; when competing initiatives and their supporters try to discredit each other, they may end up discrediting all standards setting initiatives in the sector (including their own) (Gulbrandsen 2004, pp. 93-94).

In a sense, the main danger of fragmentation is thus that it may serve to amplify and exacerbate some more or less inherent disadvantages of the private standards setting approach to regulation. The opacity of fragmented regulatory systems and the consequent confusion among producers, consumers, public regulators, and other third parties combines with concerns regarding the credibility and legitimacy of private standards setting to undermine the potential of this approach to governance to transform production chains. For neither the lack of credibility nor the questionable legitimacy of some of the private standards setting initiatives out there would be all that much of a problem if the regulatory system in which these initiatives operate would be completely transparent, so that third parties would be able to see these ‘lesser’ initiatives for what they are and value their labels accordingly. However, as a result of the fragmentation and resulting opacity of the regulatory standards system as it is constituted in most sectors, it is generally quite difficult for third parties (especially individual consumers) to distinguish between the credible, legitimate, and stringent schemes out there and their less credible, legitimate, and stringent competitors. As discussed this is problematic, as it allows the ‘bad’ schemes to chip away at the market share of the ‘good’ ones, results in incentives for the ‘good’ schemes to become worse, and causes third parties to lose faith in the certification approach to sustainability governance more generally. In order to draw a complete picture of the dangers associated with fragmentation, the remainder of this section will therefore discuss the main concerns regarding the credibility and legitimacy of private rule making in some detail.

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<sup>15</sup> Although, as mentioned previously, the reverse is true as well.

### *The Credibility of Private Standards Setting*

As the great majority of private standards initiatives features considerable, if not exclusive, industry involvement, the fact that the actors whose activities are being regulated are so closely involved in the regulatory process gives rise to concerns regarding their credibility. Are the participating market actors honestly concerned about reducing their environmental footprint and negative impacts on local communities, or do they only want to counter or prevent negative publicity at the lowest cost possible? Note that it is not a requirement for success for firms participating in the setting up and implementation of private standards initiatives to do so out of the goodness of their heart. The fact that many firms introduce corporate social responsibility policies and get involved in such private standards schemes as a means to manage external stakeholder expectations and counter or prevent negative publicity does by no means discredit their efforts, as long as these external expectations are at least to some extent internalized. Firms that lack any kind of internalized commitment to reducing their negative externalities, however, are unlikely to establish effective and robust regulatory systems.

Hence, in general, although the stringency and effectiveness of both private and public regulations naturally differs considerably per initiative, the simple fact that those to be regulated are doing the regulating warrants a healthy dose of suspicion when it comes to evaluating the stringency of private standards setting schemes set up by market actors. Even sincere and normatively motivated firms, which seek good reputations and whose executives are strongly committed to ethical values, operate in a system that forces them to focus primarily on profit (Abbott and Snidal 2009a, p. 38). Hence they will be very unlikely to draw up regulations, or even to join an existing voluntary scheme, that may significantly hamper profits.

Self-regulatory schemes (Zone two in the Governance Triangle) are therefore often limited in depth and breadth, characterized by ‘business-friendly’ standards, low compliance costs, a lack of transparency, and limited influence for external stakeholders. They are often seen more as vehicles for communicating the virtues of existing practices than as opportunities to improve environmental performance (Abbott and Snidal 2009a, p. 39). Indeed, Bartley (2003, p. 441) argues that since private regulatory programs typically do involve corporations in some role, their impacts, “although not necessarily unsubstantial”, are likely to be limited. Similarly, others argue that the present generation of voluntary regulation only addresses the easiest and least costly changes to corporate behavior; the “low hanging fruit” (Haufler 2003, p. 244). As all voluntary initiatives need to make a trade-off between stringency and market uptake, this also goes for some of the sincere and well-intentioned industry initiatives and even for some of the schemes set up without business involvement.

However, the issue of standard stringency and effectiveness is most troubling when it concerns firm or industry initiatives without any NGO or state involvement. As Abbott and Snidal (2009b, p. 76) put it, “firms or associations may adopt the trappings of effective self-regulation - including codes, responsible officers, outside auditors, and logos - without seriously implementing it”. By adopting minimally sufficient standards, or in some cases even ‘sham schemes’ primarily intended to mislead, companies may undermine the case of civil society for external regulation, divert NGO attention to other firms or sectors, split moderate from more radical NGOs, and even attract environmentally conscious consumers. In the view of Abbott and Snidal (2009b, p. 76), many of the firm and industry codes from the 1980s and 1990s appear to be products of such a greenwashing strategy<sup>16</sup>. Naturally, this is not to say

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<sup>16</sup> For example, many companies exporting tropical timber to environmentally sensitive markets in the North began to label their products as environmentally friendly in response to the NGO campaigns of the 1980s. However, a 1991 report of the WWF-UK (in Bartley 2003, p. 444) discredited the vast majority of such claims

that private standards setting is by definition inconsequential. Some initiatives<sup>17</sup> have been able to formulate good substantive and procedural standards, the industry-wide adoption of which would result in significant social and/or environmental improvements. It is up to consumers and other third parties to distinguish between these credible initiatives with stringent programs and their less credible counterparts.

### *The Legitimacy of Private Standards Setting*

Another important pitfall of private social and environmental standards setting of which the significance is amplified by multiplicity and the resulting opacity is the potential lack of legitimacy of private standards initiatives and, consequently, the standards they promulgate. Though closely related, this concern should be considered separate from the issue of credibility. Although the credibility of the initiating actors is a virtual prerequisite for private standards initiatives to gain legitimacy, credibility alone does by no means guarantee legitimacy. In fact, many initiatives set up by credible, well-intentioned actors can be expected to still lack legitimacy, in the sense that these actors are not “entitled to stand for and act in the name of the public” (Rametsteiner 2002, p. 168). An institution is legitimate (in the normative sense<sup>18</sup>) when it “has *the right to rule*”, meaning both “that institutional agents are morally justified in making rules and attempting to secure compliance with them and that people subject to those rules have moral, content-independent reasons to follow them and/or to not interfere with others’ compliance with them” (Buchanan and Keohane, in Beisheim and Dingwerth 2008, p. 8, emphasis in original).

In liberal democracies, public authorities - the only bodies formally authorized through the democratic process to define the public good - are by definition the most legitimate source for any kind of regulatory standard (Rametsteiner 2002, p. 168). Similarly, in international settings, intergovernmental organizations are the most obvious source of legitimate

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made by tropical timber companies and trade associations as “a remarkable mix of fact, conjecture and allusion together with a smokescreen of diverting but wholly irrelevant information”.

<sup>17</sup> Even including some self-regulatory initiatives without any NGO involvement (Zone two).

<sup>18</sup> In addition to the normative (or philosophical) notion of legitimacy, the legitimacy concept also has an empirical (or sociological) dimension (Beisheim and Dingwerth 2008, p. 8). In the *empirical* sense, an institution is legitimate “when it is widely *believed* to have the right to rule” (Buchanan and Keohane, in Beisheim and Dingwerth 2008, p. 8, emphasis in original). Legitimacy is then defined as “the acceptance of shared rule by a community as appropriate and justified” (Bernstein and Cashore 2007, p. 2). This thesis entertains a normative, rather than empirical, notion of the legitimacy concept for two interrelated reasons.

First, while the concept of normative legitimacy refers to a *characteristic* of a regulatory institution or its output, empirical legitimacy reflects how a particular observer or community *perceives* that institution or standard. Since addressee firms, consumers, and those suffering the negative externalities the initiative aims to regulate will often all perceive a standards initiative differently, any measure of empirical legitimacy is thus crucially dependent upon who are considered to be members of the ‘community’ granting legitimacy. In the empirical sense, virtually any standards initiative can thus simultaneously be considered both legitimate and illegitimate, depending on what actor group one takes as a reference.

Second, as a scheme’s empirical legitimacy is crucially dependent on the narrow and short-term “self-interested calculations of an organization’s most immediate audiences” (Suchman, in Cashore 2002, p. 516), virtually every activity that would increase a standards initiative’s attractiveness to producers (e.g. less stringent verification procedures, lower certification fees) could be considered to be enhancing the program’s legitimacy if one were to take the firms hoped to take up an initiative’s standard as the most relevant audience. Consequently, adhering to an empirical notion of legitimacy would for instance entail accepting that the PEFC (an industry-dominated initiative with fairly non-demanding standards) is more ‘legitimate’ than the FSC (well known for its elaborate procedures for stakeholder involvement and the fact that it formally safeguards equal decision making influence for actors from the North and the South, as well as for social, economic, and ecological interests). The achievement of empirical legitimacy is therefore deemed too independent of an initiative’s democratic credentials to use an empirical interpretation of the legitimacy concept in the context of this thesis. Note though that gains in the normative legitimacy discussed throughout this thesis will, *ceteris paribus*, usually also lead to increased empirical legitimacy.

regulation, deriving their legitimacy from sovereign states' consent (Bernstein and Cashore 2007, p. 5). When it comes to the legitimacy of governance efforts, private standards initiatives are thus at a disadvantage in comparison with traditional state-led governance processes, as democratic theory does not confer any kind of 'automatic legitimacy' to rules defined by non-state actors.

For private companies and industry associations, even in their capacity as (co-)regulators, generally consider their private costs and benefits first, and public interests only second (Haufler 2003, p. 243). Even well-intended, normatively motivated firm schemes may therefore be expected to "reflect particularistic interests or values, [which] do not necessarily coincide with the broader public interest" (Abbott and Snidal 2009a, p. 38). Moreover, even environmental NGOs, who generally have a "high level of perceived legitimacy to act in the interest of the public on environmental issues" (Rametsteiner 2002, p. 169), lack this legitimacy from a constitutional perspective. Although most NGOs are motivated by values rather than interests<sup>19</sup>, they do not necessarily adequately represent the public good or the interests of the general public<sup>20</sup>.

Recognizing the inherent potential of privatized forms of regulation to conflict with democratic ideals of openness and accountability (Bartley 2003, p. 441), Boström (2003, p. 175) expresses the view that state legitimization of private initiatives, e.g. by formally recognizing them, incorporating them in government (procurement) policy, or becoming actively involved in their activities, perhaps is necessary in the long run. However, although they on their own may never achieve the same level of legitimacy as state regulation, this does not mean that private initiatives by definition lack the potential to develop legitimate standards. Private initiatives may actively seek to achieve legitimacy by conforming to the ideals of democratic theory. By structuring the standards setting process according to procedures considered 'fair' by democratic theory, private initiatives may attain what Beisheim and Dingwerth (2008) call "normative procedural legitimacy". The most important of these fairness principles, which are all "firmly embedded in virtually all variants of democratic theory" (Beisheim and Dingwerth 2008, p. 13) and together "constitute the core of most approaches to democratic governance beyond the state" (p. 12), are (1) inclusive, fair, and representative participation, (2) deliberation, (3) transparency, and (4) accountability.

As they are not subject to legal requirements that guarantee a minimum level of performance with regards to these principles of normative procedural legitimacy, private standards initiatives differ considerably with respect to the degree to which they satisfy these criteria. While many initiatives clearly violate all four of these fairness principles, others have purposely organized their standards setting and implementation processes as to allow for inclusive, fair, and representative participation, ensure the deliberative quality of opinion and will formation, and guarantee transparency and accountability. Some may in fact be achieving levels of legitimacy rivaling those of state-generated regulations. However, although as a general rule of thumb the multi-stakeholder initiatives set up by a coalition of firms and

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<sup>19</sup> There are exceptions, such as labor unions and some organizations of indigenous people, which are primarily motivated by interests (Abbott and Snidal 2009a, p. 39).

<sup>20</sup> Environmental NGOs, for example, may discount interests like economic growth more heavily than a hypothetical median voter would. Furthermore, although disregarded in the previous section, NGOs may also face credibility problems, since even value-driven NGOs must attend to organizational goals in order to succeed. They may for example pursue certain policies because they please vocal activists or donors, even though they are not favored by the majority of the organization's constituency nor by the general public (Abbott and Snidal 2009a, p. 39). In light of the above it should not come as a surprise that targeted companies may in some instances even portray environmental NGOs as "self-appointed judges in a field where they have inadequate understanding, limited experience and no legitimate right to regulate in the first place" (Gulbrandsen 2004, p. 92). Just like firm self-regulation, NGO dominated standard setting initiatives thus face their own legitimacy concerns.

NGOs are both most well-positioned and most likely to operate legitimate programs, it remains very difficult for third parties (especially consumers) to distinguish between these legitimate schemes and their less legitimate competitors.

### *Managing Fragmentation*

Overall, although degrees of multiplicity and fragmentation differ considerably across the sectors and issue areas that have become subject to voluntary standards setting, the negative consequences of fragmentation have come to considerably hamper the effectiveness of the private standards setting approach to sustainability governance. It might be argued that this is just a phase in the development of the practice of private standards setting, and that the past decades of unbridled proliferation of standards will almost automatically, even without centralized intervention, be followed by a period of convergence and a consolidation of the regulatory system. However, at this point the evidence for this proposition is not persuasive (Meidinger 2007, p. 22).

If the private standards setting system is to develop the coherence “usually thought to be required for effective governance” (Peters 2006, p. 10), this will require some purposive steering. As none of the actors in the private standards setting system has any authority over its peers and competitors, this steering is not to be expected from individual private standards organizations. Although the largest and most high-profile of these initiatives may certainly exert an influence on and to some degree shape the entire standards setting system as it is constituted in their sector or issue area, they generally are not influential enough to adequately deal with the problems associated with the prevalent fragmentation. Consequently, some kind of central direction and guidance, from above or more bottom up, is necessary. Ameliorating the problems many standards initiatives face as a consequence of fragmentation requires these challenges to be addressed not at the level of a single standards initiative but from above, at a level above the individual initiatives directly experiencing the challenges. There is a need for what has come to be called ‘metagovernance’.

## **1.4 Metagovernance in Private Standards Setting**

### *Metagovernance*

The concept of metagovernance is usually not defined with much precision in the literature (Sørensen 2006, p. 101), which is a lot less developed on the topic of metagovernance than on governance in general (Peters 2006, p. 4-5). Furthermore, to complicate matters further, there also appear to be considerable differences among governance scholars in the way they conceptualize the concept. Given the fact that ideas about governance vary widely in the literature (Peters 2006, p. 5) this should not come as a surprise though. For, as already implied by the minimal yet uncontroversial ‘lowest common denominator definition’ of metagovernance - the “governance of governance” (Peters 2006, p. 14) or “organization of self-organization” (Sørensen 2006, p. 101) -, the conception of metagovernance one entertains crucially depends upon the idea of governance that one employs (Peters 2006, p. 5). Thus, rather than referring to one specific set of activities, “metagovernance is”, according to Sørensen (2006, p. 101), “most correctly described as an umbrella concept for the fragmented plurality of toolkits for regulating self-regulation that are suggested by various theorists”. Still, although the more detailed connotations associated with the metagovernance concept may differ per scholar, the differences among them are certainly not that great as to render the concept meaningless. Whatever the specifics, metagovernance is invariably understood to be “an indirect form of governing that is exercised by influencing various processes of self-governance” (Sørensen 2006, p. 100). It is a means of creating order and “enhancing

coordinated governance in a fragmented political system based on a high degree of autonomy for a plurality of self-governing networks and institutions”<sup>21</sup> (Sørensen 2006, p. 100).

In its most general and abstract conceptualization, which appears to be prevailing in the literature, the process of metagovernance has been described as “establishing and protecting the constitutional framework in which (private) governance activities can take place” (Wolf 2001, p. 12). It then entails the provision of “the ground rules for governance” and “the regulatory order in and through which governance partners can pursue their aims” (Jessop 2003, p. 15). In this form, metagovernance can thus be seen as a rather indirect and hands-off activity, in the sense that it does not involve direct contact between the metagovernor and the self-governing actors. Rather, this form of metagovernance can be exercised by shaping the political, financial, and organizational context within which private regulators have to operate (Sørensen 2006, p. 101). This includes the provision of governance functions largely taken for granted, such as guaranteeing the functioning of markets and an open access to the public arena (Conzelmann and Wolf 2007, p. 113), but may also involve policies more directly relevant to the practice of private standards setting. For example, by initiating desirable regulatory arrangements that remove institutional barriers to the formation of private standards initiatives and facilitate their operation, a metagovernor can reduce the bargaining problems that currently hamper the collaboration between individual private actors (e.g. firms and NGOs) or between their regulatory institutions (e.g. competing standards initiatives) (Abbott and Snidal 2009a, p. 49). Another important contextual factor worthy of considerable metagovernance attention relates to the status of private social and environmental standards in the global trade regime.

Overall, however, such indirect and hands-off metagovernance is going to be of limited value when it comes to ameliorating the problems that the private standards setting approach to regulation faces as a result of excessive multiplicity and fragmentation. Rather, addressing the consequences of this fragmentation requires a more goal-directed and hands-on approach to metagovernance; something more along the lines of the “strategic steering and coordination in the governance system” talked about by Visseren-Hamakers and Glasbergen (2007, p. 409). However, what sort of interventions such more hands-on metagovernance may entail remains rather unclear. The governance literature, whenever it does go into the metagovernance concept in any kind of detail, generally sticks to more abstract and hands-off interpretations of the concept. What is more, publications on the metagovernance of private standards setting specifically are virtually nonexistent.

#### *Metagovernance Interventions in the Realm of Private Standards Setting*

However, when applying the insights on metagovernance that *can* be distilled from the governance literature to the theory and practice of private standards setting, several potential metagovernance pathways can be identified. For one, metagovernance will often entail coordinating the activities of the various actors involved in the standards setting system as to promote “the compatibility or coherence of different governance mechanisms and regimes” (Jessop 2003, p. 15) and create order within the regulatory system overall. This involves linking non-state actors with one another (as well as with the relevant public actors) and developing instruments and strategies that allow for the strategic steering of (sets of) organizations (Peters 2006, p. 5). For example, when they feel this is necessary, metagovernors can convene and otherwise support private actors to encourage the creation of needed multi-stakeholder standards initiatives (Abbott and Snidal 2009a, p. 63). They can also enforce coordination and coherence on the actors active within a standards setting system by more systematically promoting information exchange and encouraging normative and

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<sup>21</sup> The practice of private regulatory standard setting, viewed as a system of governance, certainly matches this description of a fragmented regulatory environment.

institutional learning as well as cooperation among the various coexisting schemes (Peters 2006, p. 7; Abbott and Snidal 2009a, pp. 49-50). Such collaboration may enhance the voice of private regulatory organizations in international forums, and may eventually even result in the establishment of shared practices and the harmonization of standards (Abbott and Snidal 2009b, p. 82). With a view to the coherence of the overall regulatory system, metagovernance may also aim to ensure that the private standards initiatives regulating different economic sectors and/or different sustainability problems do not work against each other, but rather support and reinforce each other's efforts (Visseren-Hamakers and Glasbergen 2007, p. 416).

In addition to organizing such closer coordination and cooperation, which produces coherence when interacting schemes collectively decide to converge, metagovernance may also lead to greater coherence and similarity among standards initiatives when multiple schemes, independently of each other, come to similar responses to a metagovernance intervention. For instance, a metagovernor may develop a preferred organizational model or set of requirements (e.g. with regards to substantive standards, verification procedures, or internal governance arrangements) and then aim to have as many schemes as possible incorporate these best practices. To this aim a metagovernor can manipulate initiatives individually, or develop and promote/prescribe principles and guidelines for all standards initiatives (within its sphere of influence) to adhere to, a "code for codes" as it were (Abbott and Snidal 2009a, p. 65).

Another important means by which metagovernance may strengthen the private standards setting system is by supporting the most promising and high-quality initiatives. This will not only strengthen the regulatory system directly by further strengthening its 'best' schemes, but may also exert upward pressure on the quality of other initiatives as they compete for the support of the metagovernor. Hence, although only benefiting one or a select few standards bodies directly, the indirect influence of such interventions may extend well beyond the supported scheme(s). Such a metagovernance strategy may simply involve the dissemination of information on the quality of the competing initiatives within a sector, pointing out which ones are most likely to serve the public interest. More directly, however, a metagovernor may support high-quality schemes by officially endorsing them (thereby transferring to this scheme whatever legitimacy the metagovernor may possess), or even by providing financial and/or organizational resources. One might expect such metagovernance interventions to often be combined with the mechanisms for bringing about convergence described above. For instance, a metagovernor may develop and promote a certain approach to standard setting, and then endorse or otherwise support any initiatives that actually implement the suggested procedures. Or a metagovernance initiative may convene a number of rivaling schemes and facilitate the negotiation of one common set of standards, to subsequently endorse and promote the resulting 'consensus standard'. Furthermore, a metagovernor may also disseminate, replicate, and scale up the most successful regulatory innovations (Abbott and Snidal 2009a, p. 50).

Metagovernance may also simply entail the centralized organization and implementation of shared functions. By taking charge of activities that standards initiatives would otherwise have to manage individually, a metagovernor can reduce the pervasive duplication of efforts, or even allow for the pursuit of activities that would otherwise have to be neglected as individual schemes cannot afford, financially or operationally, to implement them on their own. The centralized organization of shared functions may thus also enable the implementation of activities whose benefits accrue to the entire private standards system in a particular field and cannot effectively be appropriated by those generating them (e.g. heightened awareness of the benefits of certification in a particular sector).

As the above examples of possible metagovernance interventions and strategies illustrate, metagovernance can entail a lot of different things, depending on the regulatory context within which it is being pursued and the specific weaknesses in the regulatory system it aims to address. When it comes to actually implementing such metagovernance interventions at the field level, there is an even greater variety of specific activities that can be undertaken. Metagovernors can advance their goals by convening, facilitating, legitimating, negotiating, publicizing, ratifying, supervising, partnering, and otherwise interacting with private regulators (Abbott and Snidal 2009a, p. 17). When looking at the nuts and bolts of it all, metagovernance thus makes use of many of the same activities as does ‘regular’ governance; it merely does so at a higher level in the regulatory system.

### **1.5 Metagovernance Objectives**

To facilitate understanding of the practice of metagovernance, it seems useful to somehow classify metagovernance activities according to the function they fulfill in the governance system or the pathway of change underlying their impact. However, as so little is known about the practice of metagovernance in the realm of voluntary standards setting, it is not yet feasible to come to a detailed account of all the different (sub-)types of metagovernance that (may) exist. To still create some order in the universe of different (possible) metagovernance interventions, it is proposed here that in the most general sense metagovernance activities can be categorized according to the final objective to which they aim to contribute.

For, although Peters (2006, p. 14) states that metagovernance “tends to focus more on establishing parameters for action rather than necessarily determining that action”, even the implementation of the least interventionist metagovernance activities should not be considered to be a completely ‘neutral’ undertaking. Even by simply organizing in a certain manner the structural conditions under which a regulatory system operates, those engaged in metagovernance can systematically privilege some outcomes over others (Jessop 2003, p. 15). Thus also when at its most neutral, metagovernance is an at least to some extent goal-oriented process reflecting the (policy) preferences of the metagovernors, whatever these may be. Abstracting the (not seldom implicit) goals of metagovernance that can be gathered from the literature, three distinct metagovernance objectives are identified here.

#### *The First Metagovernance Objective: Converging Goals and Priorities*

Firstly, metagovernance activities may be aimed at imposing some common goals and priorities on the different actors active within a governance system to enhance its public interest orientation (Peters 2006, p. 14). As each individual standards initiative establishes its own goals and priorities, generally phrased in terms of their contribution to the public interest yet almost invariably also reflecting the backgrounds and interests of those backing the effort, regulatory systems harboring a multitude of different standards initiatives generally lack a certain unity and coherence. Such an absence of coordination in goal setting diminishes the overall governing capacity of a system (Peters 2006, p. 2), and does often result in considerable discrepancies between the goals being pursued by these private regulators and ‘the public good’.

By providing some central direction, metagovernance initiatives may thus attempt to increase coherence among (a subset of) the standards programs making up a particular governance system, and enhance their public interest orientation. Note that, although this may occasionally be the case, this first metagovernance objective is by no means always about ‘forcing’ standards initiatives that are not well-intentioned to transform their deliberately self-serving programs to pursue the common good instead. Rather, considering that even for well-intentioned private standards setters it generally is very difficult to adequately identify and

operationalize ‘the public interest’, activities serving this metagovernance objective generally aim to somehow advance and disseminate an understanding of the substantive goals that are most in need of pursuit and prioritization in a particular economic sector or issue area.

As standards initiatives’ goals - the improvements in industry’s social and environmental performance they aim to contribute towards<sup>22</sup> – are operationalized and formalized in the standards being used for certification, the pursuit of this first metagovernance objective generally takes the form of somehow influencing the substantive standards around which the operations of standards initiatives are built. Such influence may come about more or less automatically, when the standards of an initiative that has achieved a dominant position in the field start to become a reference for both peers and competitors. For instance, as mentioned earlier the Principles and Criteria of the Forest Stewardship Council have not only shaped the many FSC standards that have been developed at the national or regional level, but have also had (and continue to have) a considerable influence on the sustainable forestry standards of a number of unrelated initiatives. As private standards initiatives often base their standards to a more or lesser extent on norms and standards that have been previously negotiated in intergovernmental forums, these intergovernmental institutions do often also inadvertently have such a metagovernance role.

However, rather than just ‘hoping’ that their own standards will inspire and shape the scope and content of other standards, metagovernors actively pursuing the first metagovernance objective usually take a more deliberate and direct approach. Considering that metagovernors in the private standards field may often not have sufficient authority over all the players involved to unilaterally impose their own standards on other initiatives, this direct approach generally entails a number of standards initiatives working together towards a convergence of their standards. Such collaboration will often result in the negotiation of a common ‘consensus standard’, which may then be integrally adopted by standards organizations or used as a reference point in standards revisions and the development of new standards. Naturally the negotiation of such a consensus standard will lean heavily on a comparison of existing standards, and may often also take into account intergovernmental norms and standards.

#### *The Second Metagovernance Objective: Enhancing Legitimacy*

Secondly, and probably least commonly recognized by governance theorists, metagovernance may also be used as a means of enhancing democracy and (hence) legitimacy in decentralized governance processes and institutions (Sørensen 2006, p. 105). As discussed previously<sup>23</sup>, the private standards setting approach to regulation is inherently at risk of lacking sufficient legitimacy, as the private actors claiming a governance role through their involvement in these private standards initiatives have not been formally authorized through the democratic process to define and act in the name of the common good. Metagovernance may attempt to ameliorate this legitimacy deficit of private regulation in two basic ways. Either a metagovernance initiative in one way or another confirms that private standards initiatives are in alignment with public policy, thereby transferring the state’s inherent democratic legitimacy to these private efforts, or it encourages private standards initiatives to align their

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<sup>22</sup> Note that in this context a standards initiative’s goals are taken to mean the specific improvements in social and environmental performance that the initiative hopes to contribute towards. These are not necessarily also the ultimate goals of all those involved in developing the standards initiative. For instance, rather than improving the environmental performance of its industry, the true objective of a business involved in a multi-stakeholder standards initiative may simply be to develop a mechanism that will enable it to increase its market share by capitalizing on its already superior environmental performance.

<sup>23</sup> See pages 15-16.

governance arrangements with the ideals of democratic theory (Sørensen pp. 104-105, 111-112).

The first of these two mechanisms generally requires for the metagovernor to bring the private standards setting field under some form of (indirect) government control. The idea is that if public actors - who directly or indirectly derive their authority from the outcome of the electoral process - are able to sufficiently shape the private standards setting field through the exercise of metagovernance, formal democratic control over the regulatory process would be (re)established and the democratic deficit more or less inherent to private forms of regulation would be overcome. In the absence of the capacity or ambition to bring the regulatory standards field under some form of substantial government control, metagovernance may still seek to tap into state legitimacy by facilitating and encouraging the incorporation by private standards setting institutions of norms and standards previously negotiated in intergovernmental forums (Abbott and Snidal 2009a, pp. 49-50). For, in addition to creating greater coherence among public and private governance arrangements<sup>24</sup>, the referencing of internationally agreed upon norms is generally considered to transfer legitimacy from the source of these norms to the adopting private schemes (Beisheim and Dingwerth 2008, p. 12).

The second mechanism by which a metagovernor can enhance the legitimacy of private standards initiatives is by encouraging them to adhere to the democratic fairness principles of normative procedural legitimacy. By shaping standards initiatives' internal governance arrangements and standards setting procedures as to promote inclusive, fair, and representative participation, ensure the deliberative quality of opinion and will formation, and enhance accountability and transparency, metagovernance can do a lot to increase the legitimacy with which private initiatives develop and implement standards.

#### *The Third Metagovernance Objective: Achieving Implementation of Standards*

The third objective that metagovernance interventions may pursue is to enhance the capacity of individual standards initiatives and the governance system as a whole to ensure compliance with their standards in a supply chain. Thus, whereas the first metagovernance objective is to shape the actual content of standards, this third objective is all about enhancing the ability of standards initiatives to verify and reward compliance with these standards, as well as to get market actors to align their operations with these standards in the first place.

Interventions fulfilling this third metagovernance objective may take a wide variety of different forms. They will often entail the identification and dissemination of best practices, and a more or less deliberately orchestrated convergence around these benchmarks, with regards to the 'technical' dimensions of standards programs. Such technical aspects range from the design of audit procedures and mechanisms for tracking certified products along supply chains to capacity building exercises and branding strategies. The pursuit of this third metagovernance objective will thus, as does the pursuit of normative procedural legitimacy (metagovernance objective two), often take the form of procedural harmonization, rather than the content-based harmonization at the core of the first metagovernance objective. Metagovernance initiatives may for instance organize mechanisms for shared learning, knowledge exchange, and collaboration among standards bodies with regards to the technical aspects of their systems as to cut back on duplication of efforts and enhance efficiency more generally. Taking such a convergence to the extreme, eliminating almost all duplication of efforts, the pursuit of the third metagovernance objective may even result in the joint implementation of such functions. As with the first two objectives, metagovernance interventions pursuing the third metagovernance objective will thus often be aimed at

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<sup>24</sup> As well as, in the case of widespread uptake, among private standards setters themselves.

improving certain aspects of standards initiatives themselves. By somehow increasing the efficiency and effectiveness with which standards initiatives operate, metagovernance can reduce the costs of certification and build a stronger business case for certification.

Another means by which interventions pursuing the third metagovernance objective may aim to increase standards uptake is by influencing the market context within which standards initiatives operate. By changing the way in which producers, consumers, intermediaries, governments, and other relevant third parties perceive and relate to standards initiatives, metagovernance interventions can enhance the ability of standards organizations to proliferate compliance with their standards without actually effecting any changes to their programs. Efforts aimed at increasing the uptake of private standards in the market may thus also qualify as metagovernance, as long as such efforts take a sector or system-level approach. Thus, an individual scheme working in isolation to increase demand for its certification is not engaging in *metagovernance*; yet when a collective of standards bodies (and other relevant stakeholders) come together to increase demand for sustainability certification in their sector, they are in effect pursuing the third metagovernance objective. Another way in which manipulation of the market demand for certification would be able to enhance the goal attainment capacity of the overall governance system is by redistributing this demand. By supporting the most high-quality initiatives that display the greatest potential for market transformation, for instance by disseminating information on the quality of the competing initiatives within a sector or even by officially endorsing the most effective program(s), a metagovernor can shift the market dynamics in favor of the frontrunner schemes<sup>25</sup>.

#### *More On the Metagovernance Objectives*

The above should by no means be interpreted as a comprehensive account of the various metagovernance interventions and strategies that may be utilized in fulfillment of the three metagovernance objectives identified here. The examples given are merely to give some idea of what the different metagovernance objectives may entail, and illustrate how specific metagovernance activities can contribute towards these objectives. Many metagovernance interventions can actually contribute towards the achievement of any one of the objectives, depending on how and in what context they are undertaken. In fact, again depending on context and intervention design, a single metagovernance activity may even be aimed at achieving two or all three of these goals simultaneously. For example, by encouraging all of the standards initiatives within its sphere of influence to incorporate certain aspects of a set of norms agreed upon in a widely considered to be legitimate intergovernmental forum, a metagovernance initiative may simultaneously increase the public interest orientation and coherence of the standards in the field (objective one) and increase their democratic legitimacy (objective two). What is more, in certain instances the different metagovernance objectives may even be mutually reinforcing, such as when more inclusive standards setting processes (objective two) result in standards that are more closely aligned with the public interest (objective one).

It should also be noted that, in the final analysis, the pursuit of any one of these metagovernance objectives is often hoped to ultimately enhance the effectiveness with which standards initiatives can improve the sustainability performance of the targeted economic sector(s), either by boosting the gains in sustainability per certified operator or by increasing the number of certified operators. This is most obvious regarding the third metagovernance objective, which is by definition all about increasing the effectiveness of regulatory systems.

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<sup>25</sup> Note that this same mechanism can also be used to enhance the public interest orientation (objective one) or legitimacy (objective two) of the overall standards setting system; this would simply entail a metagovernor supporting those schemes whose standards are most closely aligned with the public interest or whose internal governance arrangements are the most legitimate.

Whether it is by increasing the efficiency and/or effectiveness with which individual standards initiatives operate or by making the environments within which they operate more receptive to their certification agenda, interventions pursuing the third metagovernance objective serve no other purpose than to increase the goal attainment capacity of the standards setting system.

As regards the two other metagovernance objectives the picture is a bit less unequivocal. Both an increase in regulatory coherence and public interest orientation (objective one) as well as enhanced democracy and legitimacy in private standards setting (objective two) may certainly contribute towards the enhancement of a private standards setting field's goal attainment capacity. Often this will be through their beneficial effect on market uptake rates. For instance, a metagovernance intervention aimed at enhancing inclusive stakeholder participation in standards setting may increase the effectiveness with which these schemes can transform production chains by stimulating a sense of ownership (and consequently uptake) among producers. Similarly, greater regulatory coherence and a reduction of the discrepancy between the objectives of private standards setters and the public interest may increase demand for certification by reducing market confusion and skepticism. More stringent standards may naturally also increase sustainability gains per certified operator. However, activities pursuing metagovernance objectives one or two are not always implemented with a view to generating direct impacts on a regulatory system's goal attainment capacity; they are also worthy of pursuit in and of themselves. In fact, there may even exist trade-offs between their attainment and a standards system's ability to transform production chains (Beisheim and Dingwerth 2008, p. 5). For instance, enhancing the normative procedural legitimacy of an originally industry-dominated standards initiative may actually hamper its performance by alienating the companies that need to implement its standards. The first two metagovernance objectives may thus be pursued primarily as a means to an end, or for their own inherent merit, with any effect on efficiency or effectiveness considered a mere bonus<sup>26</sup>.

## 1.6 The Actors Orchestrating Metagovernance

### *Metagovernance as a Public Sector Task*

While the sections above do frequently mention a 'metagovernor', the important question as to who exactly these actors exercising metagovernance may be has been largely ignored up to this point. As the governance of society has traditionally been treated as an exclusive responsibility of the state, it should not come as a surprise that public authorities are widely considered to be both the most obvious and the most appropriate source of metagovernance, even when it concerns the metagovernance of an in principle private regulatory system. Given their special resources, formal authority, and democratic legitimacy, public authorities are particularly well suited for exercising metagovernance (Sørensen and Torfing 2009, p. 246). Indeed, virtually all of the literature on which the above overview is based treats metagovernance as the responsibility of the public sector.

The fact that metagovernance is almost exclusively discussed in the literature as a task of state actors can indicate two things; either it simply signifies that governance scholars tend to *focus* on public metagovernance, or it does in fact mean that they do not see a role for non-state actors as metagovernors at all. Both alternatives seem to apply, but then for different authors. For example, concluding that the "privatisation [of regulation] requires a public framework", Wolf (2001, p. 15) argues that the provision of metagovernance is an excessive

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<sup>26</sup> Or, as the case may be, an unintended negative side effect.

demand that private actors cannot comply with; “private actors are incapable of metagovernance” (Conzelmann and Wolf 2007, p. 113). In a similar vein, Fuchs (2006, pp.19-20) believes that metagovernance “cannot be expected from private governance institutions in general”, (among other reasons) because investments in metagovernance are not expected and demanded from business actors and are therefore difficult to translate into private benefits. Furthermore, realizing that the success of the standards setting approach to regulation has been limited up to now by a “pervasive orchestration deficit”, Abbott and Snidal (2009a, p. 67, emphasis added) conclude that “the full potential of [private standards setting] can *only* be achieved by bringing the state back into transnational regulation”. On the other hand, Visseren-Hamakers and Glasbergen (2007, p. 410, 412) *do* attribute a metagovernance function to certain private initiatives<sup>27</sup>, while Sørensen (2006, pp. 102-103) explicitly states (and even claims that most governance theorists tend to agree) that “metagovernance can potentially be exercised [legitimately] by any resourceful actor - public or private”. “All it takes”, she argues, “is resources and a desire to influence activities performed by self-governing actors”. Sørensen and Torfing (2009, p. 246) add to this that private actors wishing to metagovern, either alone or in partnership with public actors, in most cases need to be authorized to do this by public authorities. However, the latter remark does not necessarily apply to the metagovernance of private standards setting, as it pertains to the metagovernance of what Sørensen and Torfing refer to as ‘governance networks’, which are considerably closer to public policymaking processes than the private social and environmental standards setting initiatives of interest here<sup>28</sup>.

In the end the degree to which one believes private actors can be engaged in metagovernance seems to depend primarily on the kind of regulatory system and the type of metagovernance one is thinking of. When one is concerned with the metagovernance of governance institutions that, while decentralized, still derive their rule making authority from state power, the ability to metagovern is reserved exclusively for public actors. Similarly, the most hands-off metagovernance interventions aimed at establishing and protecting the constitutional framework within which private actors can set up regulatory initiatives is a task by definition performed by state actors<sup>29</sup>. However, the more hands-on metagovernance interventions the private standards setting system would benefit from (which are the subject of this thesis) *can* also be performed by private actors. One might even argue that private standards initiatives and the organizations backing them do themselves have a better sense of the need for and impact of these metagovernance activities than the public policy makers outside the standards setting system (Peters 2006, p. 8).

However, even with regards to the provision of these more hands-on metagovernance interventions public authorities are still likely to have a comparative advantage vis-à-vis potential private metagovernors. In addition to their relatively abundant resources, public sector actors have two main advantages when it comes to the pursuit of metagovernance. Firstly, as public authorities are “legitimised through the political constitutional system of voting” to “stand for and act in the name of the public” (Rametsteiner 2002, p. 168), they are the most legitimate source of metagovernance. In fact, as already implied in the previous section, they do as metagovernors even have additional means of enhancing the legitimacy of private standards initiatives at their disposal. In addition to pushing for increases in the

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<sup>27</sup> Although it should be noted that they also envisage an important role for governments in remedying the current lack of metagovernance (Visseren-Hamakers and Glasbergen 2007, p. 416).

<sup>28</sup> The most important difference is that these ‘governance networks’ are granted their rule making authority by government, whereas the private standards systems of interest here set out to earn this authority in the market place.

<sup>29</sup> This is indeed the type of metagovernance that Wolf (2001) and Conzelmann and Wolf (2007) appear to have in mind when it comes to their quotes at the top of this page and the bottom of the previous one.

normative procedural legitimacy of standards initiatives, public sector metagovernors can also pursue the second metagovernance objective by somehow transferring their own inherent legitimacy to these private efforts. Secondly, whereas private metagovernance initiatives cannot develop prescriptions of a binding nature and thus have to rely on the voluntary cooperation and adherence of the standards initiatives being metagoverned, state-led metagovernance efforts may make use of the state's capacity for coercive enforcement. By placing the full coercive power of the state behind certain metagovernance efforts, public sector metagovernance could subject all standards initiatives in a certain domain to metagovernance and require all of them to go along with the 'suggested' metagovernance solutions. Consequently, the transformative potential of state-led metagovernance amply surpasses that of private metagovernance initiatives, the influence of which one may expect to not seldom remain limited to a select group of willing frontrunner schemes.

### *Barriers to Public Sector Metagovernance*

However, despite the widely perceived need for metagovernance and the fact that public authorities seem particularly well-positioned to meet this need, coercive state-led metagovernance in the realm of private sustainability standards setting has remained entirely absent up until now. To some extent, this may simply be because the public sector has not yet fully embraced private standards setting initiatives as "valuable components of the international regulatory system" (Abbott and Snidal 2009a, p. 7), and is therefore not yet ready to invest in their metagovernance.

Furthermore, an at least equally important barrier to state-led metagovernance is posed by the scale at which the metagovernance of private standards setting generally needs to be orchestrated. In today's rapidly globalizing world virtually all product supply chains extend beyond the borders of single jurisdictions. Accordingly, in order to comprehensively cover a certain product group, the voluntary standards setting systems addressing the negative externalities associated with these supply chains have come to be global as well. To some extent this means that individual schemes - which do not derive their authority from state power anyway - are transnational, which entails that they are both run by actors from multiple countries as well as devise rule systems for actors in multiple countries (Beisheim and Dingwerth 2008, p. 6). Yet even in sectors where individual standards initiatives predominantly operate at a national or sub-national level (for instance because their standards need to reflect local social and environmental conditions), the regulatory systems they collectively make up are invariably transnational.

Consequently, although the metagovernance of an in principle transnational standards setting field at a national level *is* possible<sup>30</sup>, metagovernance in the realm of social and environmental standards setting is exercised most effectively at the transnational level. The (coercive) public sector metagovernance of private standards setting should thus not in the first place be expected from national governments, the layer in the formal political system that can generally operate most proactively and decisively; rather, such metagovernance should be seen primarily as the responsibility of intergovernmental organizations, most notably the United Nations. At first sight UN agencies may actually seem quite suitable to fulfill such metagovernance functions, as they (in addition to having the required global reach) have the necessary expertise as well as strong legitimacy. Since they are relatively independent of firms and their sectoral interests as well as (although to a lesser extent) of the individual states

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<sup>30</sup> In Sweden, for instance, forest owners' organizations, the forest industry, WWF-Sweden, and the Swedish Society for Nature Conservation came together in 2001 to evaluate the differences between the national FSC and the PEFC standards (both the FSC and PEFC, though transnational organizations, work mostly with national-level standards), and subsequently worked successfully towards the full harmonization of both standards (Savcor Indufor Oy 2005, p. 47, 62).

these interests may have captured, intergovernmental organizations would be a neutral source of metagovernance that is acceptable to many stakeholders (Abbott and Snidal 2009a, p. 64). However, the same factors responsible for the lack of effective substantive intergovernmental governance of global supply chains<sup>31</sup>, to which the rise of private standards setting is a response, also undercut prospects for effective intergovernmental metagovernance (Abbott and Snidal 2009a, p. 7).

### *The Emergence of Private Metagovernance*

In the absence of coercive public sector metagovernance, the past decade has seen the private actors involved in voluntary standards setting venture into the realm of metagovernance themselves. Considering that none of these private actors have sufficient authority over the other standards initiatives in their field to effectively orchestrate metagovernance unilaterally, such private metagovernance generally entails the coming together of a number of frontrunner schemes and the organizations backing them to jointly address the challenges their self-created regulatory systems face and produce greater coherence among their efforts. Rather than relying on top-down hierarchical controls, the metagovernance of private standards setting has thus taken the form of more bottom-up processes of voluntary collaboration<sup>32</sup>.

## **1.7 Research Questions**

As it is such a new phenomenon, only really taking off in the last decade or so, very little is known about metagovernance attempts in the realm of private standards setting and certification. As indicated earlier, the scarce governance literature that goes into the issue of metagovernance in any kind of detail is dominated by distinctly hands-off interpretations of the concept, and almost invariably treats metagovernance as a public sector responsibility. Furthermore, publications on the metagovernance of private standards setting specifically do hardly exist. Exploring the practice of metagovernance in private standards setting fields would therefore add an interesting new perspective to the so far rather limited literature on metagovernance. What is more, on a more practical level an exploration of the experiences of such early metagovernance initiatives may aid those wishing to contribute towards the enhancement of the public interest orientation, legitimacy, or standards implementation capacity of private standards setting initiatives in determining how to best give shape to their metagovernance aspirations.

The objective of this thesis is to provide better insight into the opportunities for metagovernance to ameliorate the orchestration deficit in private social and environmental standards setting. Due to the very limited amount of pre-existing research and analysis in the area, this research will to a large extent be an exploratory endeavor, aimed at gaining an initial understanding of the practice of metagovernance in private standards setting. However, this is not to say that this project does not aspire to go beyond producing merely descriptive accounts of specific metagovernance efforts. It is the researcher's explicit intention to also evaluate the impacts and overall effectiveness of contemporary metagovernance initiatives and develop some initial insights regarding the factors influencing the effectiveness of metagovernance efforts so far.

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<sup>31</sup> Such as for instance the dominance of neo-liberal free trade agendas and the difficulties formal intergovernmental forums face in adequately balancing the various national interests involved. See also page 3.

<sup>32</sup> With the private standards initiatives in need of metagovernance themselves driving the metagovernance process, the emergence of the private metagovernance of voluntary standards setting does in a sense mirror the rise of private standards setting itself, which featured the market actors to be governed becoming increasingly involved in the governance process.

Accordingly, this research project will address three interrelated research questions:

1. How do metagovernance initiatives in the private standards field give shape to their metagovernance aspirations, and which metagovernance objectives do they attempt to fulfill?
2. How effective have metagovernance initiatives in the private standards field been?
3. What factors influence the effectiveness with which metagovernance initiatives in the private standards field are able to effect change?

In simpler terms, this thesis aims to uncover (1) what metagovernance initiatives in the private standards field are trying to do and how they have gone about doing it, (2) how successful these efforts have been, and (3) why they have had the perceived level of success. The three questions are closely related, in the sense that each question builds upon the preceding one(s). Partly due to the exploratory nature of the research issue and partly owing to the lack of pre-existing literature on which to base them, none of the research questions are accompanied by specific hypotheses.

## 2. Research Strategy and Methodology

In order to answer the research questions formulated above, a number of qualitative, in-depth case studies were conducted. Allowing for the comprehensive examination of the experiences of a number of metagovernance initiatives in all of their complexity, the case study approach was deemed the most suitable research strategy given the exploratory character of the research issue. Helping to better understand specific instances of the phenomenon, these case studies contribute towards building evidence of the new reality of metagovernance in private standards setting (Carey and Guttenstein 2008, p. 10). Their results are to both shed some light on the experiences of the metagovernance initiatives in question as well as to provide the evidence base from which to draw more general lessons about the practice of metagovernance.

### 2.1 Selection of Cases

A total of four metagovernance initiatives were selected for in-depth study. With an eye to the exploratory character of the research and the lack of uniformity among metagovernance initiatives, cases were selected with a view to collectively encompassing as diverse a set of relevant initiatives as possible<sup>33</sup>. There were only two selection criteria that had to be met. In recognition of the fact that, although individual standards initiatives may operate at a national or sub-national level, the regulatory systems they collectively make up are invariably transnational in nature, the first selection criterion was that the metagovernance initiatives in question be transnational in their reach. Secondly, only metagovernance efforts that have been somewhat institutionalized and formalized, if not as autonomous organizations than at the least as sustained platforms for collaboration with their own formalized structure, were considered for in-depth study. While they certainly may have served a metagovernance function, incidental instances of cooperation between standards schemes that have failed to become institutionalized over time were thus not considered suitable case study subjects.

As confirmed by the degree of variance among the cases eventually selected for further study, the absence of more selection criteria leaves a lot of room for diversity. To a certain extent this was out of necessity, as formulating many more sampling requirements might have left insufficient numbers of initiatives that would qualify. Even with only the two requirements mentioned, the four selected initiatives together do already represent a large share of the total ‘population’ of metagovernance initiatives meeting the selection criteria. Owing to the fact that metagovernance in private standards setting is still a fairly recent phenomenon, full-fledged instances of this practice simply do not abound. What is more, as the degree and nature of regulatory fragmentation, and consequently the problems faced by standards systems, vary considerably from one sector to the next, metagovernance in this realm has many faces. While making the task at hand easier, studying a number of more readily comparable cases (e.g. four (developing) accreditation systems) would thus fail to capture the full diversity of the phenomenon of interest here.

It should be explicitly noted that, while the interest of this thesis lies with the metagovernance of *private* standards setting, not all metagovernance initiatives selected for in-depth study concern themselves exclusively with such non-state governance. For the fact of the matter is that private standards setting and certification does not take place in a regulatory vacuum; private initiatives are rarely completely unaffected by the public sector’s regulatory

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<sup>33</sup> This in contrast to ‘classic’ comparative case study designs, in which cases are generally selected for their comparability and apparent similarity or divergence with regards to the dependent variable of interest.

endeavors. In recognition of this reality, efforts to metagovern private standards setting do not seldom also target state-orchestrated governance mechanisms.

This is not the case with the first case study, which concerns the metagovernance of private standards initiatives regulating labor practices in the apparel industry. Though industry initiatives and company-specific codes of conduct abound, there only is about a handful of transnational civil society and multi-stakeholder standards initiatives active in this realm. Six of these joined forces in 2003 in the Joint Initiative on Corporate Accountability and Workers' Rights to collaborate on a number of issues, most notably to reduce duplication of efforts, jointly identify best practices, and come to a consensus on a joint standard.

The second case study turns to the realm of organic agriculture, in which the efforts of numerous private standards initiatives (which actually have been fairly well coordinated due to the influence of the International Federation of Organic Agriculture Movements) are complemented by a rapidly growing number of government regulations. As compliance with such national regulations has become a mandatory requirement for access to many markets, organic producers and traders now often have to establish compliance with a number of different standards. IFOAM, FAO, and UNCTAD jointly convened the International Task Force on Harmonization and Equivalence in Organic Agriculture to develop efficient mechanisms to overcome the trade barriers induced by regulatory fragmentation.

The third case study looks at the International Social and Environmental Accreditation and Labelling Alliance. As a membership-based association uniting leading private standards organizations from across different sectors, ISEAL is the only major metagovernance initiative operating at the level of the private standards setting system as a whole, rather than working with standards initiatives targeting one particular sector or sustainability issue. Aiming to promote private standards as effective governance mechanisms and credibly establish its members as frontrunners in their respective fields, the ISEAL Alliance is one of the most versatile metagovernance initiatives out there.

The final case study focuses on metagovernance attempts in the tourism sector, which harbors a large number of small sustainability certification programs (about half of which are backed by government). Most schemes work with their own standard and set of certification procedures, and the resultant fragmentation is hampering the scaling up of certification in the sector. Efforts to establish a common understanding of sustainable tourism and set up an accreditation system have been underway since the early 2000s, and have recently culminated in the establishment of the Global Sustainable Tourism Council.

Though all four of these initiatives have been initiated in the early 2000s, they have progressed quite differently. JO-IN and the ITF have already been concluded (though both have inspired a follow-up effort), while metagovernance in tourism is only now really starting to pick up steam. Nevertheless, every single one of them does arguably belong to the most ambitious and high-profile metagovernance efforts to date, attempting to significantly transform the private standards setting system, either in its totality or as constituted within one particular economic sector. Combined they reflect a substantial part of the variety of metagovernance attempts out there in the realm of private standards setting.

## **2.2 The Research Process**

In the absence of hypotheses guiding the search for answers to the research questions, the case studies were fairly loosely structured. Conducted with an open mind, they were more of a 'search' for answers and insights than a sequence of (in detail) predetermined steps aimed at supporting or falsifying a hypothesis. This is most obvious with regards to the third research question. Rather than determining the relative importance of a number of potential determinants of metagovernance effectiveness that had been predefined based on existing

literature, the aim was simply to identify success factors and barriers and get an initial feel for their influence.

Naturally, this is not to say that the case studies are completely unstructured. In analyzing and describing the selected metagovernance efforts, the case studies proceed according to an established pattern. First, the need for metagovernance in the standards setting system under scrutiny is outlined by discussing the specific challenges associated with the system's initial state of fragmentation. Then, the metagovernance initiative being studied is introduced, and the metagovernance activities undertaken are presented. Subsequently, the initiative's effectiveness is assessed, which is followed up on by a discussion of the factors identified to have been of importance in bringing about the perceived level of effectiveness. Each case study ends with a reflection on how the studied metagovernance effort relates to the three metagovernance objectives outlined earlier.

Reflecting the peculiarities and complexities encountered in the different case studies, areas of emphasis vary considerably within the confines of this general structure. For instance, in the first case study particular attention is paid to barriers to the effectiveness of the Joint Initiative, at the expense of the (undoubtedly present) success factors. What is more, faced with the fact that few tangible impacts have manifested themselves so far, the second-to-last section of the case study on tourism sets out to explain why progress has been slower than anticipated, rather than looking at barriers to effectiveness per se.

### *Information Gathering*

Throughout the four case studies, a systematic approach to gathering the information required for answering the research questions was utilized. As a first step, as comprehensive as possible a picture was drawn of the metagovernance initiative in question on the basis of the information available in the public domain. The great majority of this material did without exception come from the studied metagovernance initiatives themselves; though their websites vary substantially in terms of the amount of in-depth information provided, they generally made available a wealth of information. Including texts prepared for the specific purpose of communicating to external audiences as well as documents produced in the first place for internal purposes, the texts obtained ranged from basic descriptive data on the website itself (e.g. regarding the initiative's mission, objectives, work programs, organizational structure, etc.) and periodic newsletters to background papers, reports of meetings and workshops, procedural guidelines and manuals, and self-evaluations. Though the great majority of information available in the public domain is in the form of written text, where available use was also made of video recordings of conference presentations and webinars<sup>34</sup>. The material authored by the case study initiatives themselves was supplemented with reporting on the initiatives by outside parties. This third-party reporting was predominantly in the form of factual news reports on specific activities undertaken by case study initiatives, yet the few scholarly articles in which the selected initiatives were discussed, generally as a passing reference but in a rare instance as an actual case study, were naturally also carefully reviewed.

Secondly, where access allowed it, the review of publicly available documents was supplemented with the examination of documents not available in the public domain. Obtained directly from (people involved in) the studied metagovernance initiatives, these internal documents varied in degree of confidentiality and ranged from minutes of closed meetings to a complete donor-funded external evaluation. Though differing in ease of access, there were no substantive differences between the materials examined in these first two steps of the information gathering process. Both steps yielded both factual, descriptive knowledge

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<sup>34</sup> One of these webinars was actually participated in by the researcher, allowing for a limited amount of interaction.

as well as more evaluative knowledge and (self-)reflection pertaining to (determinants of) the initiative's impact and effectiveness.

Thirdly, open and loosely pre-structured interviews were conducted with individuals directly involved in the metagovernance initiatives in question. A provisional list of questions was prepared before the interviews based on an examination of all the materials gathered in steps one and two and, where applicable, insights obtained from previous interviews and case studies. These prepared questions did only provide a general framework for the interview though; throughout the interviews, questions that turned out not to tap into the interviewees' areas of experience and expertise were dropped and interesting threads were followed up on in detail. All interviews were conducted by telephone, and lasted between thirty minutes and two hours.

Although everyone at some point directly involved in one of the studied initiatives in a leadership, management, or supporting role was approached with the request to partake in a telephone interview, eventually a mere fifteen out of the sixty-seven individuals approached were interviewed<sup>35</sup>. Overall though, while a larger number of interviewees would undoubtedly have resulted in a greater diversity of perspectives and more robust outcomes, the realized number of interviewees was deemed sufficient to draw a comprehensive picture of the case study initiatives. This was indeed confirmed by some of the interviewees, whom were all sent a draft of the case studies as to give them an opportunity to provide feedback on factual inaccuracies, misinterpretations, critical omissions, and so forth.

### **2.3 On Effectiveness Assessment<sup>36</sup>**

The second research question asks how effective metagovernance initiatives in the private standards field have been so far. Although it is beyond the scope of this thesis to conduct full-blown standardized effectiveness assessments for all case studies, it naturally *was* attempted to approach the task of evaluating the effectiveness of the case study initiatives in a somewhat consistent and systematic manner. To this aim, explicit decisions were made upfront with regards to three key choices faced by anyone venturing to assess the effectiveness of a cooperative arrangement as complex as the metagovernance initiatives studied in this thesis. The choices made, which collectively largely define the approach to effectiveness assessment utilized throughout the case studies, are shortly elaborated upon here.

The first of these critical decisions concerns the matter of how far along the causal chain of events initiated by a metagovernance intervention impacts are to be measured. The least demanding approach would be to simply identify the outputs of the metagovernance process (such as a common standard, a set of procedural guidelines, or a formal collaboration agreement) without monitoring the consequences flowing from the implementation of and adaptation to these outputs by relevant stakeholders. The other extreme would be to follow the causal chain of events initiated by the development of such outputs all the way down to changes in specific social and environmental indicators. For if private standards initiatives are to improve the social and environmental performance of supply chains, and metagovernance initiatives are to enhance the effectiveness with which they can do so, the benefits of effective metagovernance are ultimately to materialize as improvements in terms of the state of the biophysical environment and social justice.

The approach to impact measurements adopted in this thesis aims for somewhere in the middle. On the one hand, focusing on outputs only is deemed insufficient, as the target audiences of metagovernance efforts may respond to metagovernance interventions in

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<sup>35</sup> See pages 147-148 for a list of interviewees.

<sup>36</sup> This section is largely based on the discussion of considerations involved in assessing the effectiveness of a governance arrangement by Arild Underdal (2002, pp. 4-10).

various, often unpredictable ways. This is especially the case since the initiatives studied all have to make do without the capacity for coercive enforcement of the state, and thus have no means to guarantee the uptake of their outputs. On the other hand, accurately assessing the effects of metagovernance interventions as they trickle down the system to impact upon social and environmental parameters is virtually impossible, especially when trying to do so retrospectively. Consequently, the impact sections of the different case studies make no attempt to gauge such on-the-ground impacts, but do rather focus on the quality of metagovernance outputs (e.g. scope and stringency of requirements) and their effect on the targeted regulatory system (e.g. actual convergence of procedural requirements or increases in standards stringency).

The second choice pertains to the question whether impact measurements should be limited to the effects of the tangible metagovernance outputs produced, or should also include the positive and negative ‘side effects’ generated in the process of developing these outputs. Considering that the indirect and less tangible effects of establishing and maintaining collaborative metagovernance initiatives, such as enhanced familiarity and trust among participating organizations and increased inter-organizational learning, may be far from trivial, these indirect effects are consistently taken into account in the case studies. This is deemed particularly vital given the possibility that generating these less tangible benefits may in fact be a main goal of those initiating a metagovernance process.

As, “[f]rom a methodological perspective, evaluating the effectiveness of a cooperative arrangement means *comparing* its impact against some standard of success or accomplishment”, the third decision concerns “the *point of reference* against which actual achievement is to be compared” (Underdal 2002, p. 4, 7, emphases in original). In a general sense there are three of such points of reference that could be considered. First, actual achievements can be compared against the explicitly defined self-imposed objectives of the metagovernors. Second, the actual state of affairs as brought about by the metagovernance interventions can be compared against a hypothetical baseline scenario projecting how the regulatory system would have developed in the absence of metagovernance efforts. This is as assessing to what extent the metagovernance initiative has managed to make a difference. Third, it can be assessed to what degree the metagovernance initiative has been able to ‘solve’ all fragmentation-related problems the regulatory system faced. In other words, it can be gauged how the metagovernance initiative compares to an ‘optimal’ metagovernance effort; has it accomplished all that can be accomplished?

All three of these approaches have their own merits, yet are deemed to by themselves shed insufficient light on the success or failure of an initiative. For instance, though it certainly is important to know whether or not an initiative has managed to accomplish its self-defined ambitions, it does by no means tell the whole story. An initiative achieving all of its very modest objectives is not necessarily more successful than a much more ambitious initiative that realizes a whole lot of improvements but falls short of achieving all of its predefined objectives. Similarly, while it certainly is useful to see the realized improvements in light of the totality of challenges facing a standards setting system, not being able to overcome all fragmentation-related difficulties plaguing a regulatory system naturally does by no means render a metagovernance initiative a failure. Consequently, the three points of reference introduced above are utilized here in a complementary fashion. In interpreting and appraising the identified impacts of an initiative it is thus asked, often implicitly, whether the initiative has achieved its self-defined objectives, how much better off the metagoverned regulatory system is than it would have been in the absence of metagovernance, and to what extent the problems facing the standards setting system are in fact solved.

### **3. Joint Initiative on Corporate Accountability and Workers' Rights**

#### **3.1 Standards Multiplicity in the Apparel Industry**

As many governments systematically fail to adequately implement and enforce the internationally agreed upon standards of the International Labour Organization (ILO), the working conditions in the apparel industry's global supply chains have as of the mid-1990s increasingly become the subject of private regulatory initiatives. Although still only covering a very small portion of the market, the number of such schemes has proliferated, resulting in excessive multiplicity and the fragmentation of the private regulatory system. In addition to numerous company-specific codes of conduct and implementation systems there is a considerable number of industry and multi-stakeholder initiatives (MSIs).

Not only does this multiplicity of codes, monitoring systems, and code implementation organizations result in considerable duplication of efforts and the wasting of scarce organizational resources, from the company perspective it also makes for "a crowded and costly market in social compliance" (Thorpe 2008, p. 40). Factories supplying several brands may have to deal with several codes and certifiers<sup>37</sup>, with sometimes conflicting demands (CCC 2006). "It is not uncommon", according to the Clean Clothes Campaign (2006), "to see a range of code notices up on the office wall, and auditors arriving one after another to inspect how well each one is adhered to". Not only does such cumulative certification entail additional costs, it may also lead to 'audit fatigue'. Similarly, labor unions and other local organizations are confused and frustrated by the multitude of initiatives making demands on their time and resources (JO-IN 2006a). From the perspective of consumers and other interested third parties the existing level of multiplicity also creates uncertainty and confusion<sup>38</sup>. In this context of confusion and duplication, a consensus has emerged among brands, suppliers, and trade and industry associations regarding the need for a more coherent and consistent approach among brands, multi-stakeholder initiatives and other organizations involved in the implementation of codes of conduct (JO-IN 2004, p. 3, 5).

#### **3.2 The Joint Initiative**

Responding to brands calling on them to reduce duplication of codes of conduct (Lally 2007, p. 26), as well as to demands for collaboration from donors<sup>39</sup>, six of the key civil society and multi-stakeholder organizations involved in the regulation of global supply chains in the apparel industry joined forces in 2003 to establish the Joint Initiative on Corporate Accountability and Workers' Rights (JO-IN). This Joint Initiative, the first collaborative effort of its kind in the field of labor practices, brought together the sector's four major multi-stakeholder initiatives - the Fair Labour Association (FLA), Ethical Trading Initiative (ETI), Social Accountability International (SAI), and Fair Wear Foundation (FWF) - and included the two most influential civil society organizations specializing in improving working conditions in the apparel industry - the Clean Clothes Campaign (CCC) and Workers Rights Consortium (WRC) (Lally 2007, p. 2).

Although all six of these organizations have developed their own code of conduct for labor practices, and all but one (the CCC) have developed procedures for adoption and implementation by private companies, each of these organizations approach their work quite

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<sup>37</sup> In the apparel industry it typically are the brands and retailers at the consumer end of the supply chain who commit to implement a Code of Conduct, and subsequently require their suppliers (and in turn these suppliers' subcontractors) to comply with this Code's provisions.

<sup>38</sup> Although this is less of a problem than in many other sectors (e.g. organic food), as these initiatives setting workplace standards do not label products and more in general are not consumer-facing organizations.

<sup>39</sup> A number of donors even made cooperation with competing initiatives a condition for receiving funding.

differently. Table 1 (see next page) summarizes the main differences between the member organizations in terms of constituency, funding, and regulatory approach. Still, it does not fully convey the sometimes rather fundamental differences in organizational philosophy and approach, which are even present among the multi-stakeholder initiatives (JO-IN 2006b<sup>40</sup>). The FLA and the FWF can be classified as ‘brand accountability groups’, holding member brands accountable for the workplace conditions in all of their supplier factories. SAI operates a factory certification system, certifying compliance with labor standards in individual factories. Member brands generally only source a very small percentage of their products from such SAI-certified facilities. The ETI is more of a learning platform for brands to share best practice, and does not require any external monitoring of facilities. As civil society organizations, the CCC and WRC differ fundamentally from these multi-stakeholder organizations in that their governance structures do not allow for the participation of brands. Rather than routinely monitoring (more or less) cooperating brands and/or suppliers, they take a more ad hoc and antagonistic approach, launching external investigations of facilities in response to worker (and/or third party) complaints. The WRC investigates complaints regarding (the suppliers of) licensees of its affiliate colleges and universities, which require their licensees to implement a Code of Conduct consistent with the WRC standards. The CCC, on the other hand, will in principle investigate complaints about any apparel producing facility. It is also the most active of the JO-IN member organizations in terms of mobilizing consumers and public opinion, pressuring companies, and lobbying governments.

Since all MSIs except the SAI have a geographically rather defined constituency<sup>41</sup>, the JO-IN member organizations do not compete for potential member brands all that much. Still, there certainly is some competition for membership, as well as for donor funding. Figure 2 (see page 37) graphically illustrates the transnational private regulatory system as constituted in the apparel industry. In addition to underscoring that the CCC and WRC differ fundamentally from the MSIs in that they operate independently from the brands they aim to influence, it highlights the fact that the Joint Initiative, although more or less covering the field in terms of civil society and multi-stakeholder initiatives, did not include the industry organizations and initiatives operated by individual brands. Although the coming together of the JO-IN membership was a very natural and organic process, and no initiatives were formally rejected from the process, it was clear from the outset that the CCC and WRC were not willing to sit around the same table with these industry-led initiatives, which allow for very little stakeholder involvement, propagate significantly lower standards, and lack effective complaints mechanisms.

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<sup>40</sup> The remainder of this paragraph is based on <<http://www.jo-in.org/english/orgutler.html>> (JO-IN 2006b), which also provides a wealth of additional information on all member initiatives.

<sup>41</sup> FLA: United States; ETI: United Kingdom; FWF: the Netherlands.

**Table 1 - Governance, Monitoring, and Funding of the Six Member Initiatives** (Source: Thorpe 2008, pp. 6-7)

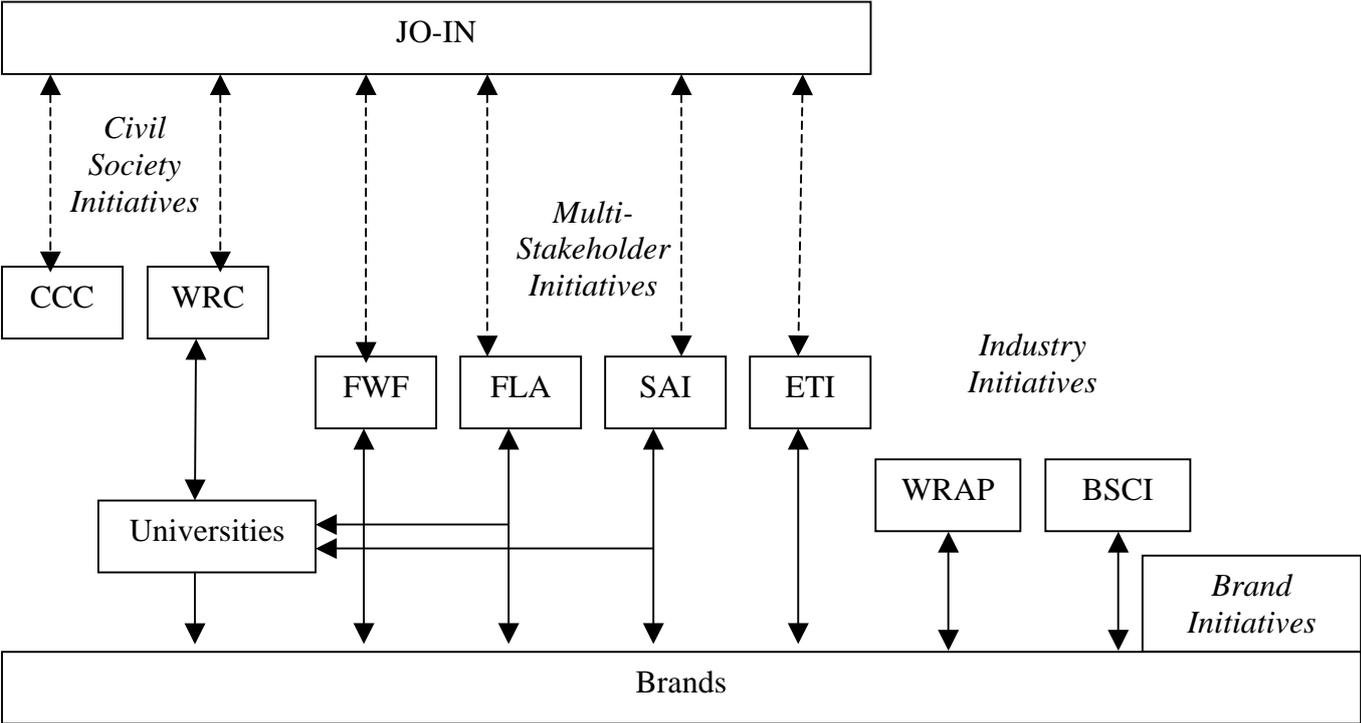
Initiative	Members/Governance					Sector	Monitoring	Disclosure of Audit Reports	Funding
	Brands	Trade Unions	NGOs	Govt.	Universities				
FLA	Yes	No	Yes	No	Yes	Mainly Apparel	3%-5% of supply chain annually by FLA accredited groups; some off-site visits; some unannounced visits	Anonymous reports accessible	Company membership fees; university membership fees; foundation grants
FWF	Yes	Yes	Yes	No	No	Apparel	10% of facilities over 3 years by FWF country teams; all worker interviews off-site	Only with workers and their representatives	Company membership fees; trade union membership fees; grants from non-profits
ETI	Yes	Yes	Yes	Yes	No	Multi-sector	No – member companies report audit results annually	Aggregate data on voluntary basis	Government and project grants; company membership fees
SAI	Yes	Yes	Yes	Yes	Yes	Multi-sector	Full certification audit every 3 years, plus 6 monthly ‘surveillance’ of certified facilities by accredited certification bodies. Some off-site worker and stakeholder interviews. One mandatory unannounced visit every three years	Internally only. Aggregate data available on voluntary basis	Government grants, Company membership fees; certification body fees; training income; foundation grants
WRC	No	Yes	Yes	No	Yes	Apparel	Investigation without company approval by ad hoc local groups and WRC staffer. Lengthy unannounced investigation procedure includes all off-site worker and stakeholder interviews	Full public disclosure	University membership fees; foundation and government grants
CCC	No	Yes	Yes	No	No	Apparel	External investigation via stakeholders, off-site interview and local groups	Full public disclosure, depending on the agreement of local groups	Government grants; grants from non-profits

The fundamental differences in regulatory approach, as well as the very different levels of commitment the MSIs require from their member companies, make the merger of the different JO-IN member initiatives in the foreseeable future virtually impossible. The only two member organizations similar enough to warrant talks on merging are the FLA and the FWF, yet even these talks are a long-term prospect at best. In addition to being unlikely, such a consolidation of initiatives would also be unwanted at this time. For the time being at least, interviewees feel that the benefits of the current level of multiplicity outweigh the costs, and there is real value in having these different initiatives<sup>42</sup>. They are all yielding some interesting results, each with their own (often innovative) approach and areas of focus.

<sup>42</sup> This goes for the JO-IN member initiatives. Regarding the industry initiatives, of which new ones are still being set up, the picture arguably may be quite different.

Still, this does not take away from the fact that there certainly is a certain amount of (unnecessary) duplication, both in terms of the organizations’ day-to-day operations and with regards to their ongoing search for best practices. Although the different initiatives may have had different reasons for joining the Joint Initiative, they all shared a perception that this duplication was wasting resources and hindering progress, and saw benefits in cutting back on this duplication and initiating convergence on a number of aspects. Another reason for seeking convergence was, in the words of the leader of one of the initiatives involved, “to bring in those companies still standing on the sidelines [that] have said there’s too much disagreement on the right system” (Bernstein 2005).

**Figure 2 – Private Standards Initiatives in the Apparel Industry**



*Objectives*

The Joint Initiative was initiated to determine whether and how collaboration between its member organizations might enhance the efficiency and effectiveness of their respective efforts (JO-IN 2006c, p. 1; Lally 2007, p. 2). The overall goals of the initiative, as articulated in its Terms of Reference, are the following: (1) ensuring the efficiency of resource allocations as to “maximise the effectiveness and impact of multi-stakeholder approaches to the implementation and enforcement of codes of conduct” (JO-IN 2006a), (2) sharing learning on the manner in which “voluntary codes of labour practice and various approaches to their implementation can best contribute to better workplace conditions” (JO-IN 2006c, p. 1), and (3) exploring opportunities for closer cooperation between the participating organizations as to reduce duplication and reinforce each other’s efforts.

In order to advance this cooperation in a practical context and explore the opportunities for genuine on-the-ground collaboration, a trial project was conducted in Turkey (2004-2007) in cooperation with multinational buyers (belonging to one or more of the participating multi-stakeholder initiatives), factories supplying these brands, trade unions, NGOs, and industry and employers associations (JO-IN 2006d; Thorpe 2008, p. 1). The JO-IN process thus operated at two levels simultaneously, in the sense that it was to both achieve

concrete improvements for workers on the ground in Turkey as well as initiate convergence between the member organizations globally (Thorpe 2008, p. 4). More specifically, as formalized in the final version of the Trial Project Design (JO-IN 2006c, p. 2), the objectives of the Turkey Garment Project were the following:

- To improve conditions and observance of labour rights for garment workers and their families in a specified number of Turkish garment producing facilities.
- To delineate the points at which the participating multi-stakeholder initiatives might avoid duplicative efforts; where they might reinforce each other and where the efforts of some of the initiatives differ, leading to potential complementarity between the initiatives.
- To demonstrate to companies and other stakeholders how they might take advantage of the compatibilities and complementarity.
- To identify jointly with Turkish stakeholders the roles MSI's and local stakeholders can play in implementing codes of conduct.
- To agree best practice in the implementation of codes of conduct through pooling the experience of all six organizations.
- To disseminate lessons from the experience.
- To identify areas for future collaboration.

#### *Organizational Set Up*

All policy decisions related to the Joint Initiative were made by its six-member Steering Committee, made up of the heads of the six founding organizations or their supplementaries. This committee operated on the basis of consensus decision making; only when it proved impossible to reach a consensus decisions could be put to a majority vote, provided that all members agreed to this (JO-IN 2006e). The Steering Committee was headed by an independent Chair, charged with providing the overall leadership, overview, and coordination of the Joint Initiative. An International Project Manager, heading the JO-IN project team, was responsible for managing the day-to-day running and implementation of the pilot project in close cooperation with a Local Coordinator (JO-IN 2006e). A Local Working Group and an International Advisory Panel provided ample opportunity for stakeholder involvement. Although JO-IN did receive part of its funding from the European Commission and the US State department, ILO had observer status, and Turkish ministries of labor and trade participated as stakeholders (JO-IN 2006a; 2006f, slide 14), public actors thus had no role to play in the actual design or implementation of the project; JO-IN was a strictly private initiative.

#### *Activities Implemented*

As the first major step of the Joint Initiative, the involved organizations combined their already established codes into a single Draft JO-IN Code of Labor Practice (JO-IN 2005a; Lally 2007, p. 7). This code was not only to play an important role in the pilot project, but was after the necessary revisions based on project learning also meant to become "a preferred standard code for adoption by the participating organizations and by others operating in the social compliance marketplace" (Thorpe 2008, p. 9). Although the substantive requirements of the participating organizations' codes are all relatively similar, it still took a long and difficult process of code negotiations and redrafting to come to agreement on the content and language of the JO-IN Draft Code (Thorpe 2008, p. 9). This was partly because the initiatives' own codes were a bit outdated, as well as because some of the people involved initially did not sufficiently research all of the member initiative's different codes, with the resulting misconceptions slowing down progress. More fundamentally, however, although all initiatives agreed on the broad principles the common code should contain, as they all based

their own code on the same set of international (ILO) norms<sup>43</sup>, there still were significant differences in code language. For, in adapting the ILO norms from outlining the responsibilities of states to describing those of firms, the standards setting organizations had a considerable amount of freedom. Thus, in formulating a single common draft code, the Joint Initiative had to take into account the original ILO language as well as the motivations that the different member organizations had for negotiating changes in language. Although simply a matter of semantics at times, some of these differences in code language reflect fairly fundamental strategic differences regarding how exactly to apply the principles to a supply chain<sup>44</sup>.

Interestingly, it was agreed that where the organizations' respective codes differed, the consensus code would incorporate those provisions affording the highest level of worker protection (JO-IN 2005b). Similarly, standards propagated by some but not all of the participating initiatives were also included in the JO-IN Code. Although the Joint Initiative (2005a, p. 6) explicitly recognized that an implementation system, including "a commitment to the Code and communication thereof, a management system, internal monitoring, worker education and training, independent verification, a complaints mechanism and public reporting", is a "necessary, integral and inseparable part of a Code of Labour Practice", the JO-IN Draft Code did not specify such an implementation system. Rather, as consensus on the most appropriate design of an implementation system still was far from apparent after about a year of discussion, the initiatives accepted they would not be able to merge or harmonize these implementation benchmarks at this stage of their collaboration and decided to defer these discussions for the time being. The JO-IN Draft Code therefore simply contains an Annex with the positions of the six member initiatives on the proper design of an implementation system. The determination of the most effective means of code implementation was made one of the trial project's central objectives (JO-IN 2005a, p. 7).

After, in consultation with the participating multinational brands, selecting a number of Turkish supplying facilities for the experimental trials, a baseline assessment was conducted for each of these factories to determine the extent to which they complied with the Draft JO-IN Code of Labour Practice. Although this JO-IN Draft Code covers all areas a code of labor practice should cover, the trial project focused primarily on three key code elements: freedom of association and collective bargaining, hours of work, and wages. The codes of the six founding organizations diverge the most regarding these three elements (Lally 2007, p. 11), and they are also the most frequent source of non-compliance in the sector (Thorpe 2008, p. 10). After the initial assessment of factory performance on these three focus areas, a menu of possible remediation strategies to be tested was compiled on the basis of this baseline information, recognized best practice, and stakeholder input (JO-IN 2006c, p. 15). Utilizing this 'remediation menu', a remediation plan was then developed for each factory by the relevant multi-stakeholder initiative(s) in cooperation with the buyer(s) sourcing from this particular supplier, JO-IN, and the management and workers of the factory in question (JO-IN 2006c, pp. 8-9). After allowing about half a year for remedial action to be undertaken, follow-up visits were conducted to assess improvements in factory compliance and the effectiveness of the remediation efforts.

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<sup>43</sup> As one interviewee put it, the JO-IN members are obliged to accept the ILO's jurisprudence when it comes to setting labor standards, as the ILO is a much more authoritative body than any of the private voluntary standards setting initiatives.

<sup>44</sup> For example, should a code talk about a *proactive obligation* of employers to promote freedom of association, or rather require them *not to hinder* freedom of association?

### *The JO-IN Forum*

After the conclusion of the JO-IN Turkey Project at the end of 2007 the initiatives involved created the JO-IN Forum, “an ongoing platform for discussion and collaboration among the project participants” (Thorpe 2008, p. 38). It provides a structure and protocols for the JO-IN member organizations to regularly meet and share learning, good practice, and plans, seek common agreement on standards and good practice, as well as develop common projects where appropriate (JO-IN 2008a, p. 1). Although in essence continuing the collaborative work of the JO-IN project, the Forum operates on a much more case-by-case basis, allowing for ad hoc cooperation when there is an opportunity or where there is a need. By providing member organizations the opportunity to initiate collaboration with just one or two of the other initiatives, rather than having to try to get all six involved, the Forum allows for more flexibility and saves time. However, regarding what could be considered the most important of the Forum’s initial set of tasks, to collectively review the Draft JO-IN Code and establish a JO-IN Reference Code, only limited progress has been made in the Forum’s first one and a half years of operation. Although significant progress was made at a first meeting, among other things on a new architecture for the Code, the initiatives were unable to follow that through. A trajectory has been outlined for finalizing the code, including language on implementation principles and practices, yet there have already been delays.

### **3.3 The Joint Initiative’s Effectiveness**

On a general level the JO-IN project can be considered to have pursued twin aims; it was both to deploy and examine “the practical effectiveness of cooperation between the six code initiatives to improve the lives of Turkish garment workers” as well as to “bring the various organizations into a common reference frame in order to advance understanding of code compliance development through this closer cooperation and shared learning” (Thorpe 2008, p. 40). Overall, there appears to be a consensus<sup>45</sup> that the Joint Initiative has been quite beneficial as a learning experience, but was not very effective in terms of changing company policies or achieving concrete improvements on the ground in Turkey.

### *Impacts in Turkey*

The JO-IN project did lead to some concrete improvements in (some of) the few facilities that did participate, such as the election of worker committees, more positive attitudes among managers towards the issue of freedom of association, and a regularization of wage payments (Thorpe 2008, p. 35). Also, brands and MSIs learned more about the realities of the Turkish garment industry, and saw their relations with local stakeholders improve. Moreover, in a context of deep-seated mistrust and animosity between factories and trade unions, the project’s Local Working Group kick-started a social dialogue between the key social partners (Thorpe 2008, p. 11, 35). Although it seems unlikely that this Local Working Group will continue to function now the JO-IN project has been concluded, the contacts made may be a good basis for future bilateral work (Thorpe 2008, p. 36). In spite of these accomplishments, however, the Joint Initiative’s achievements in Turkey overall are considered disappointing by virtually all parties involved.

### *Learning and Convergence*

With regards to the second, and for the purposes of this thesis more interesting, dimension of JO-IN’s work – kick-starting collaboration between the member initiatives and initiating convergence on workplace standards and best practices in code implementation and

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<sup>45</sup> At least among interviewees.

remediation - the Joint Initiative has shown mixed results. Counter to initial expectations, the JO-IN members have not yet been able to finalize the workplace standards of the JO-IN Reference Code, while agreement on the proper design of a code implementation system is even further away. In fact, the latter was even labeled the area “where the least progress was made between the participating organizations” in the JO-IN project’s final report (Thorpe 2008, p. 36), although discussions on the topic have since then been resumed. Furthermore, disagreement has arisen among the participant initiatives concerning whether the common code should, as originally strived for, eventually replace the codes of the individual member initiatives, or if it should remain a model code.

Still, in spite of these disappointments the Joint Initiative certainly has already resulted in an increased convergence of standards. Not only do (or will) the different initiatives use the Draft JO-IN Code as a reference in their own code revision processes<sup>46</sup>, they also check the code language of the other initiatives when considering revisions. Although the latter practice was already quite common before the JO-IN process, this cross-referencing was certainly enhanced as a consequence of the increased familiarity and contact among the organizations resulting from the Joint Initiative.

Furthermore, in addition to influencing the codes of the JO-IN members, the Draft JO-IN Code is also influencing the field more widely. It has already been adopted by a number of commercial brands, and served as a model for the codes of other multi-stakeholder initiatives. Most notably, the code has also been used by the MFA Forum<sup>47</sup> in Bangladesh, potentially affecting codes and standards in hundreds of exporting factories across the country (Lally 2007, p. 17; Thorpe 2008, p. 35). Although the Joint Initiative itself has not actively promoted the JO-IN code as a reference among third parties, some of the member initiatives do regularly mention it as a best practice code to other organizations in the field. To a certain extent, moreover, the code also appears to have assumed a life of its own, in the sense that it is also being picked up by organizations that have not been urged to do so by JO-IN members. Apparently, despite of not having been finalized yet, the Draft JO-IN Code has achieved the status of a legitimate reference point<sup>48</sup> among organizations deploying codes to reinforce workers rights from around the world.

Although the project also aimed to establish some new benchmarks for the industry with regards to assessment techniques, hoping to introduce new, innovative approaches to evaluation, monitoring, and interviewing methods, fairly little was achieved to this avail. The project’s assessment teams ended up using conventional and already widely used techniques (Adidas Group 2008, p. 2). Similarly, although identifying good practice with respect to remediation strategies was one of the trial project’s main goals, very little progress was made in this regard. Due to reasons that will be outlined later, the factory reassessments eventually had to be conducted less than half a year after the start of the remediation phase (Thorpe 2008, p. 35). This did not leave enough time for the decided upon remediation strategies to achieve their full effect<sup>49</sup>, making a meaningful comparison of their effectiveness impossible.

Furthermore, although their hope to “more or less assist a progress towards a reduction of audit overlap and fatigue” was probably one of the main reasons for brands and suppliers to participate in the Joint Initiative<sup>50</sup> (Adidas Group 2008, p. 2), the project itself did not

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<sup>46</sup> The FLA, for instance, regards the Draft JO-IN Code one of the two most influential reference points throughout its latest code revision process (the other one being the ILO Conventions).

<sup>47</sup> The MFA Forum is a not-for-profit, participation-based open network established to address problems predicted to occur in some countries due to the end of the Multi-Fiber Agreement (an international quota regime). See <<http://www.mfa-forum.net/>> for more information.

<sup>48</sup> “A standard for developing new codes”, in the words of one interviewee.

<sup>49</sup> Or even realize improvements per se.

<sup>50</sup> It should be noted though that this was not necessarily an important objective for the JO-IN member organizations. In the words of one interviewee, “reducing factory audits was very much the corporate angle” and

contribute much to this aim. For although the initial focus of the Joint Initiative was on establishing best practice in factory auditing, so that member organizations (as well as brands possibly) could start relying on each other's audits, this focus was later shifted towards the remediation of non-compliance. Still, by enhancing the ability and willingness among its members to cooperate, the Joint Initiative more indirectly has inspired a few bilateral collaborations that have helped to reduce audit duplication. However, overall the JO-IN member initiatives are only responsible for a small portion of the total amount of factory audits conducted in the garment industry, and do not find themselves auditing the same factories all that often. Rather, most duplication of audits is caused by the large brands and retailers that have not joined any multi-stakeholder initiative (and are hence not open to coordination). Also in the future, the major value added of collaboration among the JO-IN member initiatives is therefore not likely to be found in directly decreasing audit fatigue.

### *Prospects for Future Convergence*

Although the Joint Initiative's achievements described above may be rather limited, it would not be fair to evaluate JO-IN exclusively on the basis of the concrete results it has produced so far. Rather than as an isolated project, the Joint Initiative should be seen (and judged) as an important first step in cooperation among its member initiatives (Thorpe 2008, p. 2). The JO-IN Forum has, institutionally speaking, functioned at a very low level so far, as the organizations involved in a way had to 'recover' from the JO-IN project, which was a very intense process that took a lot of energy and more time than anyone had envisaged. Nevertheless, the Joint Initiative was at the time of its conclusion deemed to have created considerable momentum for ongoing collaboration.

Before the Joint Initiative, contact between some of the initiatives had been very minimal, while collaboration between the organizations that occasionally did informally coordinate specific activities had also remained fairly limited (Lally 2007, p. 17; Thorpe 2008, p. 3). Some member organizations acknowledged a certain level of misunderstanding and mistrust of the other initiatives and their work, which were fueled by differences in approach and a lack of familiarity with each other's work (Lally 2007, p. 17). The Joint Initiative, which brought the six initiatives' leaders together for hundreds of hours of conference calls and face-to-face meetings, broke down these barriers and enhanced mutual understanding and trust among (the leadership of) the various initiatives (Thorpe 2008, p. 18). "If nothing else", one interviewee remarked, the Joint Initiative "helped bring [the member organizations] into much closer contact with each other".

These increases in familiarity and willingness to cooperate did not remain limited to the very top of the different organizations; there now also is more cross-fertilization among the lower levels of the staff. For example, as a result of the Joint Initiative it is now standard practice for most of the initiatives to collaborate with other members when a complaint in a facility affects brands from more than one JO-IN member organization (Thorpe 2008, p. 38). These improved relationships also find expression in collaborations on specific projects and work programs, such as for example the setting up of a joint complaints office in Turkey by the FLA and the FWF. Also, although joint lobbying on public policy issues has not occurred yet until now, one interviewee indicated no longer to see any barriers to engaging in such collaborative advocacy with other JO-IN members (as opposed to before the Joint Initiative). Furthermore, as the different initiatives, in addition to knowing each other's strengths and capabilities, now also know each other's weaknesses, they also know what to steer clear of in working together.

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does not necessarily help workers, while the Joint Initiative "did not set out to support suppliers [...] but workers".

The Joint Initiative has thus created “a launch pad for future activity among and between the code organizations” (Thorpe 2008, p. 42). By facilitating a “sheltered form of mutual exposure” (Thorpe 2008, p. 7), the project allowed these organizations to settle into a new cooperative mode and establish their credibility, both towards one another as well as towards each other’s constituencies. Reaching agreement on fundamental compromises and learning to dialogue with one another were essential first steps on the road to productive collaboration, which will not have to be taken again. Although the least tangible, this enhanced trust, communication, and potential for both structured and ad hoc collaboration could in the long run very well prove to be the most important of the Joint Initiative’s impacts. Accordingly, the JO-IN Project’s final report (Thorpe 2008, p. 42, emphasis in original) stated that “[t]he decision to seek continuity through an ongoing JO-IN Forum is a major (arguably *the* major) achievement of [the JO-IN] project”. In this light it can be considered disappointing that the Forum appears to have been so inactive in the almost three years that have passed since its establishment. In the final analysis, the judgment of the ultimate usefulness of the Joint Initiative will depend considerably on whether or not cooperation in the JO-IN Forum will be revived in the future.

### **3.4 Barriers to the Success of the Joint Initiative**

The constraints identified as hampering the progress of the Joint Initiative range from issues relating to the organization of the collaborative process in general to factors very specific to the design and implementation of the on-the-ground trial project. Even the latter ones, however, did not only hamper the effectiveness of the on-the-ground project, but also spilled over to have an impact on the ‘global convergence dimension’ of the collaboration. By frustrating progress regarding one dimension of the ongoing collaboration, these Turkey-specific challenges also complicated the relationship between the JO-IN members more generally.

#### *Barriers Specific to the Turkey Project*

One of the barriers specific to the practical component of the collaboration is the overall context within which the factory assessments as well as the resulting remediation work had to take place. Although the culmination of a fairly thorough selection process<sup>51</sup>, the decision to conduct the pilot project in Turkey proved to be rather unfortunate. While aware of the fact that the Turkish labor market is particularly complex and plagued by controversy<sup>52</sup>, the JO-IN members expected negotiations with the European Union to produce a whole series of labor law reforms that would ameliorate the situation. As negotiations with the EU stalled, however, these Turkish peculiarities continued to function as constraints, complicating JO-IN’s search for convergence. Additionally, the Turkish government also proved unwilling to invest resources to support measures in the apparel industry, which it sees as an outdated part of its economy. These negative on-the-ground reactions posed a major constraint to implementation (Kaan 2008, p. 12). Additionally, the factory assessments and reassessments uncovered a significant capacity problem in the auditing profession in Turkey<sup>53</sup>. Especially the baseline assessments were of such a disappointingly low quality<sup>54</sup> that a thorough and

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<sup>51</sup> See the JO-IN Final Report (Thorpe 2008, p. 4).

<sup>52</sup> Particular controversies in Turkey relate to freedom of association, the payment of Social Security benefits, and subcontracting, among other things.

<sup>53</sup> Although this capacity problem is far from specific to the Turkish context, having been accepted as a given by many observers of social compliance monitoring worldwide (Thorpe 2008, p. 41).

<sup>54</sup> In response to the low quality of assessment reports the Steering Committee even felt compelled to produce a detailed report on the assessment process itself, entitled *Assessment of the Assessments* (JO-IN 2008b).

accurate evaluation of remediation effectiveness, on the basis of a comparison between pre- and post-remediation assessments, had become virtually impossible even before the start of the remediation phase.

Another factor that severely hampered the effectiveness of the Turkey Project was the rather limited participation by both brands and suppliers. Only seven brands participated in JO-IN, which eventually were able to bring in a mere six supplying facilities (Lally 2007, p. 23, 25). Although the reasons for brands and suppliers to refuse participation were many and varied<sup>55</sup>, JO-IN's inability to secure more participation is by some seen first and foremost as indicative of the power relations between MSIs and their member brands, as well as between these brands and their suppliers. Although the participating brands possessed a fair amount of leverage over the facilities shortlisted for participation<sup>56</sup>, they clearly chose, despite pleas from the JO-IN Steering Committee, not to strong-arm them into participation; nor were they willing to offer positive financial incentives (Lally 2007, p. 26; Thorpe 2008, pp. 42-43). In the eyes of some this did not only expose the minimal approach taken by brands, but also revealed the inability of multi-stakeholder initiatives to oblige their member brands to act outside of their general compliance strategy (Thorpe 2008, p. 14). Others argue, however, that MSIs (vis-à-vis brands) as well as brands (vis-à-vis suppliers) were merely "picking their battles", and were sympathetic to the objections raised by factories<sup>57</sup> (Lally 2007, p. 27).

#### *More General Barriers to Successful Collaboration*

One of the important constraints hindering the collaborative effort more generally was the tension that persisted between JO-IN's twin aims of rolling out a project on the ground on the one hand and serving as a vehicle for its member organizations to converge on the other. Although interviewees stressed that the decision to organize the collaboration as a practical on-the-ground project was a good one overall, as it elevated the collaboration above merely producing shared paperwork and is the only way to really find out what it means to collaborate, simultaneously pursuing the global collaboration agenda alongside the local cooperation in practical remediation represented a formidable challenge. During the design and implementation of the trial project constant interference occurred between the two lines of work. Preparations for on-the-ground activities constantly raised issues that were considered to be of structural or political significance by one or more of the member initiatives. The need to constantly fashion a workable consensus between the member initiatives whenever an aspect of the project design was found to be charged with a higher level of significance consumed considerable amounts of project time and repeatedly caused delays (Thorpe 2008, pp. 40-41). Moreover, "the need to manage a local project in place while the broader exercise in inter-organizational collaboration was played out at the level of the Steering Committee" (Thorpe 2008, p. 41) also resulted in a considerable strain on project staff. Consequently, staff turnover was remarkably high<sup>58</sup>, with the inevitable adjustment periods leading to additional delays.

Although this attempt to simultaneously manage the challenge of working together and the challenge of running a project on the ground in itself may have already been "too broad a spread to be handled within a single project scope" (Thorpe 2008, p. 41), this was not

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<sup>55</sup> See the JO-IN Interim Report (Lally 2007, pp. 23-26) for a detailed account.

<sup>56</sup> The participating brands accounted for at least 10% of sourcing orders to all but one of the selected facilities, while half of the selected facilities received more than 50% of their orders from participating brands (Lally 2007, p. 26).

<sup>57</sup> In fact, one interviewee openly admitted thinking that JO-IN offered the brands and factories "a very unattractive deal", labelling it "almost a miracle" that they were able to ensure the participation of as many facilities as they did.

<sup>58</sup> Three international Project managers had to be recruited in the first one and a half years of the project (Lally 2007, p. 21).

the only facet of the collaborative effort with regards to which the Joint Initiative simply was too ambitious. In the early days of the Joint Initiative, the initial coming together of the JO-IN member organizations produced a euphoria among the people involved that led them to be “hopelessly overambitious”. As the individual initiatives kept encountering problems worthy of cooperation in their own work, and the extremely high and varied expectations in the field were constantly communicated to the organizations involved, JO-IN’s to-do list continued to expand. Consequently, the initiative ended up with an overly ambitious set of goals, “almost doom[ing] the project to failure” from the outset.

Another barrier to success was that, given the large differences in constituency and regulatory approach, it was a real challenge for the CCC and the WRC as campaigning NGOs on the one hand and the four much more business friendly multi-stakeholder initiatives on the other to collaborate productively. Mentioning downright hostilities, Kaan (2008, p. 12) even goes as far as to state that “the approach of the CCC<sup>59</sup> [...] proved to be incompatible with the other members”. Although the interviewees disagree with this analysis, JO-IN undoubtedly would have been an easier project without CCC and WRC involvement. Still, as the Joint Initiative certainly also was a richer project because of their involvement, and the increased understanding among the different organizations of how the other members are motivated and approach their work turned out to be one of the project’s main gains, there appears to be a consensus that the civil society organizations’ participation was worth the additional effort. In fact, one interviewee even stated that JO-IN probably should have had “an extra one or two organizations from the civil society side at the table to give a slightly better balance of the stakeholders involved”, arguing that, also because the two participating campaigning groups are very small in comparison to the four MSIs and had very few staff resources to back up their involvement in the Joint Initiative<sup>60</sup>, JO-IN ultimately “did not have a good mix of organizations”. Be that as it may, however, even without such additional civil society involvement it already became blatantly apparent during the project that such a diversity of perspectives and interests makes for a more complex process, which was perhaps not sufficiently taken into account in determining the timeline and objectives of the project.

Another administrative constraint that continuously slowed down progress was the fact that the Steering Committee, involved in pretty much all of JO-IN’s decision making, consisted of the heads of the various member organizations. As these are all leaders of very busy organizations, “geographically separated by continents and by heavy travel schedules” (Thorpe 2008, p. 41), organizing frequent meetings proved demanding, as did getting these individuals to find the time and mind space to dedicate to the project. Many months were lost trying to find dates at which everyone could meet. One interviewee suggested that it possibly would have been better to decentralize the decision making somehow, delegating some responsibilities to lower-level staff members with fewer other demands on them. However, another interviewee considered this administrative constraint unavoidable, arguing that, as the Joint Initiative was in a way setting policy on behalf of the member initiatives, the highest decision making levels simply needed to be involved. However, an additional disadvantage of organizational collaboration depending on such a limited set of people is its susceptibility to personal barriers. Perhaps even more than from organizational incompatibilities, the Joint Initiative, according to one interviewee at least, suffered from personal incompatibilities. Some of the personalities involved were simply unable to get on the same wavelength, hampering the development of a sense of solidarity among the different organizations.

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<sup>59</sup> Counter to at least one interviewee, who felt that the CCC was much more constructive and took more strategic positions than the WRC, Kaan (2008, p. 12) isolates the CCC in this, appearing to side the WRC with the multi-stakeholder initiatives.

<sup>60</sup> Although, according to the same interviewee, this did not prevent the CCC from being “probably the most active member of the whole [initiative] despite its small size”.

Although enduring to this day, these personal barriers are likely to disappear over time with changes in leadership.

It should be noted though, that even when the leaders of the cooperating organizations are handling the face-to-face contact and doing the actual collaborative decision making, support for the collaborative effort from each initiative's constituency and lower-level staff remains vitally important. With regards to the Joint Initiative, levels of internal support very much differed per member organization. Within some initiatives the idea of collaboration and convergence elicited high levels of excitement and support<sup>61</sup>. However, within some of the other organizations, which are trying to tackle a lot of issues at any given time and themselves harbor very divergent interests, the Joint Initiative, although a priority theoretically, lacked sufficient internal support and appeared to be overshadowed by other priorities. Consequently, levels of participation and engagement in the Joint Initiative were very uneven.

Another big constraint, amplified by the many delays caused by the various constraints discussed so far, was the limited time available. As a donor-funded project JO-IN was on a very tight time schedule, having to squeeze too many activities in too little time. This constraint is far from specific to the Joint Initiative though, as the donor community more generally only works on a very short-term basis<sup>62</sup>. Whether or not the decision to seek donor funding should then be considered a management mistake on the part of the Joint Initiative is open to discussion. One interviewee argued that it would have been much better if the JO-IN members could have agreed to fund the project from internal resources. Not only would this have eliminated some of the more pressing time constraints, it would possibly also have integrated the Joint Initiative more in the (activities of the) individual member organizations, providing a stronger platform for cooperation. However, as especially the multi-stakeholder initiatives need to account for every dollar they spend, the drawback of such a solution, in addition to the obvious fact that these funds would have to be redirected from other activities, would be that even more of JO-IN's management decisions would need to be passed back to (the constituencies of) these member initiatives for approval.

Either way, as it was the JO-IN project's timelines, established within this context of donor short-termism, were not realistic given the realities the project faced and the broad-ranging and important issues the initiative tried to tackle (Thorpe 2008, p. 41). The tight time schedule proved unable to cope with the delays that occurred throughout the project, for instance due to staff turnover, problems encountered with ensuring participation of brands and suppliers, the need for "each organization to establish its own principled position in relation to every new aspect of the project", and the Steering Committee's desire to discuss in detail every aspect of the project that was of more general relevance (Thorpe 2008, p. 41). As a result, the comparison and testing of a menu of remediation options, which was meant to be the core of the on-the-ground project, was "so constrained by time that proper testing was impossible" (Thorpe 2008, p. 41). Remediation on the challenging issues that were the focus of the project could simply not realistically be expected to show results by the time the reassessments had to be undertaken (Thorpe 2008, p. 35). Consequently, time constraints severely limited what the Joint Initiative could achieve both in terms of improving workplace standards in participating facilities<sup>63</sup> and with respect to producing learning and identifying good practice in remediation strategies.

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<sup>61</sup> Which, as one interviewee described, did sometimes lead to "almost unrealistically high expectations of how much cooperation they could achieve".

<sup>62</sup> Despite expecting contributions to sustainable long-term improvements, donors typically work with project grants with a timeframe of one to three years.

<sup>63</sup> In the eyes of one interviewee, the project actually could have produced "some really interesting turns in Turkey" if it had had a few more years.

### 3.5 The Metagovernance Objectives

In the research framework three distinct metagovernance objectives were identified. An analysis of the Joint Initiative's explicitly defined objectives<sup>64</sup>, as well as of the activities undertaken, reveals that the initiative was concerned primarily with the pursuit of the third of these metagovernance objectives. More specifically, rather than increasing the number of certified operators (which also falls under the third metagovernance objective), the great majority of efforts were aimed at augmenting the realized improvements in working conditions per audited factory. The cutting back on duplications of efforts, the identification of best practices, and the testing of different remediation strategies were all meant to enhance the efficiency and effectiveness with which the six member organizations are able to secure compliance with their standards on the ground.

Even the convergence of workplace standards initiated with the development of the Draft JO-IN Code should primarily be seen as a means to increase the goal attainment capacity of the JO-IN members, rather than an attempt to actually change the goals they are pursuing. As all member codes of conduct are closely modeled on relevant ILO conventions, the substantive goals of the members' systems were already very similar prior to the collaboration. Rather than being indicative of fundamental differences in objectives, variations in the wording of members' workplace standards do often 'merely' reflect differences in the strategic approach taken to the application of the outlined principles. Accordingly, as confirmed by a JO-IN document (JO-IN 2005b) detailing the variations between the members' codes of conduct and the JO-IN Draft Code, the differences in members' workplace standards the JO-IN Code was to reconcile are mainly restricted to the regulatory approach taken and the nature and stringency of implementation mechanisms. To put it in the words of the Joint Initiative itself (JO-IN 2006c, p. 1), "the question [never was] whether the six organizations have such a commitment [to improving workplace conditions], but rather how the groups, working together, might achieve greater effect".

Nevertheless, the work on code convergence has not bypassed the first metagovernance objective completely. Although the Joint Initiative did not inspire significant changes to the ultimate goals of any of its members, as they were already in agreement on these, the increased insight and understanding JO-IN generated may certainly have led to even greater convergence in terms of their priorities. What is more, JO-IN's members agreed early on that the Joint Initiative should "lead a 'race to the top' in code compliance" (Thorpe 2008, p. 35), and therefore decided in drafting the common code that they would incorporate the "elements from among the participant codes that gave the highest levels of protection to workers" (Thorpe 2008, p. 35). Consequently, in as far as the development of JO-IN's Draft Code has actually had an impact on the codes of conduct of its members, it has facilitated modest increases in their stringency, hence increasing their public interest orientation<sup>65</sup>. Interestingly, as this is where the largest potential for gains in terms of a convergence of goals and priorities was to be found<sup>66</sup>, JO-IN's largest impact in terms of the first metagovernance objective may very well be in those instances where the JO-IN Code has been used as a reference by initiatives not themselves involved in the Joint Initiative.

The second metagovernance objective, enhancing democracy and legitimacy in the regulatory processes of private standards initiatives, does not appear to have featured on JO-IN's agenda at all. Although, among the JO-IN participants, differences in normative

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<sup>64</sup> As discussed, JO-IN's main objectives were to maximize the efficiency and effectiveness of its members efforts, share learning about good practices in code enforcement, and enhance cooperation among members to reduce duplication and reinforce each other's efforts (JO-IN 2006a; 2006c, p. 1).

<sup>65</sup> Though more with respect to their level of ambition than in terms of a substantive redefinition of goals.

<sup>66</sup> The original substantive goals of initiatives not involved in the Joint Initiative were generally further removed from the draft JO-IN Code than those of the JO-IN member initiatives themselves.

procedural legitimacy may very well be larger than the differences between their substantive standards, JO-IN's members have simply not attempted to come to some kind of convergence on this aspect. For the purposes of the JO-IN collaboration, it appears that these differences were simply taken as a given and disregarded.

It should be noted with regards to both the first and the second metagovernance objective that the relative lack of emphasis on them is a direct result of the configuration of JO-IN's membership. Although there were certainly important differences between the six JO-IN members, it was their relative agreement on the substance of workplace standards and the importance of actively involving civil society and worker representatives that allowed these like-minded initiatives to focus their efforts on more technical issues, such as code implementation and remediation of non-compliance. Had certain industry initiatives - with less stringent standards and less inclusive processes - joined the collaboration<sup>67</sup>, more emphasis would certainly have been put on the substance and stringency of members' standards and the inclusiveness of their processes.

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<sup>67</sup> Which, as discussed, was not really an option in reality because the CCC and WRC were not willing to collaborate with these organizations, precisely because of their lack of stakeholder participation and the lack of stringency of their standards.

## **4. International Task Force on Harmonization and Equivalence in Organic Agriculture**

### **4.1 Regulatory Multiplicity in the Regulation of Organic Agriculture**

Very few, if any, realms of economic activity subject to private regulatory standards setting face such a complicated regulatory environment as organic agriculture. In addition to literally hundreds of different private regulatory standards and conformity assessment bodies, the sector also counts a gradually increasing set of equally diverse government regulations and accreditation systems. By 2008, 52 countries had finalized and implemented organic regulations, while 18 countries were in the process of realizing the full implementing of their finalized regulations and another 21 were in the process of drafting regulations (Huber et al. 2008, pp. 59-61). In the same year, the Organic Certification Directory contained 468 organic certification bodies, a sizable proportion of which operates its own privately held standard (Rundgren 2008, p. 73). What is more, both these public and private sector initiatives are increasing rapidly in numbers.

As organic agriculture by definition is an environmentally sensitive activity, taking into account the agroecological and social conditions within which farming systems develop and operate, a certain level of standards diversity is both unavoidable and desirable (Rundgren 2003a, p. 13). That being said, however, the level of multiplicity currently characterizing the global governance of the sector goes beyond what could be justified by referring to the context-specific nature of organic agriculture. Different standards have been developed for localities facing very similar conditions, and even within a single environmentally homogeneous locale one can often find several standards. Furthermore, it is not only the substantive organic production standards that have proliferated; certification requirements and mechanisms for the approval/accreditation of certification bodies also vary per initiative. This multitude of standards and certification requirements is a legacy of decades of uncoordinated standards development by many independently operating private and public actors. Thus, although some regional differences in standards are warranted, as organic standards are to reflect the climatic, geographic, economic, social, cultural, political, and state of sector development conditions characterizing the locale for which they are intended, the main reason for today's regulatory multiplicity is historical, rather than functional (ITF 2008a, p. 5; Ong 2005, p. 9; Wynen 2004, p. 2). It is safe to say that, given the possibility to design the optimal global regulatory system for organic agriculture, none of the stakeholders involved would opt for current levels of multiplicity.

Neither in the private nor in the public sector, however, has the standards proliferation been a completely uncoordinated development. In the private sector, the International Federation of Organic Agriculture Movements (IFOAM), a democratic grassroots organization that unites about 750 member organizations from 116 countries and may be considered "the focal global meeting point for organic agriculture" (Glasbergen 2010, p. 133, IFOAM 2009a), has had a major coordinating influence. As a private umbrella organization established in 1972 to lead, unite, and assist the worldwide organic movement in all its diversity (IFOAM 2009b, p. 1), IFOAM operates an Organic Guarantee System that provides a market guarantee of the integrity of organic claims and aims to "unite[...] the organic world through a common system of standards, certification, and market identity" (IFOAM 2009c).

This Organic Guarantee System consists of two pillars that together make up the IFOAM Norms: the IFOAM Basic Standards and the IFOAM Accreditation Criteria. The IFOAM Basic Standards for Organic Production and Processing (IBS), first published in 1980, provide "a framework for certification bodies and standard-setting organizations worldwide to develop their own more detailed certification standards which take into account specific local conditions" (IFOAM 2009d). As 'standards for standards' they cannot be used

for certification themselves, but have both directly and indirectly shaped the objectives and content of hundreds of private standards (Herrmann 2003, p. 72), as well as of national regulations and international norms. The IFOAM Accreditation Criteria for Programmes Certifying Organic Agriculture and Processing, a sector-specific adaptation of the ISO/IEC Guide 65 General Requirements for Bodies Operating Product Certification Systems, specify exactly how the certification of organic producers should be conducted (Herrmann 2003 p. 72). Currently, 34 certification bodies are IFOAM-accredited<sup>68</sup>, which means that they have been found to both (I) conduct the certification process in compliance with the IFOAM Accreditation Criteria and (II) certify to an organic standard which is in accordance with the IFOAM Basic Standards<sup>69</sup> (IOAS 2010; IFOAM 2009e). Together they represent a substantial share of the global certification volume in the organic sector<sup>70</sup>.

Thus, largely due to the establishment of an umbrella organization exercising metagovernance functions relatively early on in the development of organic standards setting and certification, the plethora of private organizations involved in the regulation of organic agriculture actually make up a reasonably coordinated regulatory system. In fact, had IFOAM's efforts to establish a globally coherent yet geographically sensitive standards setting system been adopted more rapidly and widespread, the global governance of organic agriculture might have become a leading example of a coherent transnational standards setting system. However, many private standards setting and certification organizations choose to function outside of the framework established by IFOAM.

As for the public sector, intergovernmental cooperation on organic standards setting took place within the framework of the Codex Alimentarius Commission. However, this joint FAO/WHO intergovernmental body, established in 1962 to harmonize food quality and safety standards, only adopted its Guidelines for the Production, Processing, Marketing and Labeling of Organically Produced Foods in 1999<sup>71</sup> (Doyran 2003, p. 31). As this was after the regulations governing many important markets were drafted, the Codex Guidelines, which are meant to serve as a guidance document for the development of national and private standards, have to date had a rather limited influence on national regulations (Bowen 2004, p. 14). In the absence of other coordinating mechanisms, the organic sector has thus seen little harmonization in the realm of government regulations.

What is more, very little effort has been made to somehow synchronize the advent of government regulations on the one hand and the continuing self-regulation of the sector on the other (Rundgren 2003b, p. 6). As a result, "public and private sector systems work alongside each other and to some extent duplicate each other's work, as there is a lack of formal recognition (in both directions) between the two systems" (ITF 2006a, p. 9). Governments

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<sup>68</sup> To assure the independence of accreditation decisions IFOAM does not carry out accreditations itself, but has licensed its Accreditation Program to the International Organic Accreditation Service Inc. (IOAS), an independent nonprofit body specifically set up for this purpose (IFOAM 2009e).

<sup>69</sup> In this IFOAM accreditation differs from 'normal' accreditation, which focuses exclusively on the procedures for conformity assessment being applied by a certification body and does not assess the standards to which producers are being certified.

<sup>70</sup> According to an aggressive 2003 estimation by Herrmann (p. 73), IFOAM-accredited certification bodies did at the time represent about 50 to 60 percent of the global certification volume in the organic sector. Already at the time this estimate was somewhat misleading, however, since a number of these certification bodies run multiple organic certification programs for a variety of standards, only one of which is IFOAM accredited. Although their entire market share was counted towards the mentioned 50-60 percent, their IFOAM accreditation thus only pertained to part of their operations (Bowen 2004, p. 6). What is more, this estimate is now certainly out-of-date, as several major international private labels (all of which were IFOAM-accredited at the time (Ong 2005, p. 29)) have since dropped IFOAM accreditation. Nevertheless, IFOAM continues to represent a very substantial share of organic certification bodies.

<sup>71</sup> The Guidelines' sections on livestock and livestock products, beekeeping and beeproducts were only adopted in 2001 (Doyran 2003, p. 31).

refuse to recognize IFOAM's organic guarantee system, and national regulations do not "reference nor recognize private sector standards developed within the country" (Ong 2005, p. 19). This lack of coordination is all the more unfortunate since, as Ken Commins (2004, p. 9) points out, "the large number of organic standards [and regulations] should not be taken to mean that there are necessarily large differences between these standards". In fact, most experts are of the opinion that "the differences between the various organic standards are not huge" (ITF 2008b, p. 6). Regulators and private standards setters themselves, however, attach great importance to relatively minor differences in standards.

### *Consequences of Regulatory Fragmentation*

The described regulatory multiplicity and fragmentation has a number of disadvantages. For instance, with so many public and private actors setting up their own programs, there is considerable duplication of efforts at the regulatory level. A substantial proportion of resources allocated to the development and implementation of new schemes could therefore have been invested more productively elsewhere. Furthermore, the existence of a wide variety of different organic seals within a single market may confuse potential buyers and reduce consumer confidence in organic claims<sup>72</sup>. What is widely considered to be the most important negative consequence of regulatory multiplicity in the organic sector, however, is the additional costs it entails for organic producers engaging in international trade.

Governmental regulations do not merely apply to organic products *produced* within its territory, but to all products *sold* as organic within its borders. Traders in organic products thus need to be able to prove that their products have been produced in compliance with the legal requirements of the territory in which they will be marketed, rather than (or in addition to) those of the territory in which they were produced. Organic producers selling the same product in more than one regulated territory thus need to be able to prove that the production and processing methods applied comply with the legal requirements (as well as possibly consumer-demanded private labels) of all export destinations. Similarly, as the certification of processed organic products is to guarantee the organic nature of the entire production process - from primary agricultural production to final processing - producers of processed organic foods need to establish that all their ingredients have been produced in accordance with the standards to which the end product is certified. (Ong 2005, p. 2). In practice this means that the certification of every stage in the product chain has to assume responsibility for all prior certifications (Ong 2005, p. 2).

With a view to enabling organic producers to get by with a single certification, public regulators as well as private standards setters have developed mechanisms to regulate the acceptance of products certified as organic by one certification body to one standard into another organic guarantee system. However, as the implementation of these mechanisms generally needs to be worked out bilaterally in cumbersome, time-consuming, and politically charged processes, their coverage to date remains rather limited. In fact, even among IFOAM accredited certification bodies it is far from self-evident that they will accept each other's certifications (Bowen 2004, pp. 5-6). Organic producers selling to multiple markets generally thus have no choice but to pursue multiple certifications. For instance, Ong (2005, p. 9) mentions one export-oriented producer who needs seven different organic certifications for his one operation. From a sustainability viewpoint there is a positive side to this, as producers seeking multiple certifications need to comply with the most restrictive and detailed provisions among the different standards. The net effect of the current level of standards multiplicity thus appears to be an overall raising of the bar for organic producers (Bowen 2003, p. 65). However, many of the additional requirements, "rather than additional quality

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<sup>72</sup> Whether this actually hampers sales of organic products, however, does not appear to have been documented yet (Bowen 2006).

assurance”, are ineffectual and “unnecessary obstacles” to trade (Westermayer and Geier 2003, p. 139); they require producers to invest additional time, effort, and resources in changes that do not actually translate into superior social or environmental performance.

Furthermore, in addition to the costs associated with meeting these futile additional requirements, producers also face additional certification costs. This is especially the case when producers need to contract multiple certification bodies to conduct multiple on-site inspections. Yet even when producers can obtain all certifications they require through a single inspection visit by a single certifier, they find that regulatory fragmentation has resulted in higher certification costs. The great majority of conformity assessment bodies (CABs) has been established certifying to just one standard. (Ong 2005, p. 27). However, to deal with the demands placed on them in today’s fragmented regulatory environment, in which they service a variety of different producers each requiring a different set of certifications, certification bodies have adopted one (or a combination) of two approaches to standards (Bowen 2003, p. 64). Some offer a ‘menu’ of different standards to which they offer certification, allowing their clients to choose to which standard(s) they want to be certified. Others continue to only offer certification to one standard, yet have adapted this standard so that it is judged equivalent to some of the regulatory requirements their clients routinely have to show compliance with (Bowen 2003, p. 64). Whichever approach they have taken, most CABs have had to resort to holding multiple accreditations, with globally operating CABs needing to hold up to five different accreditations<sup>73</sup> (Bowen 2003, p. 64; Ong 2005, p. 29). Not only does this entail duplicative accreditation costs; when combining multiple accreditations CABs also have to reconcile the contradictory requirements of these accreditors. Furthermore, in pursuing these multiple accreditations certification bodies often end up having to devote costly staff time to trivial pursuits, such as changing the wording of documents so that they comply with all accreditations but do not affect the actual certification process<sup>74</sup> (Bowen 2003, p. 66). Favoring certification bodies with large resource bases, regulatory proliferation as a side effect thus pressures CABs “to grow or consolidate into ever larger and fewer entities” (Bowen 2003, p. 66). The primary problem, however, is that these certification bodies have to pass on their additional costs to their clients (organic producers), who in turn have to pass on their extra costs to the consumer.

As most importing nations have mechanisms in place for foreign operators to establish compliance with import requirements, and many CABs have managed to improvise the basic arrangements needed to meet various regulations, international trade in organic products is possible and “working on a basic level” (Bowen 2003, p. 63; 2004, p. 17). Hence, given a particular export opportunity, many organic producers and traders are able to find a way to demonstrate their compliance with regulatory requirements and acquire the necessary import authorizations (Bowen 2004, p. 17).

However, “cobbled together” as it is (Bowen 2004, p. 17), the current system is very inefficient, giving rise to considerable duplication of efforts and confronting traders seeking market access with burdensome, time-consuming, and expensive processes. Many of the additional costs associated with meeting multiple standards “provide no or few extra benefits

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<sup>73</sup> However, although certification bodies have been adapting, there currently are still very few certifiers that have come even close to achieving the ideal of being able to offer “one-stop shop certification” (Ong 2005, p. 10), meaning they can provide all the certifications their clients may possibly need through a single inspection visit.

<sup>74</sup> Note that organic producers and certification bodies in a sense face the same problem. Organic producers are forced by the regulatory fragmentation they face to make cost-ineffective changes to their operating procedures and practices, as well as shoulder the burden of having to deal with multiple certifiers. These certification bodies, in turn, have to make cost-ineffective changes to their certification procedures (and privately held standards where applicable), as well as face the costs of dealing with multiple accreditors.

for producers or consumers, nor do they necessarily benefit public health, safety and the environment” (Wynen 2004, p. 2). Yet as a result of the high costs associated with establishing compliance with the import requirements of (many) different foreign markets, some producers “undoubtedly face insurmountable obstacles to some international markets” (Bowen 2004, p. 17). Thus, even though current trade relations are not severely disrupted, the CABs and their clients do face opportunity costs in terms of certification and trade expansion. It simply may not be cost effective to expand into otherwise promising markets because of their additional regulatory requirements (Bowen 2003, p. 64). As a result, “minor variations in organic standards and conformity assessment systems can become major barriers to trade” (Twarog 2008a, p. 1).

In fact, business operators claim that “differences in technical regulations, standards and conformity assessment procedures constitute one of the major obstacles to [international] trade” (Arvius 2003, p. 67). Rather than this multiplicity per se, however, it is the lack of recognition between as well as among national regulations and private labels that should be considered “*the key factor* making the certification of international organic product chains a complicated service and cost burdensome to operators” (Ong 2005, p. 19 emphasis added). In today’s globalized world, it goes without saying that hampering international trade in particular products can be very detrimental to a sector. Although an attempt by Wynen (2004, pp. 72-74) to calculate the total costs of regulatory fragmentation to the organic sector remained very tentative, with very rough estimates based on conservative assumptions ranging from US\$ 8 million to US\$ 500 million<sup>75</sup>, what is clear is that there are significant costs to non-harmonization. Indeed, discussions in a number of forums, including IFOAM, FAO, and UNCTAD, have indicated that the plethora of standards, certification requirements, and regulations, and the lack of effective linkages between them, are “a major, if not the key, obstacle for continuous and rapid development of the organic sector” (Twarog 2008a, p. 4).

What is more, in the absence of coordinated action the situation is likely to deteriorate. As both the number of country’s introducing national regulations and the volume and diversity of international trade in organic products continue to increase, the problems associated with the sector’s regulatory fragmentation will continue to worsen (Ong 2005, p. 8). Eventually, as “the unbridled proliferation of non-harmonised regulations in dozens of countries will exceed the capacity [of CABs] for achieving accreditation and other compliance arrangements [...], certification and trade business could become gridlocked” (Bowen 2003, p. 64).

#### **4.2 The International Task Force**

Realizing that the many organic standards and regulations, rather than facilitating the development of the organic sector, have become a stumbling block to the mainstreaming of organic agriculture, IFOAM, in collaboration with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Conference on Trade and Development (UNCTAD), organized a conference in 2002 to discuss the problems posed by the multiplicity, fragmentation, and lack of harmonization in the organic regulatory environment. The primary aims of this Conference on International Harmonization and Equivalence in Organic Agriculture were (I) to shed light on the current state of the organic regulatory environment and (II) to “identify and recommend models for interaction and constructive partnerships between public and private institutions active in the field of organic agriculture”

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<sup>75</sup> Wynen (2004, p. 74) herself points out that her calculations, due to a pervasive lack of data availability, are largely based on assumptions and therefore “fraught with uncertainty”. As it can therefore, even with this rather large range, by no means be guaranteed that actual costs truly lie between these values, they should be considered “more indicative than definitive”.

(ITF 2008c). As a partnership between the private organic community and UN institutions, this Conference initiated a dialogue between the public and private actors involved in trade and regulatory activities in the organic agriculture sector (ITF 2004a, p. iv). The Conference's main achievement was the decision to continue this dialogue in an open-ended platform by establishing an international multi-stakeholder Task Force.

Launched in 2003 and jointly led by the FAO, UNCTAD, and IFOAM, this International Task Force on Harmonization and Equivalence in Organic Agriculture (ITF) was to elaborate practical proposals and solutions to the issues discussed at the Conference (ITF 2008d; Westermayer and Geier 2003, p. 144). More specifically, the Task Force's goal was to "address and seek solutions to trade barriers arising from the many different standards, technical regulations and certification requirements that function in the organic sector, and to enable developing countries<sup>76</sup> to have more access to organic trade" (ITF 2008d). In pursuit of this aim, the focus was on "opportunities for harmonization, recognition, equivalence and other forms of cooperation within and between government and private organic guarantee systems" (ITF 2008d).

Although the Task Force incidentally touched upon other dimensions of the regulatory system, such as its transparency or the consumer acceptance of organic labels, the ITF's focus was thus very much on a single consequence of the regulatory fragmentation in the sector: trade distortion. Other concerns were taken into account as constraints to the range of solutions the ITF was willing to consider<sup>77</sup>, yet were not considered an area of focus in and of themselves. Naturally it is no coincidence that this almost exclusive focus of the Task Force on regulatory fragmentation as a barrier to trade resonates clearly with the mandate of FAO and (especially) UNCTAD. However, several of the interviewees affiliated with IFOAM<sup>78</sup> also stressed that the trade distortion currently associated with standards multiplicity is (one of) the greatest issue(s) facing the regulatory system today.

As mandatory government regulations overall have more of a trade-restrictive impact than their voluntary private counterparts, the ITF's attention was drawn primarily to the former. Still, as a public-private partnership the Task Force naturally did not ignore the role played by private schemes. It also addressed opportunities to enhance the coherence of the private system, and devoted particular attention to potential avenues for promoting coordination and recognition between public and private systems. With its work the ITF thus aimed to influence the entire spectrum of regulators active in the sector, including national governments and the EU, the Codex Alimentarius Commission, appropriate bodies of FAO and UNCTAD, IFOAM, and other relevant organizations (ITF 2003a).

#### *Organizational Set up and Modus Operandi*

The ITF was comprised of "individuals working in government agencies, inter-governmental agencies, and civil society and other private sector organizations involved in organic agriculture regulation, standardization, accreditation, certification and trade" (ITF 2008d). However, although all members of stakeholder institutions, the Task Force's members participated in this expert group in their personal capacity, rather than as formal representatives of their organizations (ITF 2008e). Although all ITF members were encouraged to "liaise with their partners at home" regarding the ITF's work (ITF 2003b, p. 2),

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<sup>76</sup> As it is mostly small-scale producers from developing countries who are currently unable to access lucrative organic markets in the North, the international harmonization and equivalence agenda of the ITF is of particular importance to developing countries (Vossenaar 2003, p. 11). The ITF's Terms of Reference (2003a) are therefore specifically targeted to the needs of developing countries (ITF 2005a, p. 7).

<sup>77</sup> For instance, the ITF did not consider it acceptable to improve market access for developing country producers by means of measures that would result in a significant lowering of standards and a consequent decrease in organic agriculture's environmental benefits (ITF 2004b, p. 16).

<sup>78</sup> Which has a much more comprehensive interest in all aspects of organic agriculture.

they were thus not in a position to make promises or formal commitments on behalf of their respective institutions. As a result, the ITF did not have any real decision making power; none of the actors in the field, public nor private, were bound by ITF decisions. The Task Force was managed by the ITF Steering Committee, made up of representatives of the three convening institutions<sup>79</sup>, and was supported by the ITF Secretariat, consisting of IFOAM staff (ITF 2008f; 2008g).

The modus operandi of the ITF remained fairly consistent throughout the six years of its existence (2003-2008). ITF Meetings, which brought together a continuously changing group of intergovernmental, governmental, civil society, and private sector experts, were held about once a year to discuss and evaluate the work done since the last meeting and decide upon new work items. Most of the actual work on background studies, strategy papers, proposals, and outputs was done in between meetings by Steering Committee members (which usually met two or three times in between full ITF Meetings), small working groups of volunteering ITF members, or outside consultants. However, to ensure that the Task Force remained in control of the work being done in its name, both the Terms of Reference and the semifinal version of each document were subject to the clearance of the entire ITF.

In its Terms of Reference (ITF 2003a), the ITF project was designed to consist of three main phases<sup>80</sup>. During the Review Phase, the Task Force was to assess the existing regulatory situation and its associated problems. In the Proposal Formulation Phase, solutions were to be developed and agreed upon for the consideration of governments and relevant intergovernmental and other bodies. Finally, in the Political Support Mobilization Phase the members of the ITF would be asked to advise stakeholders on the outcomes of the Task Force, and “seek commitments from their governments and other organizations” (ITF 2008f) to implement the solutions arrived upon in the preceding Proposal Formulation Phase.

In the Review Phase the Task Force reviewed and analyzed the existing situation. Background papers were drafted on topics such as the impact of established standards, regulations, and conformity assessment systems on the production and (international) trade of organic products, existing models and mechanisms of equivalency and mutual recognition, experiences of cooperation, recognition and equivalence in the organic sector, and the current extent of international harmonization of organic regulations (ITF 2003c, pp. 1-2). Once finalized and approved by the ITF, these background papers, as well as subsequent more solutions-oriented analyses, were made freely available to all interested parties. Nevertheless, although the ITF body of knowledge thus moved on to benefit the greater organic community, the primary purpose of the work done in the Review Phase was to serve as a working base for the Task Force to base its future recommendations on (ITF 2003b, p. 2).

### *Outputs*

In the Proposal Formulation Phase, the ITF’s Terms of Reference (2003a) stated, the Task Force was to formulate proposals on: “opportunities for the harmonization of standards, regulations, and conformity assessment systems”, “mechanisms for the establishment of equivalence of standards, regulations and conformity assessment systems”, “mechanisms for achieving mutual recognition among and between public and private systems”, and “measures to facilitate access to organic markets, in particular by developing countries and smallholders”. Given this mandate, the discussions on the ITF’s overall long-term strategy initially centered around the option of establishing a new international oversight body, which would introduce a single international reference standard and a single set of certification requirements (ITF 2004b, p. 4). However, the ITF did not endorse the idea of setting up new

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<sup>79</sup> Two representatives each for the FAO, IFOAM, and UNCTAD (ITF 2008f).

<sup>80</sup> Although these three phases in a conceptual sense clearly make up a logical sequence, with every phase building upon the preceding one(s), they were not intended to be mutually exclusive in a temporal sense.

permanent structures (and in the process adding an additional layer to the regulatory system) to deal with the harmonization issue<sup>81</sup>, and it was agreed early on not to discuss the architecture of the global organic governance system any further (ITF 2008b, p. 5). Preference was given to working with and improving existing systems, programs, and organizations (ITF 2008b, p. 5). In this light, the Task Force developed two practical tools to address the two main dimensions of the excessive regulatory fragmentation plaguing the sector, namely multiplicity of substantive organic standards and of certification requirements.

Addressing the diversity in demands made on certification bodies by different systems, the Task Force developed the International Requirements for Organic Certification Bodies (IROCB). Adapted from the ISO/IEC Guide 65 and the IFOAM Accreditation Criteria<sup>82</sup>, the IROCB is a normative document defining a consensus among private and public institutions on good practices in organic conformity assessment (ITF 2008h, p. 1). It specifies detailed requirements relating to the operations of certification bodies more generally - such as regarding their legal and organizational structure, personnel competence, process impartiality and objectivity, and access to information provisions - as well as relating to the actual certification process - for instance regarding application procedures, evaluation methods, inspection protocols, and certification decisions (ITF 2008h). Outlining baseline requirements an organic certification body conducting third party conformity assessments should meet if it is to be recognized as competent, the IROCB is to be used by governments and private accreditation and certification bodies as a tool for verifying the competence of certification bodies outside of their own system (ITF 2008h, p. v, 1). The idea is that governments, accepting that the requirements in the IROCB are a reasonable common denominator, approve the import of products certified as organic by any certification body that has been judged to comply with the IROCB<sup>83</sup>. Similarly, private labeling systems are to allow their clients to source organic ingredients and products certified by CABs complying with the IROCB. Thus, by enabling governments as well as accreditation and certification bodies to recognize the certification services of CABs operating in other systems as equivalent to their own, the IROCB facilitates the transfer of products from one system to the other (ITF 2008h, p. 1). Although primarily intended to facilitate the evaluation of certifiers from other systems, the IROCB can also be adopted by (public or private) accreditation bodies for the direct accreditation of CABs (ITF 2008h, p. v). In the long run, as they are taken into account by public and private bodies revising their existing requirements as well as by actors entering the organic regulatory field introducing new ones, the IROCB are hoped to lead to a convergence of certification requirements (ITF 2008b, p. 7).

In search of a way of dealing with the excessive multiplicity of organic production standards, rather than establishing a single reference, the ITF turned to equivalence, defined as “[t]he acceptance that different standards or technical regulations on the same subject fulfil common objectives” (ITF 2008i, p. 8). By recognizing that another standard is equivalent to its own, a regulator allows products certified under this standard (by an accepted certifier) to be imported without further scrutiny. Although very efficient once in place, as exporting producers can (continue to) be certified by a local certifier to the local standards, the negotiation of such equivalency agreements generally is a very time-consuming, cumbersome, and politically charged process. Indeed, according to a 2005 background paper commissioned by the ITF (Ong 2005, p.20), “[o]ne reason for the standoff in recognition agreements between governments at the regulatory level is the lack of a recognized protocol [for] determining equivalence”.

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<sup>81</sup> According to one interviewee this was probably due to experiences with the unfavorable cost-benefit ratios of other meta-structures.

<sup>82</sup> Which are itself a sector-specific adaptation of ISO Guide 65.

<sup>83</sup> Provided that the production standards to which is certified are also accepted as sufficient.

Hence, to promote consistency, transparency, and equitability in such equivalence assessments, the Task Force developed the Guide for Assessing Equivalence of Organic Standards and Technical Regulations (EquiTool). Serving as a practical tool for regulators and private standards setters to use when establishing and recognizing the equivalence of their own standards with those of another scheme, the EquiTool aims to standardize the equivalence assessment process. It does so by specifying what should be the basic elements of such a process, suggesting a detailed step-by-step procedure, and presenting criteria for assessing whether identified differences between organic standards can be rationalized and accepted in the context of equivalence (ITF 2008g; 2008i). As the Guide is designed for use in both bilateral and multilateral negotiations, can be adapted for use in a unilateral equivalence assessment, and is applicable for government-to-government as well as private sector equivalence determinations, it is a resource for the full spectrum of organic equivalency negotiations (ITF 2008i, p. 5, 7). By providing governments and private organizations operating organic labeling programs with such a blueprint, the EquiTool removes the need for them to develop equivalency processes and criteria themselves on a case-by-case basis (ITF 2008g).

These two technical tools for harmonization and equivalence can be considered the Task Force's main outputs, and together to a large degree reflect the overall approach and strategy of the ITF. Although differing in their approach to coordination, with the IROCB giving specific baseline requirements for the certification process while the EquiTool does not actually propagate particular organic standards but only specifies procedures for comparing them, both Tools are equally technical, rather than political, in nature. Giving detailed procedures and criteria for standards setters and regulators to assess the quality of the main aspects of other systems, they aim to standardize and facilitate the process leading up to the acceptance of other systems. In doing so, they may be of considerable value to stakeholders who are proactively pursuing the harmonization and equivalence agenda. However, usage of the Tools assumes and requires that the stakeholders involved agree on the need for and desirability of harmonization and/or equivalence. In a context in which the intent of many standards setters and regulators to actively pursue this agenda is far from self-evident, the Tools themselves do little to motivate stakeholders to take up the issue.

Adding a bit more of a political dimension to the initiative, the Task Force also agreed upon a number of recommendations; advisory statements and calls for action (by other actors) that give involved stakeholders concrete and practical guidance on how to reduce barriers to organic trade (ITF 2008b, p. 5, 14). For instance, the ITF formally recommended that governments use the Codex Alimentarius Guidelines and the IFOAM Basic Standards as the basis for import approvals, that the organizations behind both of these international standards improve public-private participation in their standards-related decision-making, and that Codex revise the format of its Guidelines as to become more of a standard for standards (ITF 2008b, p. 6; 2006b, pp. 16-17). Other examples of ITF recommendations are that major stakeholders should join forces to establish a comprehensive database of organic standards and regulations<sup>84</sup>, that IFOAM should proactively seek to evaluate the equivalence of government regulations with the IFOAM Basic Standards, and that a platform should be created for cooperation between accreditation/approval bodies for organic certification (ITF 2008b, pp. 6-12).

Since the Task Force could only inform and recommend, as it had no real decision-making power, for its work to actually have a significant impact the ITF remained dependent on the uptake of its Tools and recommendations by relevant stakeholders. In the third phase of its work the Task Force therefore commenced to "raise awareness of and mobilize political

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<sup>84</sup> The ITF initially considered setting up such a database itself, did indeed commission a database feasibility study (Dalby 2005), yet decided at its fifth meeting to put the project on hold (ITF 2005b, p. 4).

support for its [Tools and] recommendations”, with Steering Committee members as well as ‘normal’ ITF members making a concerted effort to promote the global recognition and uptake of the body of knowledge and solutions they had created (Twarog 2008b, p. 81). In preparation of the implementation of this final phase of the ITF, also referred to as the Communications Phase, a number of professional communication materials<sup>85</sup> were developed, as well as a detailed communication strategy (ITF 2007a) indicating which ITF members were to approach which stakeholders in which manner. The Task Force’s discussions and outcomes were presented to a number of national and intergovernmental agencies, as well as at regional events in Asia and Africa (ITF 2008b, p. 4). Furthermore, virtually all ITF documents were published on a designated technical website<sup>86</sup>, and although the Task Force’s working language was English some key documents were also translated into Spanish to aid uptake in Spanish speaking regions (ITF 2008b, p. 13).

### *The GOMA Project*

When the end of the ITF came near, donor organizations encouraged proposals for follow-up projects expanding upon the themes and results of the ITF (ITF 2007b, p. 12). In June 2009, half a year after the conclusion of the ITF, this resulted in the establishment of the 3-year Global Organic Market Access (GOMA) project (GOMA 2010a, p. 1). Established by the same organizations previously responsible for convening the ITF (FAO, UNCTAD, and IFOAM), headed by many of the same people, and funded by one of the ITF’s main donors (Norwegian Agency for Development Cooperation), GOMA can truly be considered the successor of the ITF. Indeed, as the Task Force before it, GOMA (2010b) seeks to “simplify the process for trade flow of organic products among various regulatory and/or private organic guarantee systems” by focusing on “harmonization and equivalence of organic standards and certification performance requirements as mechanisms for clearing trade pathways”.

It can be considered the main purpose of the GOMA project to continue the implementation of the ITF’s Political Support Mobilization Phase. A very straightforward manner in which GOMA does this is by supporting former Task Force members in their capacity as ITF ambassadors, for example by providing them with travel expenses and communication materials when they go to promote the ITF outputs at local or regional events. Also, following up on the ITF recommendation that the IROCB be considered in the revision of ISO 65 (ITF 2008b, p. 7), GOMA is participating in the ISO 65 revision process<sup>87</sup> and has submitted the IROCB as an input into the process (DITC 2010, p. 37). More generally, GOMA’s work very much revolves around the two Tools developed by the ITF, with project activities including (GOMA 2010b):

- *Outreach* to share knowledge about the tools and possibilities for cooperation.
- *Pilot projects* to test the tools in various environments.
- *Technical assistance* to governments and private sector stakeholders to implement the tools and related recommendations.
- *Analysis* of the organic trade system and evaluation [and revision] of the trade-facilitating tools.

However, although much of what GOMA does builds upon the ITF outputs, the project is not completely confined to the scope and approach outlined by its predecessor. Moving beyond the stewardship, promotion, and implementation of the ITF’s Tools, GOMA also facilitates

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<sup>85</sup> Such as a brochure, PowerPoint presentations, and a more comprehensive information kit (ITF 2007a, p. 4).

<sup>86</sup> <[http://r0.unctad.org/trade\\_env/itf-organic/welcome1.asp](http://r0.unctad.org/trade_env/itf-organic/welcome1.asp)>.

<sup>87</sup> It is doing this through IFOAM, which has observer status at the ISO.

“new regional initiatives for cooperation on harmonized organic standards development and multi-lateral equivalence” (GOMA 2010b). It assists the development of a harmonized regional organic standard by six Central American countries<sup>88</sup> plus the Dominican Republic (GOMA 2010c), works with stakeholders in East, Southeast and South Asia to streamline the regulatory aspects of organic trade in the region (GOMA 2010d), and facilitates the development of regional standards in the South Pacific and East Africa. Overall, it can be said that whereas the work of the ITF was more conceptual in nature, trying to come to a comprehensive understanding of the problem and developing solutions, the GOMA project is very action-oriented with its focus on the implementation of ITF outputs and the facilitation of specific harmonization and equivalence processes. The project will end in 2012 with a major conference on harmonization and equivalence (GOMA 2010a, p. 1).

### **4.3 The Effectiveness of the ITF**

#### *Introductory Considerations*

Before proceeding to reflect upon what the Task Force has been able to achieve, it should be pointed out that the trajectory initiated by the ITF can at the most offer a partial solution to the trade barrier issue. For uncoordinated multiplicity of organic standards, the focus of the ITF, is only at the root of part of the trade barriers faced by organic producers. Traditional agricultural regulations and policies (such as subsidies, tariffs, and other technical regulations) may in fact cause the bulk of the problems (ITF 2004b, p. 14). Yet tackling these broader issues is up to other institutions, most notably the WTO; all the ITF can aspire to eventually achieve is bringing the extent of trade barriers faced by organic producers down to the same level as faced by conventional producers<sup>89</sup>.

Another point that needs to be mentioned is that the gap between the current level of regulatory fragmentation and the ITF’s vision of a world in which organic products can be traded ‘freely’ around the globe on the basis of a single certification is enormous. As the regulatory system is a slow moving machine, bridging this gap will take time. Moreover, as one interviewee noted, given the rapid proliferation of standards and regulations currently under way, the standards agenda as pursued by the ITF can be described as “a moving goalpost”. By the time one has been able to achieve equivalence between two standards, several new ones have cropped up. It should thus be realized that the Task Force never actually expected to achieve its final objective of “facilitat[ing] international trade and access of developing countries to international markets” (ITF 2003a) within the timeframe it was working with. Rather, it aimed to set in motion developments that are hoped to provide this result in the long run.

Taking this into account, and recalling that the main reason for setting up the GOMA project was the realization that the work of the ITF was not yet done, it is in a sense unfair to judge the impact of the ITF on the organic regulatory system without considering the work and plans of its successor. However, as GOMA was set up mid-2009 and is at the time of writing only in the beginning stages of implementing its work program, it is too early to attempt to assess the impact of GOMA’s work. In fact, as the ITF was only concluded in the end of 2008, one might even say it is still premature to evaluate the concrete achievements of the ITF. In light of these realizations, the following sections will leave the GOMA project for

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<sup>88</sup> Costa Rica, Honduras, Guatemala, El Salvador, Nicaragua, and Panama.

<sup>89</sup> This is by far the most important step though, as it are the trade barriers above and beyond those faced by conventional agricultural products that hinder the mainstreaming of organic agriculture (by widening the price gap between organic and conventional products).

what it is and deal exclusively with the impact of the ITF, while acknowledging that this impact will continue to increase as time passes and GOMA continues its work.

### *The ITF's Outputs and their Uptake*

Given the above caveats, the people who were involved in the Task Force are overall very pleased with the outcome of the process. The ITF achieved all its self-defined and self-imposed objectives, and virtually all interviewees feel that the Task Force was actually able to accomplish more than (1) it set out to do and (2) it could realistically have been expected to do. In addition to initiating and facilitating a dialogue between the many relevant public and private stakeholders and formulating proposals for possible solutions, which was the original assignment of the Task Force as formulated in its Terms of Reference (ITF 2003a), the ITF ended up developing the practical Tools which are now considered its main outputs.

It should be pointed out, however, that these two Tools differ considerably in their underlying approach to coordination. Whereas in the realm of certification requirements the ITF aims for gradual harmonization around a single reference standard, when it comes to the substantive organic production standards the Task Force settles for an approach based on equivalence. As it is said that “harmonization is a better long-term solution [than equivalence]” (ITF 2006b, p. 13), and Åke Natt och Dag (2007, p. 4) confirms that, “[a]mong countries which have concluded equivalence agreements, there seems to be general agreement that internationally agreed harmonisation is the preferred option”, this choice can be questioned. On the one hand, in the absence of progress on harmonization, equivalence agreements constitute “a good interim measure” achieving many of the same objectives (Natt och Dag 2007, p. 4). Moreover, although the WTO’s TBT Committee has warned that equivalency agreements can hinder the development of international standards and thus perpetuate bad regulations (Natt och Dag 2007, p. 4; ITF 2006b, p. 13), such agreements may just as well have the opposite effect and function as “a stepping-stone to initiate the international work necessary for harmonization” (Natt och Dag 2007, p. 4). However, what may be considered a bit disappointing is that the ITF, which initially did look into the possibility of introducing a single international reference standard (obviously allowing for regional variations), did not manage to come to a consensus on the characteristics of such a benchmark.

The two existing international standards this single reference would have to reconcile (the Codex Alimentarius Guidelines and IFOAM Basic Standards) are closely aligned in terms of their actual substantive requirements, yet are rather distinct in their structure, scope, and governance (ITF 2008b, p. 6). For instance, whereas the IBS have been adapted to be more principles-based, the Codex Guidelines give rather detailed standards (ITF 2005b, p. 16). Also, while the IBS do reflect the fact that the scope of organic production extends to non-food items, such as textiles and cosmetics, the Codex Alimentarius Guidelines by virtue of Codex’s mandate apply exclusively to food production (ITF 2005b, p. 6). However, probably the greatest barrier to the merger of the two standards is of a political nature. As a result of their different governing structures the two reference standards serve different constituencies; “governments tend to feel more comfortable with the Codex Alimentarius Commission as a standard-setter while the private sector feels more comfortable with IFOAM” (ITF 2008b, p. 6). As both the public and the private sector were well represented in the ITF, it should perhaps not come as a surprise that the Task Force concluded that “neither of these two constituencies will ever fully give up its power to develop standards” (ITF 2005b, p. 17), and harmonization around a single international reference standard was thus not feasible, at least not in the short or medium term<sup>90</sup>. Still, as the ITF is generally

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<sup>90</sup> As evidenced by the development of the IROCB, with regards to certification requirements the ITF found there to be much greater scope and justification for far-reaching harmonization on the basis of a single, detailed

considered to have been a rather successful public-private partnership, it is unfortunate that the Task Force has not been able to bridge this divide.

As the ITF hoped for their widespread uptake, both the EquiTool and the IROCB are freely available in the public domain, and can be adopted in whole or in part by public and private sector organizations at their convenience, without the need to request permission for use (ITF 2008h, p. v; 2008i, p. 4). Although finalized less than two years ago, both Tools have indeed already been taken up in a number of settings. For instance, they are being used in the various regional discussions GOMA currently facilitates, and both were referenced as examples of international best practices in the latest revision of the European Commission's Guidelines for Import of Organic Products into the European Union (DITC 2010, p. 41). Furthermore, the Global Organic Textile Standards Program (GOTS) has adopted the IROCB as its normative reference for accrediting certification bodies<sup>91</sup> (GOMA 2010e). Various governments have also indicated that they are carefully looking at the Tools and will consider using them in future harmonization and equivalence discussions.

Still, notwithstanding the above examples and in spite of good intentions, the overall uptake of the Tools has remained rather limited so far. At the moment most stakeholders, although interested in the Tools and possibly even incorporating parts of them, are not yet willing to use the Tools on an 'as is' basis. Similarly, despite the rare exception<sup>92</sup>, overall there are few indications that the Task Force's various recommendations have already had tangible impacts on the decision making processes of the regulatory arena's major players. In the absence of anyone really pushing for their adoption, probably none of these recommendations would be taken up. As with the Tools, the GOMA project will thus have to, and indeed attempts to, play an important role in promoting the uptake of the various ITF recommendations.

### *Secondary Effects*

In addition to its Tools and recommendations the ITF also had some secondary effects, the benefits of which may prove of equal, if not greater, importance than the impacts of those formal outputs. For instance, the Task Force's years of "intense technical analysis and animated and informed public-private sector experts dialogues" (Twarog 2008b, p. 81) have instilled a much greater appreciation and understanding of the harmonization and equivalence agenda, among ITF members especially but also (to a lesser extent) within the wider organic regulatory community. The Task Force has really enhanced the whole worldview of many governments with respect to organic trade, stopping countries from thinking about their own standards in isolation (or otherwise in relation to the standards of just a few export destinations) and placing the issue of harmonization and equivalence firmly on the agenda.

By fostering such understandings, and more generally facilitating information sharing and knowledge exchange, the ITF has increased the competence of its members, especially those from countries in the process of developing their regulatory systems. Some interviewees mentioned that by doing so the ITF has probably prevented the introduction of some very inefficient and trade-restrictive regulations. Furthermore, by facilitating informed discussions on topics that, although outside the scope of the ITF, at some point during the Task Force's existence came to the forefront of the regulatory debate, the ITF has also shaped the global

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international reference. For, as certification requirements are "less 'environmentally and institutionally' sensitive" (ITF 2004c, p.15) than production standards, the differences between different sets of certification requirements generally are relatively small, and mainly related to legal and administrative traditions and questions of scale and stage of sector development (ITF 2008b, p. 7).

<sup>91</sup> It did add its own sector- and GOTS-specific requirements (GOTS 2010).

<sup>92</sup> One exception mentioned by an interviewee is that the private sector IOAS, presumably as the result of an ITF recommendation, is increasingly getting assignments from governments.

regulatory system on a more incidental basis. For instance, discussions in the ITF played a role in persuading the EU and the US not to introduce new barriers to the import of products certified under group certification schemes, and helped pave the road for the acceptance of participatory guarantee systems.

Another key outcome of the ITF was the enhanced trust and improved relationships resulting from the collaborative process. As a review of efforts geared towards harmonization, equivalence, and mutual recognition in other sectors concluded (Courville and Crucefix 2004, p. 34), building up trust and understanding is absolutely essential for making progress on the harmonization and equivalence agenda. However, up until the 2002 Conference, public-private cooperation in the organic sector had been very minimal. Consequently, a lack of trust among many of the stakeholders made all the actors involved take a very cautious approach to cooperation, resulting in an unwillingness to make even the slightest concessions. In this context the ITF created a common platform for a wide variety of stakeholders to get to know each other, share their knowledge and expertise, and discuss issues of common concern. As the dialogue and cooperation within the framework of the Task Force spawned more familiarity, mutual understanding, and trust among the stakeholders involved, the ITF over time shaped a community of like-minded people with a common vision. It also got many of the players involved networked; when needed people can now simply contact each other directly rather than through very cumbersome processes.

By combining this relationship building aspect of the process with an enhancement of the understanding of and importance attached to the harmonization and equivalence agenda, the ITF has truly resulted in a paradigm shift. Not only are people who cooperated in the Task Force more likely to also collaborate outside of the framework provided by the ITF (and now GOMA); the atmosphere has changed more widely across large parts of the worldwide organic regulatory community. Recent years have seen more bilateral and regional cooperation and dialogue between governments, more progress in equivalence negotiations, increased dialogue between governments and the private sector within countries, and more cooperation between private sector organizations from different geographical regions. Although it obviously is hard to establish conclusively that these changes are indeed spin-off effects of the ITF, one interviewee stated to be a hundred percent sure that the ITF and GOMA are responsible for sparking at least part of this surge in cooperation, while another claimed that at least some of the initiatives for regional standards currently underway would not have happened had it not been for the ITF.

### *Overall Evaluation*

Overall, the ITF has thus done quite a lot to initiate widespread debate on the harmonization and equivalence agenda and encourage and facilitate future work on the issue. In terms of tangible progress on the reduction of trade-restrictive effects of regulatory multiplicity, however, it has to be concluded that relatively little has been achieved so far. The number of organic producers already facing fewer barriers to trade as a result of the ITF's work is very limited. Still, reflecting the limited ambitions the ITF set for itself, those who were involved in the Task Force do not consider this disappointing. The ITF was set up to do conceptual work on the harmonization and equivalence issue, culminating in recommendations for the consideration of stakeholders on possible coordinating mechanisms and measures; it was not intended to be an action-oriented institution. Tangible progress towards more harmonization and equivalence and a less trade-restrictive regulatory system will be the next step on the metagovernance trajectory initiated in 2002, and is dependent on GOMA's more implementation-oriented work and the uptake of the ITF's outputs.

#### **4.4 Success Factors and Barriers to the Success of the ITF**

Seeing the ITF outperform their initial expectations, those actively involved in the process considered it a great success. To the credit of those who organized and managed the Task Force, an evaluation of the design and implementation of the process goes a long way to explain the initiative's perceived effectiveness. However, in celebrating the success of the ITF it cannot be disregarded that the prevailing satisfaction with its results is also in part due to the fact that the initiative's self-proclaimed ambitions were rather modest. In order to appreciate why ambitions were deliberately kept modest from the start, and more generally why the ITF was not actually able to bring about the amount of tangible change needed to achieve its final objectives, one needs to look beyond the characteristics of the ITF itself and consider the context within which the Task Force was to pursue its vision. Seeking to gain a better understanding of the limits to what the ITF was able to achieve, the second part of this section focuses on the nature of the problem the Task Force set out to solve and the different interest-structures and points of inertia characterizing the regulatory system it aimed to transform. First, however, this section will review the setup of the ITF as a metagovernance process, revealing how the Task Force was able to surpass the initial expectations of those involved.

##### *Process Design Characteristics*

When asked about the reasons for the ITF's success, five out of six interviewees volunteered the response that the competence and commitment of those managing the Task Force was (one of) the main factor(s) contributing to its effectiveness. In the words of one interviewee, the project had "an unbelievably high level of expertise" at its disposal; all members in the Steering Committee as well as the ITF Secretary, which coordinated the whole process, are experts in the field with considerable experience. Although representing<sup>93</sup> different organizations with different backgrounds and institutional priorities, all those involved in managing the project worked very well together as a team, sharing a common vision and not being overly protective of their own turf. They were all extremely motivated to make the process succeed, and were willing to invest a lot of (their own) time and effort into the process. What is more, the project management stayed intact for the entire duration of the process<sup>94</sup>, even when this at times meant that some had to do all ITF-related work in their private time because it was not an institutional priority. Moreover, all of the ITF's studies and background papers were produced by very qualified authors, ensuring virtually all of the papers were of very high quality. In addition to the obvious advantages, the fact that the project was well-run and the materials produced were of high quality also instilled confidence in the process in its participants, causing them to come back repeatedly and take the process seriously.

Another key factor underlying the Task Force's success which was mentioned by all interviewees is the nature of the process as a collaborative partnership between IFOAM, FAO, and UNCTAD. All three of these institutions have a mandate and a history working on the issue at hand, and they bring to the table "complementary areas of competence that are all central to the problem" (Twarog 2008b, p. 79). IFOAM deals specifically with organic agriculture, among other things as a standards setter; FAO works on food safety and agriculture in general, among other things as a founder of the Codex Alimentarius Commission; and UNCTAD works on trade and development issues.

The process was a real collaborative effort, and the cooperation between the different organizations worked very well. Also because their representatives in the Steering Committee

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<sup>93</sup> Although the other Task Force members participated in a personal capacity, the Steering Committee members did act as representatives of their respective organizations.

<sup>94</sup> They were even able to carry over most Steering Committee members to the GOMA project.

were all organic at heart<sup>95</sup>, the three convening organizations generally found themselves to be on the same page throughout the process. What is more, when differences in outlook did come to the surface from time to time, they were considered to fertilize rather than undermine the debate. As the partners retained their individual identity and looked at the subject matter from somewhat different perspectives, the Task Force was able to draw from their different analytical and technical strengths and social and political outreach capacities. The organizations thus complemented each other very well, with one interviewee describing the collaboration as a “cross-fertilization in the real sense of the word”.

Moreover, in addition to contributing their own specific competencies, the convening organizations also brought different constituencies to the table. As a private umbrella organization IFOAM represents the united global organic community, while FAO and UNCTAD work with agricultural and commerce ministries, respectively. While IFOAM was thus the most appropriate institution to draw private actors from the organic sector into the process, the two UN bodies were absolutely essential for ensuring the participation of governmental representatives. Although willing to work with IFOAM in the tripartite structure of the ITF (and now GOMA), most governments would simply not accept an invitation from IFOAM to come participate in such a process; it was the involvement of the UN agencies that lent the process its credibility with governments.

The combination of convening organizations was thus at the root of the ITF’s success as a platform for public-private dialogue. It allowed the Task Force to ensure the participation of a good cross-section of all the relevant major stakeholder groups from around the world. Although the mobilization process became almost quasi-automatic later on, the ITF management was in the initial stages also very active in terms of mobilizing participation. Additionally, the ITF spent a sizable portion of its funds on sponsoring the participation of developing country stakeholders, both public and private. Overall, although one interviewee expressed his disappointment with the participation by organic traders and retailers<sup>96</sup>, interviewees were generally satisfied with the participation in the Task Force, feeling that all the major views and interests were represented.

However, although involved in the ITF to some degree, the quality and continuity of the participation of several key stakeholder countries, most notably the US and Japan, was rather disappointing. They simply did not come to some of the meetings, or instead just sent a diplomat with very little knowledge, let alone authority, on organic trade matters. Especially in the early stages of the ITF’s work this also had its effect on the eagerness to participate of some of the developing countries, who really wanted delegations of the US, EU, and Japan (their main export markets) to be there<sup>97</sup>. Although these examples primarily reflect an inability of the ITF to truly engage some of the major countries involved, the Task Force also had to deal with a more incidental lack of continuity in participation. Although, notwithstanding the above exceptions, the ITF had a rather stable core of recurrently participating institutions, a certain turnaround of responsible people within administrations was unavoidable. “Especially in the developing world”, one interviewee remarked, “people occupying the relevant functions and positions change constantly”. Recognizing the

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<sup>95</sup> This is not something that can be said about the convening organizations per se (Glasbergen 2010, p. 133). FAO, as an institution devoted to the development of the agricultural sector, has a rather disappointing track record when it comes to supporting organic agriculture. For UNCTAD, moreover, organic agriculture is just one of many sectors of interest. However, although there certainly have been times when the ITF’s work was not considered an institutional priority, internal support within these organizations for the work and results of the Task Force (and now GOMA) became more than satisfactory over time.

<sup>96</sup> Although supporting the ambitions of the ITF, traders and retailers simply did not want to ‘waste’ their time on the process. Such a ‘please sort out the problem and let us know’ kind of attitude among people in the business is far from unique to the ITF.

<sup>97</sup> For this reason the consistent participation of representatives from the EU was deemed especially valuable.

importance of continuity, the ITF invested considerable effort in ensuring that this turnover in participation did not hamper progress. Task Force meetings always started with briefings for newcomers, and in some cases the ITF even sponsored the attendance of two delegates, allowing the departing representative to accompany his successor and properly introduce him to the process. Overall, although continuity in participation could certainly not be taken for granted, partly as a result of these efforts most interviewees do not feel that a lack of continuity had much of an impact on the overall effectiveness of the Task Force.

Although an important prerequisite, getting the right people around the table in itself does not guarantee a successful public-private dialogue. It was the set up of the process more generally that was proposed by interviewees as one of the ITF's main strengths. An important aspect of the process design was that Task Force members were invited to participate in their personal capacity, rather than as formal representatives of their respective institutions. Underlining that the ITF was to be a forum for open discussion rather than formal negotiations, having participants "take off their uniform" permitted them to open up and speak freely, allowing the Task Force to derive maximum benefits from their different perspectives and expertise. Although some government delegates did not seem willing or able to detach themselves from their professional capacity<sup>98</sup>, remaining rather cautious and non-committing, several interviewees indicated that the process would not have been as productive as it was if they had not emphasized this perspective.

Another strength of the process was that it was very participatory and open. Not only were all stakeholders welcome to join the process at any time; meetings were deliberately organized in different parts of the world, and in developing the Tools feedback was elicited from all relevant stakeholders. The ITF also made all of its materials publicly available to ensure transparency. As a result of this participatory and transparent process design, and the fact that the widespread legitimacy of its conveners rubbed off on the Task Force, there was very little critique on the legitimacy of the ITF in comparison to similar initiatives. In fact, most interviewees indicated not to perceive any opposition to the ITF, nor to its successor. Although at times there was some debate about whether or not the ITF had the authority to 'formally recommend' other institutions to take a certain course of action<sup>99</sup>, it was concluded that making recommendations does not require any kind of formal authority. Whether recommendations will actually be picked up naturally is another question, yet overall the Task Force does appear to be taken seriously as a source of such recommendations.

Another process characteristic contributing to the eventual success of the ITF was the fact that the project timeline allowed for sufficient time for the process to 'warm up'. Although it never was the goal for the ITF to be a completely open-ended project, the Task Force was not set up with a specific time frame in mind. With only about one meeting per year this did not only leave quite a lot of time for the development of the various papers and proposals, but also allowed time for the Task Force to settle into a good cooperative mode. In the ITF's initial stages some of the participants were rather skeptical of the Task Force's direction and approach, and especially of the public-private dialogue and collaboration it propagated. Trust between some of the different parties was lacking, many stakeholders were not willing to make meaningful concessions, and others (from countries only just in the process of developing their own regulations) did not quite understand all that was going on. Had the Task Force at this stage attempted to come to a consensus on possible solutions or,

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<sup>98</sup> Interviewees underlined that this probably is a cultural thing. Especially the participants from many Asian governments persisted firmly in their role as governmental representatives, rather than contributing to the process as 'independent experts'.

<sup>99</sup> In response to recommendations that Codex should revise the format of its Guidelines and allow for more private sector participation, for instance, the Codex Secretary argued that the Task Force had no authority to make recommendations to Codex (as this right is reserved for member states and IFOAM) (ITF 2006b, p. 17).

worse yet, force a particular solution on the participants, chances of success would have been rather modest.

However, as the first meetings were devoted to reviewing the existing situation and there was little pressure to immediately come up with tangible results, the stakeholders involved had the opportunity to get to know one another, come to terms with the complexity of the issue, and get to grips with the different interest structures involved. Once a certain comfort level with the subject matter, the ITF's approach, and the other participants was reached, it became a lot easier to deal with the various technical, conceptual, and political issues. The atmosphere became increasingly harmonious and productive, and about halfway through the process the collaboration really took off. The atmosphere at the meetings was pleasant and not tense or overly formal, and as the participants understood that they were all there with a common vision they came to appreciate and respect that each and everyone of them was bound by their individual mandate and their own institutional biases<sup>100</sup>. Although this enhanced trust and understanding has already been discussed as, and should indeed certainly be considered, an important outcome of the process in and of itself, it was thus also essential in terms of allowing the Task Force to successfully pursue other more tangible outcomes.

A final factor contributing to the ITF's success that needs to be mentioned here is the very grounded and realistic approach it took to the task at hand. Recognizing the complexity of the problem and realizing that no one had the magic bullet, the Steering Committee initially did not set the bar very high. Although it did feel responsible to donors to show some kind of practical results with actual use value, in its initially stated objectives (see Terms of Reference, ITF 2003a) the ITF only professed to be an open-ended platform for dialogue that would formulate some proposals for the consideration of stakeholders. However, the Steering Committee continuously reflected on the approach and direction taken by the Task Force, and adjusted its ambitions as the process unfolded. Reinforcing the point made earlier that the tripartite nature of the ITF was one of its main strengths, one interviewee pointed out that when the Task Force in its initial stages was in danger of becoming overambitious, the need to achieve a consensus among the three convening organizations served as "a safeguard against spinning out of control". Realizing that it is better to have a more limited ambition than to aim for the sky and become frustrated along the way, the Task Force remained careful not to bite off more than it could chew. While simultaneously steering clear from overly superficial solutions and quick fixes, it did not at any time try to push stakeholders to come to an overly ambitious outcome. Also, although at times allowing discussions on issues well beyond the scope and mandate of the ITF, the Task Force did well not to lose sight of its objectives and priorities.

Asked about process design factors hampering the progress of the Task Force, interviewees were not able to identify many significant internal barriers to the ITF's success. In addition to the previously discussed quality of participation by some governments, one factor suggested to be a bit of a problem by some was the recurring uncertainty the ITF experienced regarding future funding. In hindsight, the amount of financial resources available to the Task Force was not really an issue. Only near the very end of the process did the Task Force become somewhat stretched for funds; they were barely able to translate the final outputs into Spanish, and had no money left for additional versions in other languages. Overall, however, the interviewees agree that the Task Force was sufficiently well-funded to adequately do what it set out to do. In the absence of complaints about a lack of financial

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<sup>100</sup> ITF management, in turn, did a good job in terms of taking the organizational constraints of its participants into account. It attempted to make sure during the discussions that no one would be put in a situation that would be embarrassing for them when returning to their post, and did its best to support those ITF members that did have trouble 'selling' the ITF's progress to their superiors.

resources, one might thus even consider the fact that the Task Force was relatively well-funded another factor quietly contributing to its success. However, as said, what *was* experienced as problematic by some was the timing of the funding. Fully dependent on donor funding from volunteering governments, the ITF did not secure funding for the entire duration of the project from the start; obtaining the required funding in time was a recurring struggle. At times this situation did give rise to some insecurity regarding the exact nature of the continuation of the process. At some point the Task Force actually had a gap in funding for more than half a year, during which it had to run on a reduced schedule and the convening organizations had to direct some of their own discretionary spending towards the project. However, as they were assured by their major donor that funding *would* continue (it was only a matter of timing), the funding situation never shut the project down completely. In hindsight, interviewees agreed, uncertainty regarding funding turned out to be only a relatively minor detail that did not have much of a significant negative influence on the process.

#### *Barriers to the Uptake of the ITF's Outputs*

Overall, the design and implementation of the process were thus very good, and go a long way in explaining the ITF's perceived success. What the above review does not satisfactorily account for, however, is why the degree of actual regulatory change the ITF was ultimately able to achieve can be characterized as rather limited so far<sup>101</sup>. For, as the ITF was an outward oriented institution, aiming to change the wider regulatory environment rather than merely the practices and standards of its participants, an evaluation of the strengths and weaknesses of the process itself only tells half of the story. While the effective set up and implementation of the process provided fertile ground for the formulation of good recommendations and the development of high quality technical Tools, the willingness of relevant actors from around the world to use these Tools and take these recommendations to heart remained largely out of the Task Force's control. The remainder of this section is concerned with the barriers the organic sector faces to the implementation of harmonization and equivalence in general and the uptake of the ITF solutions more specifically.

Processes of regulatory change are slow and inert, and the pickup of the ITF's Tools and recommendations may hence become more widespread as time passes and GOMA continues its work<sup>102</sup>. However, this general observation alone does not fully account for the inertia the ITF has encountered in the pursuit of the implementation of its solutions. In this light, a look at the nature of the organic sector, the development of its regulatory system, and the different interests involved reveals a number of factors contributing to a more or lesser extent to the reluctance of regulators, private standards setters, and accreditors to give up components of their established systems in favor of ITF solutions. Perhaps the most straightforward and obvious of all these is the fact that some governments simply do not perceive the trade-restrictive effects of the current organic regulatory system to be a significant problem, and hence do not recognize the need for implementation of the ITF outputs. Not appreciating the relevance of the ITF agenda in general or specifically in relation to the stage of sector development in their jurisdiction, they do not see the harmonization and equivalence agenda as a priority worthy of the investment of time, effort, and money required by the ITF solutions. Although problematic in some cases, such genuine disinterest often is not that much of a problem, as it predominantly concerns jurisdictions housing relatively small organic markets and few export oriented producers. Assessments that engagement with

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<sup>101</sup> Although the Task Force did initiate quite the paradigm shift, the actual uptake of its concrete outputs by the relevant actors in the regulatory system so far has not matched initial expectations.

<sup>102</sup> Which in the words of one interviewee is "absolutely essential for the uptake of the ITF outputs".

the ITF process and its outputs is not (yet) necessary given the stage of sector development may in their case thus in fact be accurate.

What in the big picture appears to be more problematic is that some countries are reluctant to implement the ITF agenda as to protect vested commercial interests. Although the trade-restrictive impact of overly ambitious and restrictive, or just simply 'different', organic regulations is generally treated as an unintended and unwanted side-effect, it is not necessarily perceived as such by all involved. For although such non-tariff barriers to trade come at a cost to consumers, the majority of traders, export-oriented countries, and the development of the worldwide organic sector more generally, there usually is a group of domestic producers who benefit. According to Wynen (2004, p. 72), for example, "[p]rotection of domestic producers is often mentioned by exporters of organic produce as an important reason for the existence of private logos in importing countries". Depending on the significance of their economic and political weight within a country, the interests of these producers may at a political level outweigh the advantages associated with harmonization and equivalence. As with any trade barrier issue, regulators and standards setters will be very reluctant to move forward on the ITF agenda where this is the case.

In other cases, however, regulators, private standards setters, and accreditors do appreciate the need for reducing the trade-restrictive impact of standards and regulations, yet still have their doubts about actively pursuing harmonization and equivalence. Preferring to interpret harmonization as meaning "you should harmonise with us", and equivalence as "you should accept me – but I don't have to accept you" (Rundgren 2003b, p. 6), they are reluctant to pay the price the implementation of the ITF agenda implies. The main concern in this regard is that the implementation of equivalence and mutual recognition requires the operators of organic guarantee systems to give up some of their control over standards and certification requirements. Especially governments are reluctant to (partly) surrender their sovereign right to exercise full control over what products can be marketed as organic within their jurisdiction, yet private organizations have similar objections. What is more, as suggested by the previously cited ITF finding that neither the private nor the governmental sector "will ever fully give up its power to develop standards" (ITF 2005b, p. 17), this unwillingness to allow the systems and norms developed by others to substitute for one's own organic guarantee system does not only characterize individual institutions, but also manifests itself at the level of societal spheres.

This lack of willingness to delegate responsibilities to other regulators is not just a matter of principle, but also reflects the lack of unity in the organic sector and the weight attached to relatively minor differences in standards. As discussed, the environmentally sensitive nature of organic agriculture justifies some variation in standards across regions, but certainly not to the extent observed today. Many standards setters are determined to hold on to their own particular definition of organic for the simple reason that they feel it is better than others. Despite IFOAM's best efforts, the private sector is still characterized by a widespread unwillingness to operate as a unified community supporting a single organic identity. Rather than emphasizing that their commonalities by far outweigh their differences and stressing the distinction between organic and mainstream agriculture, many private institutions still find it important to distinguish their own (in their eyes) 'superior' programs from other organic guarantee systems. This lack of unity in the private sector rubs off on regulators, who also have great difficulty coming to agreement on definitions of organic and consequently are reluctant to leave even relatively minor details to the judgment of other regulators. Although an equivalence-based approach to trade facilitation certainly is more feasible in this context than harmonization around a single international standard, many actors still have trouble fully embracing the equivalence concept and prove unable to muster the readiness to be flexible

and make concessions on detailed requirements that is required for the effective application of the equivalence concept in practice.

Although the issues and objections discussed so far are enough to deter some stakeholders from pursuing greater coherence in the regulatory system, plenty of regulators and standards setters *are* willing to move forward on the harmonization and equivalence agenda. Nevertheless, even where a desire to overcome the trade-restrictive effects of the organic regulatory system prevails over the objections discussed above, and operators of organic guarantee systems are in principle interested in the pursuit of harmonization and equivalence, this does not necessarily result automatically in the proactive uptake of the ITF outputs. Some of the most significant regulators genuinely interested in pursuing the ITF agenda, including the US and the EU, have already invested a lot of time, money, and effort in setting up their own programs and mechanisms for interacting with other systems<sup>103</sup>. As these sunk costs cannot be recovered, they bias decision makers towards continuing to utilize their established systems rather than adopting the new ITF Tools. What is more, governmental bodies as well as private accreditation and certification bodies generally also prefer to work with established mechanisms as part of a risk avoidance strategy. Therefore, until the ITF Tools are (perceived as) guaranteed to be effective and widely accepted, their intended users will tend to avoid the innovation and stick to their established (and known to be accepted) mechanisms<sup>104</sup>. Thus, although the fact that many of the relevant actors in the organic regulatory system had already developed and put in place procedures and mechanisms for relating to other systems made the work of the Task Force easier in some respects, it now also poses somewhat of a barrier to the uptake of the ITF's outputs.

#### *The ITF's Outreach Dimension*

In a sense built into the regulatory system the ITF set out to transform, the reasons behind the lack of political will to implement the ITF's solutions were thus largely external to the Task Force itself, and to a certain extent beyond its control. This is not to say, however, that the Task Force could not at times have done a better job in terms of adapting to and handling these external barriers. For, although several interviewees emphasized that the realization of significant progress on the harmonization and equivalence agenda is primarily a matter of political will, rather than a technical discussion, the outreach dimension of the Task Force's work proved not as strong as the technical part. Consequently, the Task Force was not able to achieve the level of direct engagement and understanding from the higher political levels that it had hoped for.

The involvement of two UN agencies, although very helpful in terms of allowing the ITF to engage with governments, turned out not to be the magic bullet enabling the ITF to catapult the harmonization and equivalence issue as high up on the political agenda as it had hoped. What is more, one interviewee remarked, many of the ITF members were rather hesitant to proactively communicate the ITF's agenda and progress to higher political levels. For instance, an idea discussed in the Steering Committee to get some kind of high-up political figure (e.g. a former minister of agriculture) to act as a political champion of the ITF was shot down at an ITF Meeting. As things turned out, the ITF waited with most of its

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<sup>103</sup> Though they do sometimes also simply follow equivalence protocols and precedents set through equivalence negotiations in sectors other than organic agriculture.

<sup>104</sup> The IOAS, for instance, for this reason is still using its established database for line by line comparisons, rather than internalizing the use of the EquiTool, when contracted to do third-party assessments for equivalency status (the IOAS does for instance conduct expert equivalence evaluations of certification bodies for the European Commission). Similarly, to 'play it safe' many certifiers still use ISO 65 as their reference rather than the more appropriate and sector-specific IROCB.

political support mobilization work until the end of the process<sup>105</sup>, and these communication efforts remained firmly in the shadows of the Proposal Formulation Phase. The fact that the detailed and rather technical nature of the ITF discussions and its main outputs did not make communication with politicians easier probably also played a role.

More fundamentally, the limited effectiveness of the political outreach dimension of its work was to a certain degree also inherent to the membership and set up of the Task Force. For, although Task Force management was satisfied with the amount of public sector participation it was able to realize, the fact of the matter is that most of the ITF's public sector participants were relatively low-level civil servants. While the Task Force was successful in terms of convincing its participants of the importance of harmonization and equivalence, these individuals did thus not have the mandate or authority to commit their governments to any particular course of action, especially since they were participating in their personal capacity. Although they then did return to their post with a view to promoting the ITF agenda within their own institutions, few of them were successful at doing so.

This problem could have been largely bypassed had the ITF succeeded in attracting governmental participation of a higher political level, or decided to have people participate as formal representatives of their respective organizations, rather than in their personal capacity. However, although certainly preferable with regards to the ITF's potential for committing governments to implement its solutions, this would have come at a cost to the quality of the Task Force's work with respect to content. For the open and predominantly constructive dialogues and expert discussions characterizing the Task Force as it was would probably have been largely replaced by more formal and less constructive interest-based negotiations. In light of the divisions characterizing the organic sector, such negotiations would most likely have resulted in insufficient progress. Although thus not without its disadvantages, the choice to have people participate in their personal capacity, indeed discussed previously as a process design strength, was therefore defended by ITF management as a good and a necessary one.

More generally, it appears that where faced with trade-offs between the quality of its technical work on the one hand and the prospective effectiveness of its external outreach activities on the other (e.g. as in the above example, or when prioritizing resource allocations), the ITF, be it consciously or unconsciously, prioritized its more content-related work. As the ITF was indeed set up primarily to do work of a conceptual rather than directly action-oriented nature, this focus is both understandable and valid.

### *Concluding Remarks*

Had the ITF focused more of its efforts on the Political Support Mobilization Phase, and the political dimension of its work more generally, it may have been somewhat more successful in realizing the uptake of its Tools and recommendations. Nevertheless, even then it would have been unrealistic to expect the Task Force to completely overcome all objections and barriers to the implementation of its solutions. In fact, in light of the inertia built into the organic regulatory environment it can be considered almost inevitable that efforts aimed at achieving greater coherence in the system take longer than a couple of years to take their full effect. The inability of the Task Force to achieve widespread uptake of its outputs in the short time it was given does thus by no means render the initiative a failure. It rather serves to justify the ITF's decision to start the process off with a rather modest and realistic set of ambitions.

In conclusion, it can be said that the ITF, building upon its "impressive intellectual analysis"<sup>106</sup> of the trade-related problems facing the organic regulatory environment, has

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<sup>105</sup> The ITF did not initiate the Political Support Mobilization Phase until it had specific products (its Tools and recommendations) to market, which was rather late in the project's lifespan.

<sup>106</sup> The words of UNCTAD Secretary General Supachai Panitchpakdi (ITF 2008j, p. 5).

developed a fairly widely supported vision of the direction in which the regulatory system needs to move. However, as the actual uptake by relevant stakeholders of the concrete tangible solutions the ITF has proposed in this regard has remained rather limited to date, the ITF falls short of being *the* solution to the trade-restrictive effects of the organic regulatory system. Rather, the Task Force should be considered the crucial first step<sup>107</sup> in an incremental process ultimately leading towards the minimization of these effects. This is adequately appreciated by the ITF's initiators, as evidenced by their decision to follow up on the conceptual work of the ITF with the more implementation-oriented GOMA project. Although it is still uncertain how much tangible progress this project will be able to realize, it certainly is a hopeful sign that GOMA, in part due to the groundwork done by its predecessor, in its regionally focused work finds many governments to pursue the harmonization and equivalence agenda rather enthusiastically and proactively.

#### **4.5 Metagovernance Objectives**

Although the many different organic guarantee systems currently in existence for the most part “share a common understanding of what ‘organic’ means in practice” (Earley 2005, p. 3), their differences do not remain limited to technical details only; to a more or lesser extent all programs also differ with regards to their objectives. Given the fact that the ITF, which has focused on equivalence as the main pathway to overcoming the trade-restrictive effects of standards multiplicity, has defined the concept of equivalence as “the acceptance that [, although specific requirements may differ,] different standards or technical regulations on the same subject fulfill common objectives” (ITF 2005c, p. 2), it should not come as a surprise that the Task Force has done quite some work on the common objectives of organic standards. However, as a neutral platform harboring a variety of diverse stakeholders with different views on what are and should be the objectives of organic agriculture, the ITF found itself unable to push for convergence by advocating a particular set of organic objectives. Instead, the objectives of the main regulatory and private standards programs were described, classified, and compared, and approaches to how they might be more formally identified were explored (Earley 2005; 2006). The EquiTool (ITF 2008i) actually lists examples of common objectives in an Annex, and proposes the clarification and comparison of organic objectives as a crucial step in the equivalency determination process. The ITF especially tried to highlight the relevance and importance of clearly formulating these objectives, as many organic regulations and standards do not state specific objectives for the range of requirements set, or spell them out badly<sup>108</sup> (ITF 2008i, p. 5).

However, despite the attention paid to common objectives and the initial expectations of some of the players involved, it cannot be concluded that the ITF did indeed purposefully pursue the first metagovernance objective. For the Task Force's work on common objectives was primarily about making explicit to what degree the objectives of organic guarantee systems are already the same, rather than about actively pushing forward a convergence in objectives. This is not to say that, as equivalency determinations become more common and widespread (in part due to the work of the ITF), such a convergence will not take place in the long run. Furthermore, those involved in the ITF would certainly applaud such a convergence, as this would make the ITF's Tools more practical and relevant. Nevertheless, it was not a main aim nor a priority of the Task Force to harmonize on the objectives level. As the ITF

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<sup>107</sup> Or, more accurately, the second step; the 2002 Conference on International Harmonization and Equivalence in Organic Agriculture (out of which the ITF was born) may be considered the first step.

<sup>108</sup> According to one interviewee, some developing countries even introduce regulations of which no one (including the regulators themselves) understands what the objectives are. Even the objectives of the EU regulation were very badly spelled out until its latest revision.

was concerned, as long as the objectives of organic standards are made explicit and fully articulated, and can thus be used as a guiding principle in equivalence determinations, they can be different.

Having realized that one way to facilitate and streamline the process of equivalency determinations is to put more emphasis on the objectives being pursued by the systems being compared, the GOMA project is now revitalizing the ITF's work on the topic. Most importantly in this regard, it is currently revising the EquiTool Annex on common objectives, which originally was not detailed enough to serve a practical purpose, in order for it to be more comprehensive and provide more practical guidance on how to make use of the concept of common objectives in equivalency assessments<sup>109</sup> (GOMA 2010f). Furthermore, being more implementation oriented, GOMA is also involved in initiatives that may actually result in a tangible convergence of regulatory objectives at the regional level. Whereas the ITF was thus not actively pursuing this first metagovernance objective directly, its successor may be considered more ambitious in this regard.

However, even where GOMA is facilitating harmonization at the objectives level this should primarily be considered as a means to facilitate the pursuit of the third metagovernance objective, rather than as a goal in itself. For in the end both the ITF and GOMA are all about enhancing the efficiency with which private standards initiatives and public regulators can verify that (intermediate) products entering their systems have been produced in compliance with their standards (or standards sufficiently similar to their own). As detailed previously, at the core of the three convening organizations' problem definition is the fact that, although the regulatory system currently in place is able to guarantee the organic origin of products to consumers, it does so at too high a cost. Producers pay more for their certifications than need be, traders forgo certain trading opportunities because of the additional certification costs involved, and equivalency negotiations and other attempts at regulatory relief are too cumbersome and costly. It is this situation the convening organizations aim to ameliorate, and in the final analysis the ITF's Tools, most of its recommendations, as well as the initiatives GOMA is rolling out are all aimed at enabling the smooth transfer of products across systems as to facilitate market access and reduce certification and compliance costs.

With regards to the second metagovernance objective interviewees underlined that, in addition to the excessive fragmentation of the organic regulatory system, the legitimacy of the processes shaping organic guarantee systems certainly also is an important issue. This is the case with private standards, but is also a concern in relation to government regulations. Not only may one call into question the legitimacy of the processes leading up to the formulation of organic regulations in those countries that more generally have a questionable track record when it comes to the democratic nature of their policy making processes; according to one interviewee the large (conventional) agriculture lobbies increasingly start to exert their influence on regulatory processes in developed democracies as well, now that the organic sector is becoming more than a niche.

In this context, the ITF certainly did recognize the importance of organizing regulatory and standards setting processes in a participatory, transparent, and just generally legitimate manner. Not only did the ITF run as legitimate as possible a process itself; where possible it also tried to promote these democratic principles among its target audiences. For instance, one of the ITF's final recommendations was that public-private participation be improved in decision making for the Codex and IFOAM standards (ITF 2008b, p. 6). Moreover, the EquiTool (ITF 2008i, p. 11) states that the parties involved in equivalence negotiations, which historically are notoriously nontransparent<sup>110</sup>, should "ensure that the process [...] is as

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<sup>109</sup> A first draft of the revised annex was released for consultation in October 2010 (GOMA 2010g).

<sup>110</sup> Even in countries with an otherwise very strong public information tradition.

transparent as possible”<sup>111</sup> as well as facilitate “opportunity for stakeholder input in the equivalence assessment” where possible. Similarly, in the regional initiatives it supports GOMA does insist that standards setting processes comply with international norms on standards setting (such as those developed by the ISO and ISEAL).

However, although the Task Force (and the same can now be said about GOMA) did pay attention to the legitimacy of regulatory and standards setting processes where appropriate, it simply was not its main focus. The ITF had a mandate to facilitate the international flow of trade in organic goods by overcoming the barriers to trade resulting from the fragmentation currently characterizing the regulatory system, and this task was in itself so grand and comprehensive that it would be unrealistic to add the issue of legitimacy as another area of focus. Although metagovernance in the organic sector may perhaps in a few years time start to address the legitimacy of standards and regulations in a more structured and systematic manner, it currently is simply not considered the sector’s main priority.

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<sup>111</sup> “[W]hile reflecting legitimate constraints of diplomacy and commercial confidentiality where appropriate” (ITF 2008i, p. 11).

## **5. International Social and Environmental Accreditation and Labelling Alliance**

### **5.1 Introduction**

Regulating production processes in forestry, fisheries, agriculture, mining, tourism, and apparel production, among others, private sustainability standards initiatives are now active in a great, and still expanding, variety of economic sectors. As each sector faces its own issues and sustainability challenges, standards setting initiatives from across different sectors naturally differ considerably with regards to their substantive standards. However, as all these initiatives are exponents of the same regulatory approach, one can find many similarities across sectors when it comes to the institutional set up, internal governance arrangements, and operating procedures of the standards initiatives regulating them. In fact, when it comes to such governance issues, the more ambitious multi-stakeholder standards initiatives from across different sectors tend to have more in common with each other than with the less ambitious industry initiatives regulating the same issue area or economic sector.

As these frontrunner schemes also occupy similar positions in their respective regulatory environments, these pioneering standards initiatives share a number of the same challenges on their quest to improve the social and environmental performance of their respective sectors. For instance, although many have sustained double-digit growth rates in recent years, most ambitious multi-stakeholder standards still only occupy relatively minor niches in their respective markets. Consequently, their impacts remain rather modest relative to the enormity of the social and environmental challenges they seek to address (ISEAL 2009a, p. 12). Irrespective of sector and level of maturity, they are thus all struggling to enhance their market presence and scale up their impacts at unprecedented rates, and in need of innovations allowing their systems to better accommodate the needs of consumers, producers, retailers, brands, and other intermediaries, as well as donors and regulators. What is more, they also face a rapid proliferation of all kinds of sustainability claims, as well as associated concerns regarding greenwashing. Operating in such an environment, frontrunner initiatives need to be able to clearly establish their own credibility and set themselves apart from the pack in the eyes of third parties (ISEAL 2009a, p. 5).

### **5.2 The ISEAL Alliance**

In light of these commonalities and shared challenges, there is considerable potential for cooperation across sectors when it comes to the identification of regulatory best practices. Acknowledging this, four pioneering certification organizations came together in 1999 to “discuss the feasibility and benefits of working in closer collaboration” (ISEAL 2010a). Although active in different sectors, they immediately recognized the high level of complementarity and overlap in their systems (ISEAL 2010a). Joined by four other initiatives, they decided to meet semi-annually to learn about each other’s programs and identify promising areas for future collaboration. Before long they decided to formally institutionalize this cooperation by establishing a new organization, the International Social and Environmental Accreditation and Labelling (ISEAL) Alliance. These eight Founding Members of the ISEAL Alliance are the Fairtrade Labelling Organizations International (FLO), Forest Stewardship Council (FSC), International Federation of Organic Agriculture Movements (IFOAM), International Organic Accreditation Services (IOAS), Marine Aquarium Council (MAC), Marine Stewardship Council (MSC), Social Accountability International (SAI), and the Rainforest Alliance’s Sustainable Agriculture Network (SAN). They have since been joined by fourteen other accreditation and (this is the majority) standards setting initiatives. Three of these by now meet all requirements for Full

Membership, while the other eleven are in the process of achieving compliance (and are referred to as Associate Members until they do)<sup>112</sup>. ISEAL members are all leaders in their respective fields, and together represent the crème de la crème of the voluntary standards movement.

ISEAL is a membership-based association, and its highest decision making organ is entirely made up of representatives of its Full Members. However, although this Board of Directors, which meets twice annually, has the final word on all important decisions, a lot of the Alliance's work is actually driven by a strong independently operating secretariat. With its own rapidly expanding staff base the ISEAL Secretariat is not only in charge of the initiative's day-to-day operations, but also develops the bulk of its work programs. As an institution the ISEAL Alliance should thus be seen as more than a formalized open-ended collaboration between its members; it is an autonomous organization in its own right.

### *Objectives*

Operating as a global hub for transnational private standards organizations, the ISEAL Alliance aims to “strengthen credible and accessible voluntary standards and to promote them as effective policy instruments and market mechanisms to bring about positive social and environmental change” (ISEAL 2009b). In its Vision Document, the ISEAL Alliance (2004a, p. 2) formulated five general long-term goals to which it would aim to contribute:

- Participating standards and certification systems are resulting in significant positive social and environmental impacts on the ground.
- Credible standards and conformity assessment systems are achieving widespread market success.
- Participating certification and accreditation programs are accessible to all interested parties and are harmonised to reduce duplication.
- Adequate information and technical assistance is provided to support meaningful participation by interested parties in standards development and certification.
- There is governmental recognition and support for credible voluntary international standards and international accreditation.

### *Work Programs*

In pursuit of the above objectives the ISEAL Alliance engages in a variety of metagovernance activities and mechanisms, clustered around a number of focal areas determined to be of particular interest to its members. This section outlines the most important of these initiatives and programs. As subsequent sections will turn to the impact of this work, the focus is on work streams that have been in operation for some time now, or have already been concluded. However, there is no getting away from the fact that ISEAL currently finds itself in the midst of a period of rapid growth and development. While only welcoming its second staff member in 2005, ISEAL now employs fourteen (primarily part-time) staff (Roberts and Echeverria 2009, p. 22; ISEAL 2010c). Membership virtually doubled in 2008, and the 2009 budget was more than double than that of 2007 (Roberts and Echeverria 2009, pp. 24-25). This rapid organizational growth naturally goes hand-in-hand with a considerable expansion of ISEAL's activities; several new work programs and outputs are being developed at the moment. Although this section focuses on ISEAL's work to date, occasional mention will thus have to be made of current or anticipated developments.

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<sup>112</sup> Additionally there also is a number of emerging standards initiatives not yet ready for Associate Membership, as well as certification bodies, certified enterprises, capacity building and development organizations, NGOs and consumer groups, consultants, researchers, and governments, who engage in ISEAL as ‘Affiliates’ (ISEAL 2010b, p. 1).

### *ISEAL Codes of Good Practice*

Often involving research projects and various mechanisms for stakeholder consultation (e.g. online consultation tools, teleconferences, regional meetings, field testing, etc.), ISEAL's different issue-based work programs are generally aimed at the development, implementation, and stewardship of "internationally applicable good practice guidance" on some aspect relevant to "the implementation of credible standards systems<sup>113</sup>" (ISEAL 2010d). The most extensive and high-profile of these work streams, featuring a rigorous process of stakeholder consultation and multiple rounds of revisions, culminate in the development of so-called Codes of Good Practice. Codifying a widely shared consensus on what constitutes good practice in a particular area of standards initiatives' operations, these ISEAL Codes of Good Practice serve a dual purpose. In the first place they serve as benchmarks that standards organizations can refer to when developing or improving their systems. Secondly, ISEAL also explicitly intends for its Codes, also referred to as 'Credibility Tools', to provide producers, consumers, public authorities, international trade bodies<sup>114</sup>, and other third parties with a means to differentiate credible standards initiatives (those in compliance with ISEAL's Codes) from their less credible counterparts. By simultaneously improving the quality of standards initiatives as well as their acceptance and legitimacy in the field, ISEAL's Codes of Good Practice represent a two-pronged approach to enhancing the goal attainment capacity of initiatives pursuing compliance.

The first Credibility Tool, and the only one that has been in operation for some time now, is the ISEAL Code of Good Practice for Setting Social and Environmental Standards, which "provides a benchmark to assist standards setting organizations to improve how they develop their standards" (ISEAL 2006a, p. 1). Recognizing that both the quality and legitimacy of social and environmental standards initiatives depends to a considerable extent on the suitability of the processes through which their standards are developed, adopted, and implemented, this first ISEAL Code of Good Practice prescribes a set of minimum criteria regarding the inclusiveness, impartiality, and transparency of the standards setting process and the specificity, clarity, and (lack of) trade-restrictiveness of the standards (ISEAL 2006a).

In June 2010 the ISEAL Board of Directors approved Version 1 of ISEAL's second Code, the Code of Good Practice for Assessing the Impact of Social and Environmental Standards Systems (ISEAL 2010e). This Code specifies general requirements and guidance on the development and implementation of a credible monitoring and evaluation program, which will allow standards initiatives to better understand the social and environmental impacts of their work as well as gauge the effectiveness of specific activities and programs (ISEAL 2010f; 2010g, p. 6). Not only will compliance with the Code aid standards initiatives in "learning about and improving the effectiveness of their system" (ISEAL 2010d), it is also

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<sup>113</sup> While the term 'private standards system' or 'private standards setting system' is used throughout this thesis to refer to a regulatory system made up of a number of standards initiatives (either the aggregate of *all* standards initiatives or of all standards initiatives regulating one particular economic sector or issue area), ISEAL uses the term 'standards system' to "convey a holistic understanding of the organisations ISEAL works with, capturing all the various components that together make up a credible initiative. This includes the standard-setting dimension as well as the accreditation, certification and capacity building activities involved in making the whole 'system' credible and effective in delivering social and environmental objectives" (Carey and Guttentstein 2008, p.8). Throughout this case study the term will also be used in this capacity.

<sup>114</sup> As governmental recognition and uptake is crucially dependent upon private standards not being judged 'technical barriers to trade' under the WTO regime, international trade bodies are a key audience of ISEAL's attempts at demonstrating the credibility of its members. In fact, some observers even go as far as to state that gaining credibility and recognition for its members' standards in the eyes of international trade bodies is "a major focus" (Bernstein 2010b, p. 6) or even "the primary goal" (Fridell 2004, p. 148) of the ISEAL Alliance. Although an interviewee indicated that this may be too much credit, as the whole technical barriers to trade discussion is only one of several barriers to the increased use of voluntary standards that ISEAL aims to address, international trade bodies remain an important audience for ISEAL.

meant to provide the evidence of effective and efficient impact delivery that is needed for their continued support and uptake (ISEAL 2009c; 2010g, p. 4).

Also in 2010, ISEAL will commence the development of a Verification Code scheduled for launch in 2012. ISEAL's Full Members offering accreditation or certification programs currently already are required to comply with relevant ISO Guidelines to demonstrate their technical competence as well as that their programs are transparent, independent, and achieving consistent results. The ISEAL Code of Good Practice for Verifying Compliance with Social and Environmental Standards will complement these ISO Guidelines by providing additional guidance on improving auditing, certification, and accreditation practices as they relate specifically to the assessment of social and environmental standards. Primary aims are "to improve the quality and consistency of the verification process and to support the appropriate use of verification tools that are rigorous while also being accessible and able to grow with increasing demand" (ISEAL 2010h).

Testifying to the important role the Codes of Good Practice play in ISEAL's work, compliance with relevant<sup>115</sup> Codes is the decisive criterion distinguishing ISEAL's Associate Members (which vow to move towards full compliance within one year of membership approval<sup>116</sup>) from the fully compliant Full Members (ISEAL 2010j). All Full Members involved in standards setting are currently in compliance with the Standards Setting Code, and are expected to comply with the Impacts Code within three years after its launch in November 2010 (ISEAL 2010k; 2010l). The procedure currently in place for assessing compliance with the Standard Setting Code is based on a self-assessment and a peer review by other ISEAL members (ISEAL 2006b), yet ISEAL is planning to institutionalize a new independent mechanism for external verification of compliance with Codes of Good Practice before the end of 2010 (ISEAL 2010k).

As a predominantly member-oriented institution, ISEAL does not simply require its members to implement the Codes of Good Practice it produces and leave it at that. Rather, ISEAL does a lot to support its members with the move towards compliance, providing technical and peer support, facilitating peer reviews, and providing internal conformity assessments and additional guidance on the implementation of and adherence to the Code(s). It utilizes a variety of different mechanisms to actively share knowledge, expertise, and best practice guidance with its members and other interested stakeholders, ranging from research and policy papers, information on the ISEAL website<sup>117</sup>, periodic electronic newsletters, and training modules, to international conferences, workshops, and Webinars organized around specific initiatives or topics (Roberts and Echeverria 2009, p. 15). Moreover, in addition to operating as a service provider, with a unidirectional flow of knowledge and expertise from ISEAL staff to ISEAL members, ISEAL also functions as a neutral platform for more ad hoc and informal knowledge transfer, shared learning, and collaboration among members themselves.

#### *Other Good Practice Related Work Programs*

ISEAL draws from these same mechanisms for shared learning and knowledge exchange within the context of a number of other work programs. For, although its various Codes certainly are the cornerstone of ISEAL's work on defining good practice, ISEAL has also

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<sup>115</sup> Accreditation bodies, for instance, are not required to comply with the Standard Setting Code.

<sup>116</sup> However, "[b]ecause of the rigor involved in qualifying for membership", ISEAL's Member Support Manager David Gould explains in a short presentation on the ISEAL website (ISEAL 2010i), "there is often a period of time between when an organization first expresses interest in ISEAL membership and when Associate Member status is granted". The time it takes prospective members to become fully compliant with ISEAL's membership requirements is thus usually considerably longer than the duration of Associate Membership status would appear to suggest.

<sup>117</sup> Access to the majority of useful information is restricted to the members-only portion of the ISEAL website.

developed and shared less formalized and non-binding good practice guidance on a number of other areas of relevance to its members. An important one of these work streams is the Accreditation Program, which supports ISEAL members operating accreditation systems with achieving compliance with ISO requirements<sup>118</sup> (Roberts and Echeverria 2009, p. 9). Featuring workshops, a peer review process, and ultimately a full external audit, this program aims to facilitate learning and subsequent improvement, build trust between ISEAL's accreditation members, and enhance external recognition of their professionalism (Courville 2008, p. 304; ISEAL 2003a, p. 2; 2004b, p. 2; 2004c, p. 2).

In response to the identification of weak points in preliminary external audits of ISEAL's accreditation members, and recognizing that auditor competence is crucial for the quality and credibility of the verification process (and consequently the standards system as a whole), ISEAL also operates a long-term program to strengthen the audit process and improve auditor competence (Roberts and Echeverria 2009, p. 9; ISEAL 2007a, p. 5; 2009d, p. 12). Aimed at assuring standardized and high quality practices of conformity assessment<sup>119</sup>, this Certification Body and Auditor Competence Project focuses on establishing good practice in defining auditor competence, training auditors in those competencies, and evaluating them against these competencies (Roberts and Echeverria 2009, p. 10 ; ISEAL 2007a, p. 5). Main output is a set of online training tools aiding ISEAL's members in effectively developing and delivering their own auditor training programs (ISEAL 2009d, p. 12; 2009e).

Another important work program combining conceptual work on the development of good practice guidance with related shared learning and capacity building activities focuses on the accessibility of standards systems for developing country smallholders, small and medium enterprises, and governments. With a view to strengthening and complementing its members' existing efforts in the area<sup>120</sup>, ISEAL established a global Accessibility Network made up of producers, practitioners and other individuals and organizations "committed to improving access to voluntary certification and market requirements for small producers [in developing country contexts]" (ISEAL 2007b, p. 1). The work of this network focused predominantly on the concept of group certification, which is a model of conformity assessment which for the purposes of certification organizes a number of small scale producers (for whom certification per individual operator generally is not financially viable) into a group/association/collective/cooperative/fishery (Pyburn 2005, p. 7). The Accessibility Network's work culminated in the development of a set of Common Requirements for the Certification of Producer Groups, which establish best practice guidance on the operation and management of producer groups (for producers) and the evaluation of such groups (for certification bodies). Possibly to be integrated in the forthcoming ISEAL Verification Code, these Guidelines are to facilitate the group certification model of verification, thereby making certification more attainable and accessible for small-scale producers (ISEAL 2010m). Additionally, with a view to improving access to standards systems by reducing the administrative burden and certification costs from the side of the certifier, the Network has also started to look at the potential for its members to facilitate multi-inspections, which feature one certification body verifying compliance with multiple (ISEAL member) standards during a single inspection visit (ISEAL 2007b, p. 2; 2007c, p. 44).

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<sup>118</sup> As indicated previously this is the ISEAL membership requirement for accreditation organizations until the introduction of the Verification Code in 2012.

<sup>119</sup> Which in turn may ultimately facilitate greater harmonization among ISEAL members at the level of inspection and certification (Roberts and Echeverria 2009, p. 12)

<sup>120</sup> Many of ISEAL's members have programs aimed at identifying and developing solutions to the specific accessibility challenges their systems face. Such programs may provide producers with funding to help cover certification costs, as well as with capacity building and technical assistance to help them meet standards, provide certifiers with guidance and training, and adapt standards to fit developing country and small producer contexts (ISEAL 2008b, p. 2)

### *Facilitating Collaboration*

Although the great majority of member cooperation facilitated by ISEAL revolves around the sharing of information and expertise, ISEAL does thus also envisage more direct collaboration between members on more tangible issues. For, in the words of ISEAL's Executive Director, Dr. Sasha Courville (in ISEAL 2009f, p. 3), there is "a lot of efficiency and effectiveness to be gained from pooling resources, reducing duplications and creating a much leaner and more effective set of systems". Largest effort in this regard has been the 27-month Social Accountability in Sustainable Agriculture Project, bringing together the four ISEAL members engaged in the agricultural sector<sup>121</sup> to improve social auditing techniques in agriculture (Pyburn 2005, p. 7). Complementing extensive dialogue between the participating standards organizations with numerous stakeholder consultations and ten joint field audits, the project defined areas of agreement on baseline social standards and identified opportunities for coordination between certifiers (ISEAL 2004d, p. 2; 2004e, p. 2). Other bilateral initiatives for technical and political cooperation between members (although not necessarily at the field level) supported by ISEAL staff included a collaboration between SAN and SAI on quality system module development, a FSC-SAI cooperation on social issues in the supply chain, and a joint project by FSC and IFOAM on edible non-timber forest products (ISEAL 2005b, p. 1; Roberts and Echeverria 2009, p. 17). What is more, although the harmonization of substantive standards is less of a priority for the ISEAL Alliance than it is for sector-specific metagovernance initiatives, ISEAL is working to map the content and geographical overlaps between its members' standards to explore opportunities for harmonization in areas of overlap (ISEAL 2007b, pp. 2-3; Roberts and Echeverria 2009, p. 18).

### *Externally Oriented Work Streams*

A final focal point for ISEAL's more conceptual work aimed at establishing and identifying best practice that needs to be mentioned here is the use of private voluntary standards systems by governments to deliver on their own public policy objectives (ISEAL 2009a, p. 10). Aiming to establish good practice in this area, and "create a much-needed space for dialogue and innovation" (ISEAL 2008c, p. 2), ISEAL has joined forces with the Trade Standards Practitioners' Network<sup>122</sup> and the ENTWINED Research Program<sup>123</sup> in the Governmental Use of Voluntary Standards project. This project intended to gain a better understanding of the different ways in which voluntary standards initiatives and governments can collaborate, learn how to better facilitate the governmental uptake of private standards, and initiate "a critical dialogue to nurture and shape the future of public-private relationships in social and environmental standard-setting" (Carey and Guttentstein 2008, p. 10). To this aim ten case studies were conducted on best practice examples of the governmental use of voluntary standards, the results of which were disseminated to and explored further with government agencies, standards setting and certification bodies, academics, and other interested parties (Carey and Guttentstein 2008, p. 10). Although the project itself was officially concluded with a high-level conference in October 2008, ISEAL considered it only a first step in its work on the issue and has indeed created a permanent forum for public-private dialogue on the subject (ISEAL and TSPN 2008, p. 3).

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<sup>121</sup> Social Accountability International, Fairtrade Labelling Organizations International, International Federation of Organic Agriculture Movements, and the Rainforest Alliance's Sustainable Agriculture Network (Pyburn 2005, p. 7).

<sup>122</sup> The TSPN is an informal network of various multilateral and bilateral agencies, private sector umbrella organizations, NGOs, and consultancy/other practitioner groups working with trade-related standards regulating agriculture and other rural industries (ISEAL and TSPN 2008, p. 4). See <[www.tradestandards.org](http://www.tradestandards.org)>.

<sup>123</sup> Entwined is "an international research consortium aimed at improving the science and policy basis for environmental governance through trade" (ISEAL and TSPN 2008, p. 4). See <[www.entwined.se](http://www.entwined.se)>.

What is more, this Governmental Use of Voluntary Standards Program is only part of ISEAL's work on managing the position of its members, and increasingly the private standards movement more generally, in the wider policy environment. The ISEAL Secretariat routinely monitors policy developments relevant to the voluntary standards movement, keeping its members up to date with its periodic Policy Watch. Moreover, although "the larger and most important issues have yet to be addressed" (Roberts and Echeverria 2009, p. 20), it is also ISEAL's intention to engage with its members on key policy issues with a view to developing common policy positions (ISEAL 2005b, p. 1). The ISEAL Secretariat has been proactively building relationships with the key multilateral organizations of relevance to its work, such as the World Bank, the World Trade Organization, and the Convention on Biological Diversity, and responds on behalf of ISEAL members to key developments in ISO. It has also commissioned some legal work on more precisely defining the position of the transnational private standards setting approach to regulation in relation to the WTO's TBT Agreement, and is communicating the (standards-supportive) results of this work to relevant stakeholders (Ciel and ISEAL 2006; ISEAL 2006c). To date, however, the focus of ISEAL's advocacy work has been predominantly on promoting market and regulatory recognition and uptake of credible standards, emphasizing the use of its Code of Good Practice as a means of demonstrating credibility (Roberts and Echeverria 2009, p. 19).

Another work program with which ISEAL extends its influence beyond its immediate membership, yet which stays considerably closer to its best practice oriented work streams, is its Emerging Initiatives Program. Built around a series of ten training modules documenting best practice in all key stages in the development of a standards system, the program provides new and emerging standards initiatives an opportunity to learn from others and build on existing knowledge and experiences (ISEAL 2007d). In addition to these formalized training materials, harvesting the lessons learned from the process of developing and implementing the Standards Setting Code, ISEAL also offers organizations participating in the Emerging Initiatives Program more case-specific and individualized technical and peer support by means of a series of issue-based workshops and an on-going Support Service (Roberts and Echeverria 2009, p. 2; ISEAL 2007e, p. 3; 2009a, p. 9). By providing a shared learning platform, the program thus allows emerging initiatives to exchange information, experiences, and advise with each other, ISEAL members, and ISEAL staff (ISEAL 2009a, p. 9).

### *Overview*

All in all the ISEAL Alliance is a very versatile organization, engaging in a variety of metagovernance activities in a number of different areas. It simultaneously functions as a neutral forum for members to work together on increasing collaboration and consistency between their programs, a service provider helping its members to implement the best practice guidance it develops on the basis of shared learning, research projects, and extensive stakeholder consultations, and an advocacy organization promoting the use of credible standards and monitoring and responding to relevant policy developments (ISEAL 2003b, p. 3).

ISEAL can thus be considered to have a bit of a dual character. On the one hand it is "a membership-based organization focused on delivering services to its members", aiming to help them improve the quality, credibility, and accessibility of their systems and attain "public credibility, political recognition and market success" (ISEAL 2003b, p. 3). Simultaneously it is also increasingly taking on a leadership role for the voluntary standards movement more widely. Its advocacy work has evolved from an initial "member-focused lobby for us approach to speaking for the wider voluntary standards movement" (Roberts and Echeverria 2009, p. 21), and with the advent of the Emerging Initiatives Program access to its services and participation in its collaborative platform are also no longer reserved for members only.

### 5.3 Effectiveness of the ISEAL Alliance<sup>124</sup>

As opposed to both the Joint Initiative on Corporate Accountability and Workers' Rights and the International Task Force on Harmonization and Equivalence in Organic Agriculture, the ISEAL Alliance is set up as a sustainable organization working with a completely open-ended timeframe. All its work streams of significance should therefore be considered works in progress, only in the beginning stages of exerting their influence. Still, having been in operation for close to a decade now, the effect ISEAL is having on individual standards initiatives and the position of the transnational private standards setting approach to governance in the wider regulatory environment has certainly begun to manifest itself. As the organization is involved in a range of activities and work areas, there is quite some variance in the effectiveness of ISEAL's different work programs.

#### *Impact of the Codes of Good Practice*

The most high profile of ISEAL's work streams so far, the development and promotion of its Code of Good Practice for Setting Social and Environmental Standards, has also had the greatest impact. This first Credibility Tool has, in the view of all stakeholders, had "a very positive impact in developing a common understanding on what constitutes good practices for standard setting", is now generally accepted as a benchmark for good practice, and is quickly becoming *the* international reference on the subject (Roberts and Echeverria 2009, p. 2, 20). Illustrating this widespread recognition, the Code has been referenced by a number of (inter)governmental bodies from around the world, including the FAO, UNCTAD, the World Bank, European Parliament, and the European Commission (ISEAL 2009d, p. 6; 2010d). Furthermore, perhaps the most convincing evidence for the status the Standards Setting Code and the ISEAL Alliance more generally have achieved is the finding by Roberts and Echeverria (2009, p. 21) that the donors they surveyed would now always require new standards setting initiatives requesting funding to comply with the Code, as well as join ISEAL's Emerging Initiatives Program<sup>125</sup>.

Going beyond establishing a consensus on what constitute credible standards setting processes, the Code has also already had a tangible impact on the operating procedures of leading standards setting initiatives. The ISEAL membership requirement that standards setting organizations comply with the Code, complemented with ISEAL's work aimed at supporting its members in achieving compliance, has had a significant impact on members' standards setting and revision processes. Although the required changes were relatively minor for the leaders, some members have had to make fairly significant changes, predominantly with respect to their governance structures and procedures for stakeholder consultation (Roberts and Echeverria 2009, p. 10). As ISEAL currently has ten Associate Members involved in standards setting, which have committed to comply with the Standards Setting Code within a defined timeline (ISEAL 2010j), the direct tangible impact of the Code is guaranteed for the upcoming years. What is more, several non-member standards initiatives are also moving towards compliance with (parts of) the Code. In light of the widespread support for ISEAL's Standards Setting Code as *the* benchmark for credible standards setting

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<sup>124</sup> The remainder of this case study is largely based on an external donor-funded evaluation of the results of ISEAL's work in the period 2006-2008. The two contracted consultants, Sarah Roberts and Arup Felicia Echeverria, built up their evidence base from (1) a review of ISEAL documents, (2) an electronic survey of ISEAL members and emerging initiatives, and (3) semi-structured interviews with forty of ISEAL's key stakeholders, including all ISEAL staff members and representatives of Full, Associate, and Affiliate Members, emerging initiatives, donors, NGOs, multilateral organizations, and certification bodies (Roberts and Echeverria 2009, p. 7, B1).

<sup>125</sup> This finding was corroborated by some of the organizations participating in the Emerging Initiatives Program, who indeed indicated that they had been advised by donors (and/or consultants) that they should be ISEAL compliant (Roberts and Echeverria 2009, p. 21).

processes, ISEAL members have found that their move towards compliance with the Code has enhanced the credibility of their standards systems in the eyes of a range of stakeholders (Roberts and Echeverria 2009, p. 10, 21).

As the implementation of ISEAL's second Code of Good Practice is only just beginning it is still too soon to start judging its impact, yet a number of members has already indicated that ISEAL's work on developing the Impacts Code has significantly improved their understanding of the issues involved (Roberts and Echeverria 2009, pp. 12-13). As member efforts to systematically monitor and evaluate impacts have generally been very minimal or absent up until now, the changes ISEAL members will have to implement as they work towards achieving compliance with the Impacts Code in the upcoming years will be substantial, surpassing those that were required for implementing the Standards Setting Code in both number and consequence.

#### *Impact of Other Good Practice Related Work Streams*

Taking second stage to the work streams culminating in a Code of Good Practice, ISEAL's other good practice related work programs have progressed less successfully, and been considerably less effective. Up until now this also (or even especially) goes for the work on accreditation, which will come to play an important role in ISEAL's next Code of Good Practice. However, this is not to say that achievements are completely absent in the area. For instance, the Accreditation Program's peer review system is considered to have had a positive impact on the credibility of ISEAL's accreditation members (Roberts and Echeverria 2009, p. 13). Furthermore, the Marine Stewardship Council decided in 2006 to outsource its accreditation to the newly separated accreditation body of the Forest Stewardship Council, Accreditation Services International, which itself has since become an Associate Member of the ISEAL Alliance<sup>126</sup> (Roberts and Echeverria 2009, p. 12). Nonetheless, in spite of these positive developments, ISEAL's work on accreditation is universally considered to have progressed too slowly and with less impact than originally hoped for. Consequently, member organizations with an accreditation focus regard ISEAL much less highly than the rest of its membership (Roberts and Echeverria 2009, pp. 28-29). One accreditation organization actually left the ISEAL Alliance a couple of years ago because it felt ISEAL did not focus enough on issues relevant to its operations. Although it has rejoined later, it continues to have trouble justifying the value of ISEAL membership to its Board (Roberts and Echeverria 2009, p. 24).

Though especially problematic in the case of the Accreditation Program, as it carries the real risk of alienating an entire subset of ISEAL's (potential) members, lack of progress is not limited to ISEAL's work on accreditation. The development of the Certification Body and Auditor Competence Program is also deemed too slow (Roberts and Echeverria 2009, p. 12). It is still in the early stages of implementation, and cannot as of yet claim positive impacts. Similarly, ISEAL also has not been able to achieve much progress on the accessibility of standards systems to small-scale producers. Admittedly, all stakeholders involved agree that the work on common requirements for group certification, the main initiative developed by the Accessibility Network project, has been very valuable. In fact, several of ISEAL's members active in the agricultural sector found this work extremely useful for their organizations, characterizing their participation in the process as both a learning experience

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<sup>126</sup> It should be noted that this decision was motivated in the first place by the MSC's wish to become fully consistent with the FAO's Guidelines for the Eco-Labeling of Fish and Fishery Products from Marine Capture Fisheries, which require that accreditation and standards setting functions are separated (ISEAL 2006d, p. 4). Still, the enhanced trust between FSC's and MSC's accreditation systems that resulted from their mutual engagement in ISEAL's Accreditation Program has undoubtedly facilitated this move.

and a valuable direct input for their own group certification policies<sup>127</sup> (Roberts and Echeverria 2009, p. 14). However, stakeholders directly working with small scale producers and producer groups are concerned that such work on harmonizing existing requirements, although valuable for standards setters themselves, is not likely to actually benefit producers. As ISEAL's other efforts in the realm of standards accessibility have so far also had few tangible effects on developing country producers - the intended beneficiaries of this work - the impact of ISEAL's program on accessibility is considered to have been rather disappointing so far in the eyes of most stakeholders, including staff<sup>128</sup> (Roberts and Echeverria 2009, pp. 13-15). What *has* been achieved, and is considered the biggest impact in the area, is to raise the profile of the accessibility issue with members. Without ISEAL's work on the issue accessibility concerns "would have been much lower down members' agendas" (Roberts and Echeverria 2009, p. 13), and fewer efforts would be made by individual member organizations to address the issue. Still, although ISEAL staff are undoubtedly right when they indicate that it is a considerable achievement in itself that members continue to make efforts to address the issue and have come to appreciate the links between system accessibility and harmonization and collaboration between different standards<sup>129</sup> (Roberts and Echeverria 2009, p. 13), it remains disappointing that the success of ISEAL's own efforts in the area has been rather modest.

#### *Effects in Terms of Shared Learning and Cooperation*

Overall, although some particular programs are not considered to have been very successful up to now, ISEAL has been very effective as a learning platform. Both members as well as other stakeholders involved in specific ISEAL projects have high praise for ISEAL's ability to facilitate shared learning, an important objective *and* outcome of many of ISEAL's programs and initiatives. In fact, members have indicated that they consider shared learning to be "one of the main benefits of being part of ISEAL" (Roberts and Acheverria 2009, p. 15). While this certainly pertains to the shared learning deliberately orchestrated by ISEAL around specific topics, it is clear that members also greatly value the opportunities ISEAL provides for shared learning at a more ad hoc and informal level, such as conversations at meetings and workshops, quick consultations among members, and the sharing of documents and procedures (Roberts and Acheverria 2009, p. 15).

More generally, by facilitating continuous interactions and coordinating various attempts at cooperation among members, ISEAL is contributing significantly to the creation of a cohesive movement. This view is supported by a 2008 study by Tim Bartley and Shawna Smith, which confirms that ISEAL's members are becoming increasingly interconnected and interdependent. Lending support to the premise that the practice of transnational private standards setting is evolving "from a set of disconnected initiatives to a more coherent field" (Bartley and Smith 2008, p. 14), this study maps the development of relationships between eleven certification programs (including six ISEAL members) between 2001 and 2006. It clearly shows that the ISEAL members included in the study<sup>130</sup> have become considerably

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<sup>127</sup> Which they indicated would probably be directly based on ISEAL's Common Requirements for the Certification of Producer Groups (Roberts and Echeverria 2009, p. 14).

<sup>128</sup> Some stakeholders, however, while acknowledging that ISEAL's impact in this area has been rather modest, argue that it would have been unrealistic to have higher expectations regarding ISEAL's potential in this realm. They feel that the accessibility issue, which admittedly is a very difficult area to improve and can only be influenced by ISEAL tangentially via members anyway, should be left to members themselves to address (Roberts and Echeverria 2009, p. 13).

<sup>129</sup> This link was emphasized in ISEAL's work on the issue, for instance in its efforts to facilitate multi-inspections.

<sup>130</sup> These are the FLO, SAI, FSC, IFOAM, MSC, and MAC (Bartley and Smith 2008, p. 16).

more likely over this period to pay close attention to each other's programs<sup>131</sup>. Although the authors do not delve into the question of what are the causes underlying this development - and thus avoid the chicken-or-egg causality dilemma of whether their mutual engagement in ISEAL is a cause or a consequence of their increasing interconnectedness - it seems safe to conclude, given members' satisfaction with ISEAL's functioning as a shared learning platform, that ISEAL has indeed played a role in bringing about the increased interdependence of its members observed in this study<sup>132</sup>.

However, although ISEAL's members have thus developed stronger relationships with each other, and have clearly benefited from sharing knowledge and expertise (both inside and outside the framework provided for this by the ISEAL platform), their cooperation within ISEAL has thus far yielded relatively little in terms of successful more tangible direct collaboration on concrete projects<sup>133</sup>. For, as one ISEAL staff member put it, although "sharing technical expertise is easy, the next level of co-operation is much harder" (Roberts and Echeverria 2009, p. 18). Even the joint projects between members that were supported by ISEAL staff were generally considered unsuccessful, and have tended to disappear rather quickly<sup>134</sup> (Roberts and Echeverria 2009, p. 17). However, although the practical difficulties facing potential collaborators have not yet been resolved, the increased trust and connections between members that ISEAL has facilitated certainly provide a basis for more successful collaboration in the future. Attendance at ISEAL events has helped to establish contacts for new projects, and lowered the threshold for members' staff to approaching counterparts within other member organizations with ideas for cooperation (Roberts and Echeverria 2009, pp. 16-17). ISEAL members are excited about the opportunities for new forms of joint working, and are working on the development of strategies for further collaboration (Roberts and Echeverria 2009, p. 3, 18). As with the work on accessibility, ISEAL's main achievement in this realm so far may thus have been to move the issue considerably up members' agendas (Roberts and Echeverria 2009, p. 18).

#### *Progress of Externally Oriented Work Programs*

Although not strictly speaking a separate work program, ISEAL's efforts at expanding its membership base have been rather successful; by now two non-founding members have joined the ranks of the Full Members, and another eleven Associate Members are set to do so in the near future. This growth in membership should not only be seen as an indicator that 'ISEAL must be doing something right'; it does itself also lead to positive impacts, as all new members need to adapt their systems to meet ISEAL's membership criteria. Thus ensuring that initial non-members improve their systems to achieve compliance with ISEAL's Codes of

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<sup>131</sup> Utilizing a dichotomous measure of connectedness - organizations are either tied to each other or not (with attention being either unidirectional or reciprocal) - the relative intensity of interorganizational relations is not measured. Whether ISEAL members who were considered tied to each other both in 2001 and in 2006 have become even closer over this period is thus, although likely, not indicated.

<sup>132</sup> It is also clear though that this development cannot be fully attributed to ISEAL, as the trend is not limited to ISEAL members only but also (to a lesser extent) characterizes the industry initiatives studied.

<sup>133</sup> Some collaborative projects have been undertaken though, such as a SAI-FSC project on chain of custody verification and a FSC-FLO pilot project on FSC-Fairtrade dual certification (ISEAL 2007f, p. 4; 2009g, p. 13). Whether these collaborations would also have gotten off the ground in the absence of the involved organizations' mutual engagement in ISEAL is unclear.

<sup>134</sup> The SASA project may be considered an exception. At the time of its conclusion this project was judged to have fostered a lot of learning among the participating organizations (SASA 2004), and was considered "successful in strengthening meaningful coordination between different certification systems as a major step to reduce duplication and improve accessibility" (ISEAL 2004d, p. 2). Even with this project, however, the satisfaction at the time of its conclusion does not appear to have translated into much tangible progress in subsequent years.

Good Practice, the expansion of ISEAL's membership can in a sense be seen as an important part of ISEAL's more externally oriented work<sup>135</sup>.

The other aspects of ISEAL's work with an external focus, aimed at influencing non-member standards initiatives and the wider regulatory environment within which private standards initiatives operate, have also been relatively successful. Having by now assisted over 50 upcoming or new standards organizations, the Emerging Initiatives project initiated in 2007 has quickly grown to be one of ISEAL's most valued and effective work programs (ISEAL 2008d, p. 4; 2009h; Roberts and Echeverria 2009, p. 11). Highly rated by its participants<sup>136</sup>, who clearly value the learning provided, the program has been "extremely helpful" in allowing a wide range of initiatives to avoid "lots of poor practices, duplication and 'wheel reinvention'" (Roberts and Echeverria 2009, pp. 26-27; ISEAL 2008d, p. 5). Participating organizations are clear that their engagement in the Emerging Initiatives Program has resulted in higher quality standards processes, whilst also saving them time and resources (Roberts and Echeverria 2009, p. 26). What is more, ISEAL also gives very useful advice to a lot of other initiatives approaching them, many of which never actually join the Emerging Initiatives Program because they ultimately conclude<sup>137</sup> that yet another standard is not the most useful output (Roberts and Echeverria 2009, p. 3).

As to ISEAL's policy work, some members have expressed concern about a lack of focus or capacity on certain policy issues of interest to them. Nevertheless, members are generally satisfied with the quality of ISEAL's work on monitoring policy developments relevant to its members. Although members generally feel that this work provides fewer direct benefits than other work programs, it *has* been mentioned that being a member of ISEAL results in a greater awareness of international and policy issues (Roberts and Echeverria 2009, p. 17, 20). Overall, the expectation that it would be more effective for ISEAL to monitor policy developments than for all members to do so individually, one of the reasons for ISEAL's establishment, appears to have been realized in practice (Roberts and Echeverria 2009, p. 20).

Moreover, policy makers have indicated that it is "very helpful to have a single organisation lobbying for its members and for the use of environmental and social standards more generally" (Roberts and Echeverria 2009, p. 21). Accordingly, the two most international policy oriented stakeholders interviewed for the 2009 external evaluation (p. 19) were convinced that ISEAL is "one of the few organisations who could really influence the agenda around voluntary standards". Indeed, although the at times somewhat intangible nature of ISEAL's work on influencing the wider policy environment can make the impacts of these efforts difficult to ascertain, it is safe to say that ISEAL is having a positive impact on the extent to which (inter)governmental bodies understand and use private standards (Roberts and Echeverria 2009, pp. 27-28).

The main component of ISEAL's externally oriented policy and advocacy work, its efforts to promote the uptake of credible standards and the related advocacy around what constitutes credibility in standards setting<sup>138</sup>, has been generally successful. Not only did ISEAL, as indicated earlier, become a key international reference point on private standards and boost the credibility of its Code-compliant members; it has also contributed to what is now considered by some to be "a tipping point of awareness about how credible standards can

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<sup>135</sup> Similar to the way in which some observers point to the European Union's expansion, setting in motion enormous efforts by newly accessing Member States to get all their legislation to be in accordance with EU regulations, as the EU's most successful foreign policy strategy.

<sup>136</sup> Some of whom, testifying to their satisfaction with the program, are now in the process of becoming Full Members.

<sup>137</sup> Not seldom following ISEAL feedback.

<sup>138</sup> This work revolves around ISEAL's call for the widespread recognition of its Standards Setting Code as a means of demonstrating system credibility.

be a useful tool” (Roberts and Echeverria 2009, p. 21). By illuminating the different ways in which public policies can make use of private standards, the Governmental Use of Voluntary Standards Project has certainly played a role in this. There is some evidence that this work, combined with ISEAL’s highly valued legal work and associated advocacy on whether voluntary private standards are barriers to or potential enablers of trade<sup>139</sup>, may be starting to affect public procurement decisions (Roberts and Echeverria 2009, p. 20, 21, 28). Also, the “democratic expectations” created by ISEAL and its members appear to create similar expectations for all social and environmental standards, with states and international organizations increasingly demanding that “the development and implementation of standards be inclusive, transparent, include stakeholder participation, and be adaptable to local conditions” (Bernstein forthcoming, pp. 31-32). What is more, Roberts and Echeverria (2009, p. 21) found that the stakeholders they surveyed who had an understanding of the wider policy context generally were quite impressed with the relationships ISEAL has developed and the work it has done with a number of key multilaterals. What is considered one of ISEAL’s advocacy program’s most successful results, demonstrating ISEAL’s ability to mobilize its membership, is its successful action to prevent the development of an ISO standard on ethical trade<sup>140</sup> (Roberts and Echeverria 2009, p. 19, 21).

Overall, however, there is some concern among stakeholders that ISEAL has not yet been able to impact significantly upon the other major players in the private standards movement, such as (despite the previous point) the International Organization for Standardization (ISO) and the International Accreditation Forum (IAF) (Roberts and Echeverria 2009, p. 22). As the main international umbrella organizations for national standards institutes and accreditation bodies, respectively, these associations have the international recognition among mainstream organizations to do a lot for the social and environmental standards movement, yet are in practice considered to be of little value to ISEAL members as their work does not take into account the peculiarities specific to social and environmental standards. An interviewee qualified the expressed stakeholder concerns though. While acknowledging that engagement with the IAF, a very closed organization, remains difficult for ISEAL and its members, this interviewee emphasized that ISEAL *is* on the relevant ISO committees, *has* been able to influence ISO processes, and more generally has quite an amiable relationship with ISO. Furthermore, this interviewee argued that although ISO *is* of strategic importance to ISEAL in certain specific areas, engagement with ISO is not all that much of a priority for the Alliance. Though active in the same field, ISEAL and ISO can generally work alongside each other quite effectively without compromising each other’s goal attainment capacity.

Another concern raised in the external evaluation (Roberts and Echeverria 2009, p. 22) is that, although ISEAL has extended the reach of its good practice related capacity building beyond its members to a considerable number of emerging initiatives, it has not had much of an impact on more mainstream standards organizations. This is problematic, for if ISEAL is to really accomplish its stated mission of “creat[ing] a world where ecological sustainability and social justice are the normal conditions of business” (ISEAL 2010n), close engagement with these organizations is essential. For now, the ISEAL Alliance is primarily further strengthening the *crème de la crème* of the standards initiatives<sup>141</sup>. In the long run, however,

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<sup>139</sup> Conclusion: voluntary private standards are not technical barriers to trade under the WTO regime (Ciel and ISEAL 2006).

<sup>140</sup> Although willing to respect its guidelines, ISEAL members generally feel that ISO is “ill equipped to deal with standard setting in social and environmental areas” (Bernstein and Hannah 2008, p. 25). It is criticized for being dominated by industry and allowing for insufficient developing country influence (Bernstein and Hannah 2008, p. 25).

<sup>141</sup> This focus is emphasized by the homepage of the ISEAL website (<<http://www.isealalliance.org/>>), which reads in big letters: “Making Good Standards Better”.

although it may be too optimistic to expect the operating procedures identified as best practice by ISEAL to become the benchmark for the entire private social and environmental standards movement, ISEAL certainly *does* intend to influence the mainstream of private standards organizations. As an interviewee explained, it is hoped that raising the bar for the frontrunners in the field will inspire a certain ‘pull’ on the mainstream to also implement (more incremental) improvements<sup>142</sup>. This will inevitably be a long-term prospect though.

### *Overall Evaluation*

The same can be said about some of ISEAL’s other work streams, with progress often proving slower than members as well as other stakeholders would like (and anticipated). The 2009 external evaluation repeatedly reiterates complaints about the speed with which various programs (have) develop(ed) (e.g. p. 10, 11, 13, 22). While largely justified with respect to certain work streams, most notably the programs on accreditation, certification body and auditor competence, and accessibility, these complaints seem at times also the result of unrealistically optimistic expectations. For instance, the processes leading up to the Standards Setting and Impacts Codes, both of which were criticized for the slowness of their development, could almost certainly not have been shortened much without compromising their quality. Especially the public consultation component of the code development trajectory, which takes up a large portion of the allocated time, is very difficult to speed up. Recognizing that the diligence and inclusiveness of these processes is an important source of the credibility of the resulting Codes of Good Practice, ISEAL has consciously decided to err on the side of thoroughness here and design ‘slow’ processes. Considering how much the final Impacts Code differs from initial thinking on the subject, this decision seems to have been a prudent one<sup>143</sup>.

Overall, although tangible progress on certain issues may have been slow, other work streams have already had considerable impact. Indeed, in terms of direct benefits to its members, most old and new member organizations, with the exception of those focusing on accreditation rather than standards setting, have indicated that they consider ISEAL to provide very good value for money<sup>144</sup> (Roberts and Echeverria 2009, p. 24). What is more, given the recent growth in membership and the strong position ISEAL has carved out for itself as a key international reference point on all matters pertaining to private social and environmental standards, prospects for future influence are promising. Although its achievements so far may seem small in comparison to the enormity of its aspirations, ISEAL can therefore be considered to be, in the words of Roberts and Echeverria (2009, p. 1), “‘punching above its weight’ in terms of the impact it is having”.

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<sup>142</sup> Much in the same way as GlobalGap, a private sector partnership of major food retailers now responsible for the incremental improvement of the practices of a very large number of mainstream agricultural producers, would probably never have materialized if it had not been for the organic agriculture movement (propagating much more stringent standards).

<sup>143</sup> Although, to be fair, it should be noted that thinking on the Impacts Code, due to the very limited understanding on the subject in the initial stages of code development, developed a lot more over the course of the process than that on the Standards Setting Code did (and than that on the to be developed Verification Code probably will).

<sup>144</sup> The financial and human resources ISEAL membership requires are comparable, according to one founding member, to the costs of hiring an external consultant. The derived benefits are much higher (Roberts and Echeverria 2009, p. 24).

## 5.4 Determinants of ISEAL's Effectiveness

### *Success Factors*

The impact ISEAL has been able to bring about and the success with which it has managed to implement some of its work programs can in the first place be attributed to the effectiveness with which ISEAL operates as an organization. Roberts and Echeverria (2009, p. 22, 28) found the majority of their interviewees to be extremely positive about the way in which ISEAL is run, with members<sup>145</sup> as well as organizations participating in the Emerging Initiatives Program having high praise for ISEAL's accessibility and responsiveness to their needs. This is particularly impressive in light of the fact that ISEAL has had to cope with rapid membership and organizational growth and an accordingly expanding staff base, which is mainly part time and operates in three different geographic locations and timezones.

As with most successful institutions, this organizational effectiveness can to some degree simply be attributed to the people that make up the organization. ISEAL's leadership and staff management are highly regarded<sup>146</sup>, and in terms of recruitment it is clear that quite some thought has been put into the types of people that would function effectively in ISEAL's organizational environment (Roberts and Echeverria 2009, p. 22). Consequently, despite the dispersed nature of the Secretariat, ISEAL has been able to build a strong team and foster an organizational culture conducive to the progress it attempts to achieve. ISEAL is perceived by its members and other stakeholders as an enjoyable and inspiring organization to work with, with Roberts and Echeverria (2009, p. 24) quoting interviewee comments such as "all my staff love ISEAL" and "they are clever, committed people who are full of energy and fun to work with". In addition to their accessibility and responsiveness, stakeholders also commend ISEAL staff on their technical competence and intellectual capabilities. ISEAL's outputs are widely considered to be technically excellent and very well thought through<sup>147</sup> (Roberts and Echeverria 2009, p. 27).

Looking beyond the rather generic and straightforward factor of staff competence and drive, the most important factor underlying ISEAL's organizational effectiveness may very well be its basic set up as a Secretariat-driven organization. Functioning as an autonomous organization with its own staff, responsible to its members yet operating relatively independently from them<sup>148</sup>, ISEAL is able to operate more decisively, productively, and effectively than it would be able to as a collaborative platform dependent upon its member organizations for direction, initiative, and resources. For instance, temporary lapses in prioritization of ISEAL matters by individual members have little effect on ISEAL's functioning. Moreover, when developing work programs or managing its daily operations, ISEAL is not unnecessarily weighed down by any (temporary) difficulties its member organizations may face internally or the need for all members to explicitly agree on everything and constantly renegotiate the parameters of their collaboration.

Furthermore, allowing it to take the lead on specific issues rather than exclusively respond to and implement the ideas and plans of its members, its relative independence enables ISEAL to take its members in tow and address issues they did not themselves have (high) on the agenda. As a prime example, Roberts and Echeverria (2009, p. 17) quote one member<sup>149</sup> describing how "ISEAL is making the case for impact measurement earlier than

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<sup>145</sup> Again with the exception of accreditation organizations.

<sup>146</sup> All staff indicated to Roberts and Echeverria (2009, p. 23) to feel well-managed and supported.

<sup>147</sup> Credit for this cannot solely go to ISEAL's staff, however, as ISEAL does also frequently contract out specific pieces of work to individual member organizations or external consultants (Roberts and Echeverria 2009, p. 24).

<sup>148</sup> The Board of Directors, made up of representatives of all Full Members, does however have the final word on all important decisions, and is in charge of setting out ISEAL's strategic direction.

<sup>149</sup> This sentiment was shared by many other members (Roberts and Echeverria 2009, p. 12).

we would have tackled this ourselves and this is very beneficial”. Other issues on the importance of which ISEAL has raised its members’ awareness (without necessarily achieving a lot of tangible progress so far) are the accessibility of their systems and new forms of concrete collaboration between ISEAL members (Roberts and Echeverria 2009, p. 13, 18).

What is more, its strong and autonomous Secretariat allows ISEAL to somewhat transcend its character as a membership club and work for the benefit of the wider voluntary standards community. For instance, the Emerging Initiatives Program benefits dozens of non-member standards initiatives, some of which even compete with member organizations in specific markets. ISEAL is also increasingly dealing with requests to act as a platform for private standards organizations beyond its direct membership (Roberts and Echeverria 2009, p. 23). Furthermore, ISEAL’s advocacy work has evolved from an initial “member-focused lobby for us approach to speaking [and taking a leadership role] for the wider voluntary standards movement” (Roberts and Echeverria 2009, p. 21); a change in emphasis which is appreciated by members<sup>150</sup>, policymakers, and other stakeholders alike.

Although not a prerequisite, ISEAL’s relative independence also facilitates its genuine openness to stakeholder input, an important strength of the ISEAL Alliance in and of itself. ISEAL does not merely go through the motions of stakeholder consultation, yet allows external stakeholders to truly influence the process, even when their points of view and preferences differ considerably from those of ISEAL members. For example, an interviewee affirmed that the new Impacts Code, as the product of a long process of mutual accommodation and compromise, is just as much a reflection of external stakeholder input as it is of member preferences. Being recognized by governments and other stakeholders, this culture of inclusiveness and willingness to actually amend programs on the basis of third party suggestions and criticisms is a cornerstone of ISEAL’s credibility and legitimacy. It considerably benefits ISEAL’s standing in the field and the readiness of standards initiatives, governments, and other relevant institutions to utilize or reference ISEAL’s outputs.

#### *Enablers of Secretariat Autonomy*

Having discussed the advantages associated with ISEAL’s set up as a secretariat-driven organization, the question arises what then are the characteristics of ISEAL’s membership, mission, and regulatory environment that are so conducive to the establishment of such an independent secretariat. For it is by no means a coincidence that, whereas the previously discussed Joint Initiative on Corporate Accountability and Workers’ Rights never became more than a collaborative arrangement between a number of principal organizations that remained firmly in charge, the ISEAL Alliance *did* reach the next level of organizational development and independence.

A very straightforward and mundane, yet by no means unimportant, precondition for the establishment of a large secretariat is the availability of sufficient funding. Increased independence from member organizations (and consequently reduced reliance on members’ staff and other resources) simply brings with it higher costs for (own) staff and overheads. Although securing sufficient funding is becoming more of an issue with ISEAL’s expanding membership and increasing ambitions<sup>151</sup>, ISEAL has been able to access donor funding

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<sup>150</sup> It should indeed be noted that, although the Secretariat can at times be quite far ahead of the member organizations, the Board of Directors fully supports this approach (Roberts and Echeverria 2009, p. 19). Considerable credit is therefore due to ISEAL’s members for their insight, long-term perspective, and idealism, which allows them to look beyond the needs of their own organizations to those of the wider social and environmental standards movement.

<sup>151</sup> For instance, in order to fully implement the 2009-2013 Strategic Plan (ISEAL 2009a) ISEAL required a four-fold increase in income from 2007 to 2009 (Roberts and Echeverria 2009, p. 25).

relatively successfully so far, gradually increasing its income and diversifying its funding base. In the first place this is probably due to the fact that ISEAL is the only player in its particular field, and has done a good job in terms of aggressively staking its place in the voluntary standards landscape as a legitimate organization doing unique (and good) work. What is more, going back to staff competence, donors praise ISEAL's bid writing skills and responsiveness (Roberts and Echeverria 2009, p. 25).

Another prerequisite for the establishment of a large autonomous secretariat, which is perhaps similarly straightforward yet more interesting for the purposes of this thesis, is the willingness of the founding organizations to partly surrender direct control over their collaborative project. Although, as indicated previously, ISEAL's Full Members remain in charge (through the Board of Directors) of strategic direction and the final approval of important outputs, there is no doubt that their direct involvement in ISEAL's program development and day-to-day operations is considerably less than it would be if ISEAL were a membership-driven organization. A few factors shed light on the readiness of ISEAL's founding members to delegate most ISEAL-related work and decision making to an independent Secretariat.

First of all, as the frontrunners in their respective fields, ISEAL's (founding) members can be described as very mature organizations. This implies a certain level of maturity of staff and leadership. They are rather trusting and therefore quite willing to take the risks involved with delegation; this is a matter of attitudes and organizational culture. In addition to the maturity of the individual member organizations, there are also reasons why the ISEAL Alliance does not (or to a lesser extent) incite the defensive reactions from its members that would impede delegation (by these same organizations) in other collaborative projects.

One reason why ISEAL's members do not feel like they need to constantly guard their influence over the metagovernance process and be involved in all that ISEAL does concerns the nature of their relationships with (the majority of) the other member organizations. For, as its various members target different sectors and issue areas, ISEAL is not in the first place a collaboration between competitors. This is not to say that there is no competition in the market place among ISEAL members at all. As emphasized by an interviewee, especially those member organizations involved in the certification of agricultural products *do* compete with each other with regards to certain commodity chains, and as ISEAL's membership expands the number of overlapping target groups will undoubtedly also increase. Still, for every individual organization the majority of fellow member schemes, although exponents of the same regulatory approach with similar social and environmental missions, are non-competitors. In comparison with many sector-specific metagovernance initiatives bringing together competing initiatives, collaboration within ISEAL is thus less politically charged, with relatively little mistrust and animosity between (the constituencies of) the participating organizations. As a result members feel comfortable taking a step back and steering a bit more loosely, confident that ISEAL will stay the course they would approve of and not overly concerned that ISEAL's work might disproportionately benefit competitors.

Another reason ISEAL's members feel comfortable partly surrendering control and giving the ISEAL Secretariat a relatively free role relates to ISEAL's mandate and the scope of its work. As ISEAL primarily pursues procedural rather than content-based harmonization, its work does not directly touch upon the substantive standards of its members. Since changes to their operating procedures are less politically charged and controversial for member organizations and their constituencies than changes to the actual content of their standards (which would most directly affect standards initiatives' constituencies), this fairly 'non-threatening' focus facilitates delegation and secretariat autonomy. Indeed, it was confirmed by an interviewee that ISEAL, recognizing that maintaining its image as a neutral forum is

essential for the organization's ability to continue to do its job effectively, makes sure to steer clear from (being perceived to be) meddling with the contents of its members' standards.

### *Barriers to Success*

Explaining how ISEAL has become a capable and autonomous organization, the above has shed some light on how ISEAL has come to be able to provide real benefits for its members and play a valuable role in defining the parameters of the voluntary standards landscape. What the above does not account for, however, is why progress on some of its programs has been very limited. Nor does it touch upon more general weaknesses constraining ISEAL's potential for influence. It is to these matters that this section will turn.

To a large degree the lack of tangible progress on certain work streams can be traced back to fairly program-specific constraints. With regards to the Accreditation Program, for example, an accreditation body member itself has noted that, as all of ISEAL's accreditation members essentially have a monopoly in their respective fields and do not really compete, "improving their work is possibly not one of their top priorities" (Roberts and Echeverria 2009, pp. 11-12). Additionally, a lack of resources within these accreditation organizations prevents them from implementing the changes in their structure required by ISO/IEC 17011, the achievement of compliance with which has been ISEAL's main goal for its accreditation members in the absence of an applicable Code of Good Practice. Beyond these reasons concerning the accreditation members themselves, accreditation issues simply also have not been prioritized within ISEAL up until now<sup>152</sup>.

Also the lack of success in terms of instigating and facilitating concrete collaboration between members on specific projects can largely be explained by a number of program-specific difficulties. Most straightforward, not seeing the benefits of cooperation given the particular market situation in which they operate, most members simply have not attached sufficient priority to member-member collaboration. This situation has been exacerbated by the member organizations' full agendas, and a consequent lack of available time and resources (Roberts and Echeverria 2009, p. 15, 18). ISEAL was not able to overcome these barriers by simply inviting members with ideas for collaborative projects to apply for money from a pot it held for this purpose; rather this led to a number of poorly thought through projects that lacked sufficient commitment from the organizations involved (Roberts and Echeverria 2009, pp. 17-18). Furthermore, where members' leadership did see the case for cooperation they often faced difficulties in terms of building trust among their wider constituencies, especially when the intended collaborators were competing in the same sector(s)<sup>153</sup>. For, while ISEAL does bring together and build trust among a limited number of people from every member organization, it faces difficulties when it comes to transferring the resultant learning and trust to the rest of these organizations, let alone their constituencies<sup>154</sup> (Roberts and Echeverria 2009, pp. 17-18). Although this is a problem most interorganizational collaborations have to deal with to a more or lesser extent, it may be exacerbated by the fact that ISEAL operates as a secretariat-driven organization, as this minimizes the active involvement of member staff in the initiative. Recognizing the problem, ISEAL has recently begun to try influencing a wider range of employees within each member organization, as well as members' networks (Roberts and Echeverria 2009, 17).

In addition to such program-specific constraints, ISEAL also faces some more general barriers to the effectiveness of its functioning. Bridging the two is the obvious observation

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<sup>152</sup> Aware of this, ISEAL staff is now beginning to increase their focus on accreditation, most notably within the framework of the Verification Code (the development of which has begun in 2010).

<sup>153</sup> This is especially unfortunate as those organizations that are operating in the same sectors are exactly those that are particularly likely to be able to benefit from closer collaboration.

<sup>154</sup> This is particularly the case with regards to member organizations that function as large networks.

that the resources ISEAL has at its disposal are limited. Although it has had fairly little to complain in terms of the amount of funding it has been able to secure, the fact of the matter remains that ISEAL (as virtually every other organization) does not have sufficient resources to pursue all of its work programs with optimum intensity. Consequently, some work streams have had to be prioritized over others, and sure enough it have been those programs at the bottom of the list that have been least effective so far.

As already suggested above for specific programs, another constraint ISEAL has to deal with pertains to people's priorities and attitudes. ISEAL's member organizations, but also the various other organizations ISEAL comes into contact with during the course of its work, are all very busy. With the day-to-day activities required to keep these organizations running consuming most of their time, most people within these institutions have very little time to reflect, consider the greater good, and develop a long-term vision. Although this is an observation that may apply more generally to the great majority of governance organizations, and can therefore be assumed to hinder virtually all metagovernance initiatives, it is of particular relevance to the ISEAL Alliance because of the rather obscure nature and indirect benefits of its work. Consequently, ISEAL does not always receive the amount of active cooperation and uptake that it would like.

An issue specifically limiting ISEAL in its more externally oriented work is the quality of its external communications. Although awareness is growing and ISEAL is well known and appreciated within a relatively small circle of people, a lot more needs to be done to raise its profile outside of this circle, especially in developing countries and among more mainstream organizations. What is more, while ISEAL's written outputs are generally considered to be technically excellent and very well thought through, the way they are presented is often too 'academic' and 'inaccessible'<sup>155</sup> (Roberts and Echeverria 2009, pp. 24-25). To quote two stakeholders interviewed by Roberts and Echeverria (2009, p. 17; emphasis added), ISEAL tends to produce "fat reports which are too academic and not pragmatic enough", rendering its research "very useful *for a small number of people*". By applying more thought and expertise to the way in which technical and policy information is communicated, ISEAL should thus be able to make its work and knowledge more accessible and useful to a wider range of stakeholders, increasing its impact (Roberts and Echeverria 2009, p. 15, 27).

A final constraint to ISEAL's effectiveness, which has not had all that much of a negative influence so far yet is becoming increasingly problematic, is its outdated organizational structure. ISEAL's systems for managing communications, human resources, and internal monitoring and evaluation have not kept pace with its expanding staff and membership base, and are considered (by staff and donors) to be urgently in need of development (Roberts and Echeverria 2009, p. 22, 24). By far the most important concern, however, is that ISEAL's governance structure has not been adapted to match ISEAL's developing role in the standards landscape. Although ISEAL, rather than solely representing its members, is increasingly expanding the scope of its wider policy and advocacy activities to represent the entire voluntary standards movement, its most important decision making organ (the Board of Directors) is still made up exclusively of Full Member representatives. With one Affiliate Member arguing that "if ISEAL wants to be seen as an organisation that acts for the public good [...] its governance structure is going to have to reflect its wider accountabilities" (Roberts and Echeverria 2009, p. 23), this is increasingly being seen as problematic by various stakeholders<sup>156</sup>. In fact, by giving the impression that ISEAL is "predominantly a 'club for its gold-standard member organisations'" whose "primary objective is to represent their interests" (Roberts and Echeverria 2009, p. 23), ISEAL's governance structure has

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<sup>155</sup> A positive exception to this appear to be ISEAL's training materials for emerging initiatives, which received high praise and were very much appreciated.

<sup>156</sup> Such as staff, Affiliate Members, and international NGOs, thought not Full Members themselves.

already started to limit its potential for growth and influence. Several non-member standards initiatives and international NGOs interested in closer collaboration are wary of the club-like atmosphere, and two organizations who had considered joining ultimately decided that they should not out of concern that it might (be perceived to) curtail their own independence and influence (Roberts and Echeverria 2009, p. 23, 28). Appreciating the need to become more broadly accountable, the ISEAL Alliance is planning to develop and implement a new governance structure by 2013 (ISEAL 2009a, p. 14). It is currently in the process of recruiting members for an inclusive Stakeholder Council, which will oversee the development, revision, and implementation of the various Credibility Tools.

## **5.5 Metagovernance Objectives**

Although they are united in their common quest to significantly improve the social and environmental performance of the economy, the fact that ISEAL's members are active in a variety of different sectors means that they tend to work towards the achievement of different - generally sector and issue-specific - substantive goals. As this can be considered to be a to some degree inherent feature of ISEAL's membership, the first metagovernance objective of initiating a convergence of goals and priorities is, in comparison with sector-specific metagovernance initiatives, of relatively little relevance to the ISEAL Alliance. This is not to say that, where members *are* active in the same sector, ISEAL may not function as a forum for members to discuss the potential for bilateral coordination on specific goals. Consequently, as ISEAL's membership base expands and overlaps in members' target audiences and issue fields become more numerous, the potential for dialogue and cooperation among subsets of ISEAL's membership to result in some convergence of substantive goals will become larger. For now, however, the significance of ISEAL's work is certainly not to be found primarily in its contribution to the first metagovernance objective. Instead, rather than defining and refining the specific goals its members are to pursue, ISEAL focuses on developing, promoting, and facilitating the implementation of procedural good practices that will aid standards initiatives in more effectively pursuing their issue-specific social and environmental goals, whatever these may be. In other words, ISEAL does not focus on *what* its different members hope to achieve, but rather on *how* to go about it.

In this work on helping its members shape and improve their systems, quite some emphasis is put on the normative procedural legitimacy of their processes. The second metagovernance initiative, which was found to not have been much of a priority in the other case studies, has thus played a large role in ISEAL's efforts over the past decade. In fact, the ISEAL Alliance has contributed more to the second metagovernance objective than any other metagovernance initiative active in the private standards setting field. As discussed, ISEAL has not only improved the democratic credentials and credibility of its members, but may also be expected to considerably shape democratic expectations for the entire range of private standards initiatives in the long run. Especially because the hallmark of its work on legitimacy in standards setting, the Standard Setting Code, was ISEAL's first major output and remains its most high-profile achievement to date, ISEAL's pursuit of the second metagovernance objective has largely defined the way ISEAL is perceived in the field.

However, since the development of this first credibility tool ISEAL has considerably diversified its 'portfolio' of different work programs, and endeavors directly aimed at enhancing the normative procedural legitimacy of standards initiatives now make up a minority of its efforts. Most of the work streams ISEAL is currently engaged in are in one way or another meant to enhance the capacity of its members to realize the implementation of its standards in the targeted supply chains. By increasing the efficiency and effectiveness with which initiatives operate and promoting the use of credible voluntary standards, ISEAL's core

mission is to make it easier and more attractive for market parties to make use of the available certification opportunities, thereby scaling up the use and impact of its members' standards (ISEAL 2009a, p. 5). Obvious examples of this core mechanism for the pursuit of the third metagovernance objective are ISEAL's work on accessibility and the Governmental Use of Voluntary Standards project, yet also the programs with less obvious impacts on standards uptake do usually have scaling up considerations as a core rationale. Also ISEAL's work on increasing and advertising the legitimacy of its members is to some extent simply a means to this end; by improving the standing of ISEAL's members in the field these measures are to increase the market uptake of their standards.

## 6. Metagovernance in the Realm of Sustainable Tourism Certification

### 6.1 Multiplicity in Sustainable Tourism Certification

Although consumer demand for green products remains rather modest in the tourism industry, the number of voluntary standards setting and certification schemes in the sector has skyrocketed since the early 1990s. After some 20 years of proliferation there currently are about 80 initiatives certifying sustainable tourism<sup>157</sup> in operation, and new initiatives are still being developed in at least a dozen countries, regions, and states (Hansen 2007, p. 6; Poser 2009, p. 1; Rome et al. 2006, p. 92; Sanabria 2010, slide 6). Established by individual companies, industry associations, NGOs, and government agencies, initiatives differ greatly in geographical scope, tourism activities regulated, and stringency. The majority of certification programs, virtually all with their own standard and set of certification procedures, has a national scope and only certifies accommodations, although standards have increasingly been developed for other aspects of the tourism industry, such as parks, beaches, guides, tour operators, and transportation (Hansen 2007, p. 6; Rainforest Alliance 2010).

Notwithstanding the large number of schemes in operation, Ralf Buckley indicated in 2002 (p. 203) that “ecolabelling in tourism is still in its early stages<sup>158</sup>”. Indeed, few individual schemes have prospered, and as a regulatory approach voluntary standards initiatives in tourism have so far had “a negligible impact on changing industry behavior towards more sustainable practices” (Buckley 2002, p. 203; Rainforest Alliance 2003, p. 63). Although it is certainly not the only factor explaining the limited effectiveness of voluntary standards setting and certification in tourism to date, there is little doubt that the uncoordinated proliferation of initiatives, and the resulting multiplicity and fragmentation, is holding back progress.

For one, the multiplicity of initiatives and the absence of communication between existing and newly established schemes results in considerable duplication of efforts. With each individual initiative trying to reinvent the wheel, programs waste scarce resources and face problems already encountered and overcome previously by peers. Even more detrimental to the success of sustainable tourism certification, the rapid proliferation of different sustainability claims in the industry has generated “mass confusion about what is sustainable tourism” (Klintman n.d., p. 8) among consumers. As programs differ significantly with regards to their standards and verification practices, and consumers have no easy way to distinguish trustworthy, transparent, and independently verified initiatives from weaker schemes and greenwashing attempts, consumer confusion is accompanied by considerable suspicion regarding the credibility of the different programs (Klintman n.d., p. 17; Rainforest Alliance 2001, p. 3; Hansen 2007, p. 6). A 2009 study by Expedia, a major online travel agency, found that a staggering 70 percent of consumers did not believe green claims being made by tourism operators<sup>159</sup>. The fragmented nature of the standards field thus hinders the gradual built-up of consumer demand; many consumers are now likely to simply ignore all tourism-related sustainability claims (Buckley 2002, p. 186).

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<sup>157</sup> This thesis will consistently use the term ‘sustainable tourism’ to refer to tourism practices and businesses that take into account and try to minimize their socio-cultural and environmental impacts. Note that in reality tourism operators and their certifiers use a number of different designations, including but not limited to ‘sustainable tourism’, ‘ecotourism’, ‘green tourism’, and ‘responsible tourism’ (Harms 2010, slide 15). Reflecting differences in standards and the virtual absence of coordination throughout the 1990s, the terms mean different things to different people, and are often used inconsistently and/or interchangeably.

<sup>158</sup> He did add later though that “it seems highly probable that ecolabels will become increasingly important in tourism as in other industries” (Buckley 2002, p. 205).

<sup>159</sup> Illustrating the devaluation of sustainability claims in the tourism industry, Epler Wood and Halpenny (2001, p. 121) mention that “[a]s early as 1992, responsible tour operators and lodges started refusing to be labeled as ecotourism businesses because the lack of credibility of the term in the market place”.

With very few tourists routinely taking sustainability considerations into account in product purchasing decisions, tourism operators perceive little incentive to invest scarce resources in the pursuit of certification (Buckley 2002, p. 203; Epler Wood and Halpenny 2001, p. 135). Furthermore, it are not just the consumers who are confused; tourism operators potentially interested in certification do themselves also have trouble understanding the differences between certification programs and selecting a credible initiative to deal with. As a considerable number of standards initiatives is thus catering to a rather limited number of tourism operators seeking to pursue certification, the number of tourism firms certified per program is very minimal. An average program has about 50 enterprises on board and certifies between one and five percent of the eligible product (Rome et al. 2006, p. 9; Klintman n.d., p. 5). In terms of employers and employees this number is very small, especially considering that 98% of firms in tourism are so-called micro-businesses (Klintman n.d., p. 5). As tourism certification programs are thought to approach financial sustainability when certifying well over 300 operators<sup>160</sup> (Rome et al. 2006, p. 93), the great majority of initiatives is struggling to get by.

By undermining consumer demand and forcing multiple programs to compete in a small market<sup>161</sup>, the proliferation of standards initiatives thus prevents individual schemes from developing the critical mass necessary for consumer recognition, economies of scale<sup>162</sup>, and financial stability (Rome et al. 2006, p. 9, 12). The small and resource-constrained standards initiatives that result have very limited marketing budgets and few means to increase consumer recognition of and demand for their labels. Consequently, there is a pervasive lack of brand recognition, even among consumers potentially interested in a sustainable holiday (Rainforest Alliance 2003, p. 36). Although many of them are doing a good job on the ground in terms of verifying the implementation of sustainability improvements by tourism operators, most certification programs thus do not have the (international) market recognition necessary for drawing in sufficient numbers of new clients.

## **6.2 Metagovernance Efforts in the Field of Sustainable Tourism Certification**

As new programs continued to pop up while existing ones were struggling, the problems associated with the fragmentation of voluntary certification schemes became increasingly apparent around the turn of the millennium (Rainforest Alliance 2003, p. 40). As a variety of actors has come to realize that ameliorating these problems is central to the success of both individual initiatives and the certification approach to greening tourism as a whole, the past decade has witnessed the initiation of a number of metagovernance attempts aimed at addressing the uncoordinated worldwide proliferation of standards initiatives.

The first major effort in this regard was the development and subsequent adoption by the first ever gathering of leading sustainable tourism and ecotourism certification programs<sup>163</sup> of a basic, informal consensus standard providing “a framework of fundamental components that all ‘green’ certification programs must include” (Hansen 2007, p. 9; ISEAL 2010o). This Mohonk Agreement (2000) prescribed the basic set up and objectives of any credible third-party certification program as well as the minimum scope of the standards

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<sup>160</sup> This is assuming that companies are paying the direct costs of certification. It should be noted that this often is not the case. Surviving on donor funding, many programs offer certification at below cost price during their start-up phase to artificially create enough demand for the program to get established (Rome et al. 2006). Many of these programs indicate they are running at resource capacity, and would not be able to cope with more clients (Rainforest Alliance 2003, p. 63).

<sup>161</sup> The latter is not always the case, as many certification initiatives are the only one in operation in their geographical area.

<sup>162</sup> Such as the employment of full time staff or reduced travel time between audits (Rome et al. 2006, p. 9).

<sup>163</sup> Supplemented with representatives of industry leaders and UN agencies (Sanabria 2008a).

certified to. It also clearly distinguished between sustainable tourism and ecotourism<sup>164</sup>, terms which up to that point had been ill-defined and were frequently used as synonyms (ISEAL 2010o). As the industry's first significant achievement in standards coordination this agreement did not only become a main reference point for those developing new programs or harmonizing existing ones, but also "put the wheels in motion for further attempts at harmonization" (Poser 2009, p. 19; Hansen 2007, p. 9). In fact, it was at the same international gathering at which the Mohonk Agreement was agreed upon that the Rainforest Alliance proposed to study the feasibility of establishing a global accreditation body for sustainable tourism certification programs, an idea which was unanimously endorsed by the attendants and would continue to shape metagovernance attempts in the realm of sustainable tourism certification for the decade to come (Rainforest Alliance 2003, p. 59).

#### *The Movement for the Establishment of the Sustainable Tourism Stewardship Council*

The Feasibility Study of the Sustainable Tourism Stewardship Council (STSC), as the newly to be set up body was to be called, found strong support for the establishment of such a global accreditation system among a range of stakeholders (Rainforest Alliance 2003, p. 294). For, although it was the Rainforest Alliance that ultimately took the initiative in proactively pursuing the establishment of a global accreditation body, several experts and organizations<sup>165</sup> had by then independently come to the conclusion that, as one of them put it (Hansen 2007, p. 10), "the lack of a global accreditation body has become one of the main obstacles in turning certification into an effective tool for change" (Klintman n.d., p. 7). The introduction of such an accreditation system, combining an internationally recognized baseline standard with sufficient flexibility for individual schemes to customize their standards to the targeted tourism activities and local environmental, socio-economic, and cultural realities, was deemed crucial "if certification is to continue and be successful" (Klintman n.d., p. 7; Poser 2009, p. 13; Buckley 2002, p. 192; Rainforest Alliance 2003, p. 294).

The advantages of accreditation would be myriad. For one, the creation of a single accredited sustainable tourism brand that is recognizable worldwide would enhance consumer acceptance of accredited certifiers (Poser 2009, p. 1). Especially given the international nature of the tourism industry, a globally recognizable mark would provide considerable added value to locally operating certification programs and their clients. Also, by increasing transparency in the sector and enabling consumers to distinguish between credible certification schemes and their lesser peers, the introduction of an accreditation system would raise the bar for certifiers of sustainable tourism and their clients, and reduce the possibility of "opportunism, graft and corruption, and profit-making approaches" (Rainforest Alliance 2003, p. 40). By guaranteeing the competency of accredited certification bodies and the validity of the standards they work with, an accreditation body may thus take away a lot of the confusion and mistrust among consumers that is currently hampering the potential for growth in sustainable tourism (Font et al. 2003, p. 213). Also, as this would allow for economies of scale, certification bodies would benefit greatly from the shared implementation of functions such as marketing, training and development, research, policy monitoring, and raising political and financial support (Font et al. 2003, p. 213; Rainforest Alliance 2001, p. 3).

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<sup>164</sup> In the language of the Mohonk Agreement (2000, p. 98, 100) sustainable tourism is "tourism that seeks to minimize ecological and socio-cultural impacts while providing economic benefits to local communities and host countries", while ecotourism is defined as "sustainable tourism with a natural area focus, which benefits the environment and communities visited, and fosters environmental and cultural understanding, appreciation, and awareness". Both definitions are still widely used and commonly accepted.

<sup>165</sup> Ranging from scholars and NGOs to industry actors and (inter)governmental organizations (Klintman n.d., p. 7).

The 2003 Feasibility Study functioned as a dissemination platform to raise awareness of certification and build support for accreditation. It also detailed the financial viability and activities that the STSC would undertake and outlined an organizational blueprint for the to be established organization (Font et al 2003, p. 214). Recognizing that it would be unfeasible to move directly from “the current reality of a proliferation of unconnected certification programs worldwide to the establishment of a global accreditation body”, the study proposed the phased implementation of the STSC (Rainforest Alliance 2003, p. 295). Such a progressive implementation would give certification bodies the opportunity to get to know each other and build the necessary trust, while allowing them sufficient time to bring their systems up to standard and gradually ease into the accreditation system.

During an initial two-year Network phase the STSC was to function as an informal global network acting as a clearinghouse for information on certification, allowing a wide range of stakeholders to develop the required trust and ownership of the proposed system, and discuss the contents of an international baseline standard and necessary regional variations (Rainforest Alliance 2003, p. 174, 295). An important component of this first phase would be to encourage the set up of regional networks and connect with existing ones, both to inform the implementation of the STSC and to create regional cohesion in preparation of more global convergence. The second stage of the STSC implementation process would be the progression from the relatively informal STSC-Network to a STSC-Association, an independent legal entity with a membership structure. During this Association phase the STSC would maintain the activities from the Network phase, reach agreement on standards and accreditation procedures, and take on additional roles such as formal training and marketing activities (Rainforest Alliance 2003, p. 189, 295). Eventually, after at least a year of association activities, the Association was to be transformed into a full-blown Stewardship Council. Identical in structure to the Association, this STSC would start officially accrediting certification programs while continuing to perform all the functions of the Association (Rainforest Alliance 2003, p. 214, 296).

Outlining the required financial resources, staffing requirements, and expected stakeholder participation per phase in great detail as well as describing the concrete next steps to be taken, the Feasibility Study was designed as a very practical stepping-stone to the swift implementation of the STSC. Assuming, as was done in the study, that the Network phase would be initiated in 2003 and the Association phase would last a year, the STSC was expected to start accrediting certification programs as early as 2006 (Rainforest Alliance 2003, p. 243). However, although the first phase was indeed initiated in 2003 by a partnership of four key organizations (the United Nations Environment Programme, the Rainforest Alliance, The International Ecotourism Society, and the Center for Ecotourism and Sustainable Development), progress proved a lot slower than planned in the subsequent years.

The most important component of the Network phase, initiating and connecting with networks operating at a regional level, was progressing with mixed results. Perhaps reflecting the stage of development of sustainable tourism certification in those regions, the (primarily virtual) network for the Asia Pacific region and the more recently established Sustainable Tourism Network Southern Africa did not yet have much to offer to those hoping to use their experiences as input into the STSC’s development process. The Sustainable Tourism Certification Network of the Americas (STCNA) and the European-based Voluntary Initiatives for Sustainability in Tourism (VISIT), on the other hand, were considerably more active.

Although operating independently since its establishment in 2003, the Sustainable Tourism Certification Network of the Americas (STCNA) is the only one of the regional initiatives actually founded in direct reference to the identification of a need for such

networks in the STSC Feasibility Report. It brings together “certification programs, public and private entities that promote certification, and other environmental, tourism-related and academic organizations, all aiming to share information, reach out to other relevant programs, identify training needs and define a progressive market strategy” (STCNA 2010a). In pursuit of its mission of promoting sustainable tourism in the region, the Network works to disseminate information and establish effective communication between member organizations, promotes certification programs and sustainable tourism more generally among tourists and tourism operators, and creates common work tools and best practice guidelines (STCNA 2010b; Smith n.d., slide 3; Rainforest Alliance n.d., p. 152). Important achievements of the Network have been the implementation of a joint marketing strategy and the development of a common set of baseline criteria (STCNA 2005), to be used by all certification members as a guideline in maintaining the continuity, consistency, and integrity of their programs (Endicott 2008). The Network by now unites over 130 members from 23 countries, including all certification programs operating in the region (STCNA 2010a; Rainforest Alliance 2010). The Rainforest Alliance functioned as the STCNA’s technical secretariat until December 2009, when a committee of founding members was created to take over the coordination activities.

The Voluntary Initiatives for Sustainability in Tourism (VISIT) project, which aims to promote and support sustainable tourism development through the representation, promotion, and mutual cooperation of certification initiatives (VISIT n.d.), was already well under way when those involved first learned of the efforts to establish a Sustainable Tourism Stewardship Council. Although the VISIT Association was only formally established in 2004, this was the culmination of ongoing liaison and cooperation between a dozen leading European certification schemes from 2001 onwards (VISIT n.d.). Main achievement was the development of the VISIT Standard, a set of 21 key criteria for sustainable tourism certification (VISIT 2004, p. 17). Although initial plans to actually accredit schemes to this standard were abandoned, and VISIT’s main function is now to provide a platform to facilitate the exchange of information and experiences and stimulate collaboration between schemes (VISIT 2004, p. 17), all seven members of the VISIT Association comply with the requirements of the standard<sup>166</sup>.

Although processes of regional convergence were thus well under way in some regions, progress towards the establishment of a global accreditation body remained rather slow in the initial years after publication of the Feasibility Study. A considerable amount of behind-the-scenes work was being done in preparation of the introduction of an accreditation system, most importantly in terms of building support for such an umbrella organization and preparing certification programs for accreditation, yet little tangible progress was being achieved. Only after a couple of years did the process appear to gain some momentum. In early 2007, when the original Feasibility Study envisioned the accreditation program to already be up and running, a detailed business plan for launching the STSC was finalized (Sillence 2007). Building upon the 2003 Feasibility Study and five years of planning and capacity building, the report (again) outlined a step-by-step process for the implementation of the STSC (Sillence 2007). In August 2008 a Temporary Executive Board was established, and a year later the Partnership for the Launch of the Sustainable Tourism Stewardship Council was formally registered as a UN Type II Partnership. It was now hoped that initial evaluations and accreditations could begin in late 2009, with full services (including marketing and promotion programs) in place by the early part of 2010 (STSC Partnership 2009). However, although the

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<sup>166</sup> In fact, the main reason the VISIT Association only has seven members is that the other European initiatives, including five of the programs that were involved in the VISIT project from the start, do not meet the VISIT Standard.

establishment of the Sustainable Tourism Stewardship Council now only seemed a matter of time, it never got this far. For by now the movement to establish the STSC was no longer the only global metagovernance attempt in the tourism sector, and it was becoming increasingly obvious to everyone involved that moving ahead with the STSC in isolation would be a mistake.

### *The Partnership for Global Sustainable Tourism Criteria*

While many people were working to get the STSC established the United Nations Foundation, in collaboration with a number of large private sector partners, pushed for another global collaborative effort to “foster increased understanding of sustainable tourism practices and adoption of universal sustainable tourism principles” (GSTC Partnership 2009a). Conceptualized around 2002<sup>167</sup> and eventually brought together in 2007, the Partnership for Global Sustainable Tourism Criteria (GSTC Partnership) set out to develop a set of baseline criteria to come to a common understanding of how sustainable tourism can be defined and operationalized (Frankel 2008a; GSTC Partnership 2009a; Sanabria et al. 2009). Recognizing that these criteria could become an important resource for the to be established stewardship council, many organizations involved in the efforts to set up the STSC took an active part in the Partnership, which united over 40 of the world’s leading industry organizations, NGOs, intergovernmental agencies, and academic institutions (GSTC Partnership 2009a; 2009b).

In the process of developing its consensus criteria the Partnership for Global Sustainable Tourism Criteria consulted a wide range of tourism stakeholders and sustainability experts and reviewed more than 60 existing standards<sup>168</sup> (GSTC Partnership 2008; 2009a). After a one and a half year development process the Global Sustainable Tourism Criteria were officially launched in October 2008. Although the development of the criteria was not originally envisioned to result in the establishment of a permanent institution, the amount of interest and support the effort had generated made those involved decide that the coalition should remain active. Now dedicated to promoting the use and uptake of the criteria by all tourism stakeholders, the GSTC Partnership thus proceeded to develop educational materials and technical tools to promote awareness and guide implementation (GSTC Partnership 2009a; TSC 2010, p. 10).

The 37 criteria that make up the Global Sustainable Tourism Criteria are organized around four main themes: effective sustainability planning, maximizing social and economic benefits for the local community, enhancing cultural heritage, and reducing negative impacts to the environment (GSTC Partnership 2008, p. 1). Maintaining a balance between being globally relevant and implementable at the local level, the Criteria outline the minimum level of sustainability performance that “any tourism business<sup>169</sup> should aspire to reach” (GSTC Partnership 2008, p. 1; Sanabria 2008b). The Criteria, which merely indicate “what should be done, not how to do it or whether the goal has been achieved” (GSTC Partnership 2008, p. 1), are supplemented by a set of so-called indicators, which can be seen as “recommendations about ways of measuring compliance with the criteria” (GSTC Partnership 2009c).

The universal principles outlined in the Global Sustainable Tourism Criteria were envisioned to serve a range of stakeholders and purposes. For instance, they were to guide the

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<sup>167</sup> Not long after discussions on the establishment of the STSC began.

<sup>168</sup> All in all, comments were received from more than 2000 stakeholders and more than 4500 criteria already being implemented around the globe were analyzed (GSTC Partnership 2009a; TSC 2010z, p. 10).

<sup>169</sup> Although it should be noted that, at present, the scope of the Criteria is limited to accommodation facilities and tour operators. While the Preamble to the Criteria (2008, p. 1) still states that “[a]lthough the criteria are initially intended for use by the accommodation and tour operation sectors, they have applicability to the entire tourism industry”, a draft Accreditation Manual from June 2010 (TSC 2010z, p. 10) states that the scope of the Criteria “will be expanded to other sectors but the present version should not be interpreted as having a wider scope”.

implementation of sustainable practices by tourism operators of all shapes and sizes; offer governmental, NGO, and private sector programs a starting point for developing sustainable tourism requirements suiting local conditions; serve as a common denominator for media to recognize sustainable tourism initiatives; and serve as a reference for education and training bodies (GSTC Partnership 2008, p. 1). Furthermore, the Criteria were also meant to help certification and other voluntary sustainable tourism programs ensure that their standards meet a broadly accepted baseline, as well as allow tourism operators, travel agencies, and consumers to identify sound sustainable tourism (certification) programs and businesses (GSTC Partnership 2008, p. 1). Although the Partnership for Global Sustainable Tourism Criteria did not in any way intend to venture into the realm of accreditation itself, its Criteria were thus perfectly suitable for usage as the baseline standard of an accreditation program.

### *A Process of Convergence*

As the STSC movement and the GSTC Partnership were pursuing “the same mission of education and awareness raising, stimulating and rewarding improved sustainability performance in tourism, and meeting consumer and market demand for more sustainable options when people travel” (GSTC Partnership 2009d), they were clearly well positioned to complement each other’s efforts. However, even though the leadership of both initiatives knew each other very well and there was also quite some overlap in membership, the GSTC Partnership and the STSC movement initially operated rather independently of each other.

The initiatives did repeatedly interact with each other though within the framework of the UNEP-led International Task Force on Sustainable Tourism Development (ITF-STD), a Marrakech Task Force aimed at “encourag[ing] the implementation of actions that promote sustainable tourism through the development of support tools” and “present[ing] new initiatives and support[ing] existing ones that may inspire pilot projects and good practices in other countries” (ITF-STD 2009, p. 12). Although primarily a platform for government-to-government collaboration, in which standards setting and certification as tools only played a small role, the ITF-STD (2006-2009<sup>170</sup>) functioned as the global political forum for the STSC initiative and the GSTC Partnership, both of whom were members, to position themselves. In this function the Task Force did not only allow both initiatives to establish relationships with (inter)governmental agencies and gain new supporters, but also played an important role in bringing them closer to each other.

In light of their overlapping missions and membership, and their continuous interaction though the ITF-STD, it was in a sense unavoidable that the Partnership for Global Sustainable Tourism Criteria and the Sustainable Tourism Stewardship Council movement would eventually converge. Indeed, during the first year of operation of the GSTC Partnership the leadership of both initiatives increasingly came to realize how complementary their efforts really were. As those involved came to recognize that their initiatives could become more streamlined and efficient by coordinating their overlapping functions, a close relationship and division of tasks soon started to develop. In early 2008 it was agreed that the STSC would focus on the more technical aspects of accrediting certification programs, while the GSTC Partnership would develop and continue to revise the baseline criteria to which the STSC was to accredit certifiers as well as provide educational and implementation tools for tourism operators (Rainforest Alliance 2010). The collaboration was considered a success, and in September 2009 the decision was made to take the next step and formally merge into a new initiative (Ascanio 2009).

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<sup>170</sup> When the ITF-STD ended in 2009, its members announced they would continue its work within the framework of a Global Partnership for Sustainable Tourism, a UN Type II Partnership which will be formally launched in early 2011.

### *The Global Sustainable Tourism Council*

Indeed, in 2010 the Global Sustainable Tourism Council (GSTC)<sup>171</sup> was officially established. Reflecting the spirit and intent of its predecessors and continuing their work, the GSTC was to serve as “the international body for promoting the increased knowledge, understanding and adoption of sustainable tourism practices” (GSTC 2010a). With the Global Sustainable Tourism Criteria at the heart of its efforts, the organization committed to promote the universal adoption of the Criteria, facilitate sustainable tourism practices by compiling, adapting, and creating various tools and training materials, and work to increase the demand for sustainable tourism products and services (GSTC 2010a).

Although some initiatives have dropped out of the process and new organizations continue to join, the Global Sustainable Tourism Council pretty much unites the people and organizations involved in the STSC movement and the GSTC Partnership. Garnering the support and participation of a truly global set of individual certification programs and their regional networks, social and environmental NGOs, tourism operators and their associations, research and academic institutions, UN agencies, and governments, the GSTC has the potential to become *the* global metagovernance initiative in the realm of sustainable tourism standards setting and certification.

Legally established as a nonprofit corporation, the GSTC is managed by a Board of Directors consisting of fifteen experts in the field<sup>172</sup>, which is responsible for governance oversight of the organization’s mandate, program of work, and operations (e.g. staffing, budget, and administrative affairs) (GSTC 2010b). As an independent entity the GSTC has its own Secretariat, which is housed and provided with in-kind support by the United Nations Foundation (GSTC 2010b). However, as the Secretariat is rather small<sup>173</sup>, the great majority of the actual content-related work is done by a number of working groups and committees consisting of volunteering members. Although the Secretariat proactively coordinates and supports these working groups, gathering and distilling information, convening and organizing meetings, and documenting the process, it are the members themselves who thus largely shape and define what is being done and how. Where necessary, outside consultants are enlisted to help the working groups with specific projects. Overall the GSTC has established five working groups, each focusing on its own priority program area (GSTC 2010e).

Continuing the work of the GSTC Partnership, the Standard Setting Working Group focuses on the management and periodical revision of the Global Sustainable Tourism Criteria, as well as the creation, adaptation, and distribution of additional standards, criteria, and indicators (GSTC 2010f). Committed to a credible and transparent process, the Standard Setting Working Group has committed to align itself with accepted international standards setting principles from ISO and ISEAL (GSTC 2010f).

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<sup>171</sup> When the merger was announced in 2009 the to be established organization was introduced as the *Tourism Sustainability Council (TSC)*. However, to counter the confusion and skepticism the merger triggered and retain the considerable amount of brand equity already invested in the *Global Sustainable Tourism Criteria* (commonly abbreviated as *GSTC*), it was decided later on (yet before the establishment of the new organization) to change the name to the *Global Sustainable Tourism Council* (also abbreviated *GSTC*). To avoid confusion, in this thesis the abbreviation *GSTC* will be reserved exclusively for reference to the *Global Sustainable Tourism Council*. The *Global Sustainable Tourism Criteria* will be written in full, while the *Partnership for Global Sustainable Tourism Criteria* will be referred to as the *GSTC Partnership*.

<sup>172</sup> Twelve Board members are elected by the membership. Although most of them do work for a member organization, they serve on the Board in their personal capacity rather than as representatives of their respective institutions. The last three seats on the Board belong to UNWTO, UNEP, and the UN Foundation, whose Board members do formally represent their institution.

<sup>173</sup> Until recently the Council had just two staff members. Having hired two additional employees (filling newly created positions) in late 2010, the Council currently has four staff (GSTC 2010c; 2010d).

The Accreditation Committee is continuing the efforts of the STSC initiative to launch an accreditation program. In June 2010 it has published a first draft of the Accreditation Manual (TSC 2010), which details the baseline to which certification bodies must align their standards (the Global Sustainable Tourism Criteria complemented with specific indicators of compliance), the basic structural and procedural requirements certification bodies must meet, and the process by which certification bodies will be accredited. The plan is to actually launch the accreditation program by mid-2011.

The Market Access Program aims to stimulate and increase commercial interest in operating sustainably and encourage the development, maintenance, and expansion of sustainable tourism operators by creating a realizable market incentive (GSTC 2010g). It works to show tourism operators the business case for sustainability, by emphasizing that alignment with the Global Sustainable Tourism Criteria will save money by means of eco-efficiencies as well as improve the working environment. Furthermore, aiming to reward operators implementing sustainability improvements, it is developing tools and networks to improve the market position of responsible businesses. For instance, the Market Access Program aims to increase the number of sustainable tourism products that are easily accessible in the most utilized market points-of-sale, promotes procurement policies that demand sustainable travel options, and builds recognition and promotion of local sustainable products through Tourism Boards and Destination Management Organizations (GSTC 2010g).

The Destinations Working Group, recognizing that the sustainable tourism objectives of enhancing the socio-economic and environmental health of destinations while minimizing negative environmental and socio-cultural impacts is best pursued at the destination level, is engaging with governments and destination managers to develop baseline criteria for entire destinations (GSTC 2010h).

Aiming to ensure that sustainable tourism best practices are adopted and implemented by the industry and sought after by the traveling public, the Education and Training Working Group is to develop and identify “the best available tools and resources to facilitate the transition to sustainable practices” (GSTC 2010i). It will develop a wide variety of education and training materials to cater to specific audiences. For instance, it aims to develop education and training materials aiding the implementation of sustainable tourism practices that are tailored to specific sectors in the tourism industry, build capacity among organizations promoting and selling tourism businesses, products, and services to educate their customers about the available sustainable travel options, and facilitate the integration of the Global Sustainable Tourism Criteria into the curricula of universities, training schools and other programs (GSTC 2010i).

Although the GSTC has thus compartmentalized its work by establishing separate working groups, there naturally are considerable overlaps between the five priority program areas. Accordingly, the working groups closely coordinate their efforts. The Standard Setting Working Group plays a crucial role, considering that the efforts of all other programs are based on and contributing to the implementation of the Global Sustainable Tourism Criteria. For instance, in developing its baseline criteria for destinations the Destinations Working Group has to coordinate closely with the Standard Setting Working Group. As the rapidly approaching introduction of an accreditation system can be considered the climax of the metagovernance process initiated in the year 2000, the Accreditation Committee naturally also occupies a very central position. For instance, the Education and Training Working Group is working on resources for certification programs to assist them in their move towards accreditation, such as a step-by-step guide on how to complete the accreditation process (GSTC 2010i). Furthermore, the Market Access Program, in developing its mechanisms for market exposure, ensures that those products certified by an accredited certification program will receive the greatest market exposure.

However, even though supporting and preparing for the launch of the accreditation system has so far been an important part of the efforts of the other working groups, which also have further supporting activities lined up to be launched alongside the accreditation program, it would be inaccurate to picture the other work programs as merely supporting the work of the Accreditation Committee. In fact, the efforts of the GSTC can be considered to pursue two related yet separate work streams. One of these is indeed the establishment of an accreditation system, which will allow the crème de la crème of sustainable tourism certification programs and their certified clients to substantiate their claims and distinguish themselves in the marketplace. Although being rolled out primarily by the Accreditation Committee, this effort is supported by all other working groups. The other work stream focuses on encouraging, facilitating, supporting, and giving market recognition to the implementation of more sustainable practices by tourism operators currently far from qualifying for (accredited) certification. Recognizing that the sustainability performance of tourism operators can be measured on a continuum<sup>174</sup>, this work stream aims to engage tourism operators for whom sustainability certification is still light-years away (and thus provides no incentive), gradually bringing them into the process and up to an entry-level of sustainability performance. While it is hoped that some of these businesses will ultimately also achieve a level of sustainability worthy of accredited certification, these efforts aimed at engaging mainstream players are largely independent of the accreditation program.

Although the establishment of the Global Sustainable Tourism Council can certainly be seen as a continuation of the process initiated in 2000 aimed at setting up a stewardship council, the founding of the GSTC should thus not be seen as simply the implementation of the second phase of the originally outlined process of the STSC's organizational development. Not only does the newly established Council aim to take on a wider array of activities than originally envisioned for the STSC, its organizational set up and structure also differ significantly from the original proposals for a stewardship council. Building upon the contributions of its predecessors yet adapting their plans to reflect new realities and progressing insight, the Global Sustainable Tourism Council truly represents a new chapter in the metagovernance of sustainable tourism certification.

### **6.3 Progress of Metagovernance Efforts in Tourism**

Recently established and only in the beginning stages of rolling out its various work programs, the Global Sustainable Tourism Council itself cannot as of yet claim any significant impacts. However, an evaluation of the decade-long metagovernance process that preceded the GSTC's establishment learns that progress has been far from absent. That being said, the speed of progress and ultimate impact differed considerably between the two initiatives that would ultimately merge to form the GSTC. While the movement to establish the Sustainable Tourism Stewardship Council was recording slower progress than originally anticipated, the Partnership for the Global Sustainable Tourism Criteria moved forward quite quickly and has already started to leave its mark on the tourism industry.

#### *The Success of the Global Sustainable Tourism Criteria*

The process of drafting the Global Sustainable Tourism Criteria only took one and a half years, which, as one interviewee pointed out, is quite short considering the amount of stakeholder input that went into their development. Building upon this momentum, the Criteria have in the two years that have passed since their launch in October 2008 quickly become *the* international reference point with regards to the definition and operationalization

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<sup>174</sup> And can thus not always be simplified to either 'certified sustainable' or 'not responsible'.

of sustainable tourism. They are being formally adopted and more informally taken into account by the entire range of tourism stakeholders. Certification bodies around the world are aligning their systems with the Criteria, part of them in preparation of future accreditation. A promising 91 percent of industry actors involved in the consultation process leading up to their development indicated that they would adopt the Criteria, and indeed many tourism businesses, industry associations, and travel distributors have by now taken the first step of endorsing the Global Sustainable Tourism Criteria as the basis upon which to build their sustainable tourism programs (Frankel 2008a; Sanabria et al. 2009). Governments around the globe are adopting the Criteria in their tourism plans, and national tourism boards and even individual cities<sup>175</sup> are doing the same.

By ensuring that all these actors base their ventures in the realm of sustainable tourism on a comprehensive standard as well as defining a minimum level of sustainability, the Criteria are raising the quality and effectiveness of the initiatives that align themselves with them. What is more, through their swift dissemination and adoption the Criteria are also making a significant contribution to the achievement of the GSTC Partnership's main objective of "com[ing] to a common understanding of sustainable tourism" (GTSC Partnership 2009a). Although the Mohonk Agreement had already done this to some extent in 2000 by creating a consensus among certification bodies on the basic characteristics of sustainable tourism, and did in subsequent years indeed become the main guideline for the development of new programs and the harmonization of existing ones (Poser 2009, p. 19), it did not even come close to generating the widespread acceptance and mainstream appeal that is now being achieved by the Global Sustainable Tourism Criteria<sup>176</sup>. By helping to forge a common language and consistency of practice, the widespread uptake of the Criteria may ultimately lead to "a greater base of knowledge, understanding, adoption, and demand for sustainable tourism practices" (Leopold 2010).

#### *Accomplishments of the Regional Networks*

At the continental level both the STCNA and the VISIT initiative have been very effective as drivers of convergence. Although the VISIT network never achieved its initial vision of uniting all sustainable tourism certification initiatives in Europe, its efforts have certainly proven beneficial to the initiatives that *were* involved. One interviewee indicated to be convinced that the VISIT initiative, by defining a common baseline standard for its members to comply with and providing a platform for its members (and sometimes non-members) to share their experiences and discuss issues of common concern, has been instrumental in improving the quality of its members' programs. Also, by building familiarity and trust between its members, the relationship building aspect of the process has resulted in enhanced collaboration between member schemes, who have developed a number of projects together. In 2006 two schemes involved in VISIT actually merged to form a single certification system (VISIT 2006, p. 1), although it is unclear if their mutual engagement in VISIT played a role in facilitating this step.

On the other side of the globe the Sustainable Tourism Certification Network of the Americas has also had a significant impact on the practice of sustainable tourism certification in the region. Creating a sense of community and rallying all certification bodies active on the continent around a common understanding of sustainable tourism, the STCNA has truly created a cohesive movement out of a set of previously rather isolated initiatives. What is more, by introducing a set of baseline criteria for all certification members to align their programs with, developing common work tools (such as self-assessment tools and best practice guides and toolkits), and providing a platform for its members to educate one another

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<sup>175</sup> In the United States alone more than 170 cities have officially adopted the criteria (GSTC 2010a).

<sup>176</sup> It did, to be fair, also have a more modest set of ambitions.

and share ideas, resources, and expertise, the Network has enhanced the quality of all member programs. Additionally, by implementing a joint marketing strategy the STCNA has also facilitated considerable progress in terms of market penetration in recent years (Endicott 2008). Overall, as one interviewee argued, the network can be said to have already achieved part of what accreditation is hoped to accomplish, and has both significantly accelerated the industry's move towards sustainability as well as readied the continent's certification bodies for the introduction of a global accreditation system. Indeed, today the Americas are very well represented both in the membership and on the Board of the GSTC (GSTC 2010j; 2010k).

In light of the fact that initiating and connecting with regional networks was an important priority of those working towards the establishment of a Sustainable Tourism Stewardship Council, one might wonder to what extent the accomplishments of these regional processes of convergence can rightfully be attributed to the efforts to establish the STSC. With regards to the VISIT network doing so would not be justified. Despite the fact that the VISIT initiative and the STSC project team early on in the STSC's development process signed a cooperation contract for collaboration and sharing information (Rainforest Alliance 2003, p. 61), those working on the introduction of the STSC were never really able to establish as close of a relationship with the VISIT initiative as they would have liked. It is therefore safe to say that the VISIT initiative would have recorded very similar progress and impact in the absence of efforts to establish a global accreditation system. The situation is quite different in the case of the STCNA, however, as this network has quite a direct link with the STSC initiative. It was expressly created to help prepare for and inform the development of the STSC, and the main champion for the STSC (the Rainforest Alliance) was very actively involved in the establishment of the network and functioned as its secretariat for many years. Although operating independently and taking on a life of its own, the STCNA can thus not really be seen in isolation from efforts to set up a global stewardship council.

#### *Achievements of the STSC Movement*

Beyond this contribution to the process of convergence in the Americas, no significant tangible impacts were realized by the efforts to set up a global accreditation system during the years in which these proceeded under the heading of the Sustainable Tourism Stewardship Council movement. It was not really a main goal of the first phase of this process of organizational development, the efforts to establish the STSC as "a global knowledge network on accreditation and standard setting for the sustainable tourism sector" (Sillence 2007, p. 25), to produce any formal outputs of which could now be claimed they have had a tangible impact on the sustainability of tourism operators or the programs of sustainable tourism initiatives. Similarly, subsequent moves to formalize the created network, ultimately by establishing the Partnership for the Launch of the Sustainable Tourism Stewardship Council, were a potentially important step towards a fully operational accreditation body but did not by themselves produce on-the-ground impacts. Rather, the main 'output' of the entire process rolled out under the heading of the STSC has been an increase in support for a global umbrella organization among a wide range of tourism stakeholders, and certification bodies specifically.

The fact that the STSC movement has produced little tangible impact on the programs of certification bodies or the sustainability performance of their clients should thus not necessarily be taken to mean that the STSC initiative has been a failure. The work done in the context of the plans to set up a STSC, just like the work of the GSTC Partnership, has been absolutely essential in paving the road for the establishment of the Global Sustainable Tourism Council. There is no doubt that the sustainable tourism certification field would not nearly be as close to an accreditation system as it is today without the efforts of those working on the establishment of the STSC. Ultimately, then, while recognizing that the STSC initiative

progressed slower than initially anticipated and did not produce tangible impacts in the five plus years it pursued its vision in isolation, the true significance of the STSC effort can only be assessed when the GSTC's accreditation program has been up and running for a while.

### *Prospects for the Accreditation Program*

How rapid and widespread uptake of accreditation will be remains to be seen. Fact is that in the past decade support for an accreditation system has increased considerably among certification bodies around the world. However, despite the GSTC's best efforts to ensure that this system will not be too expensive, onerous, and burdensome for certification bodies to cope with, fear and criticisms of this nature remain<sup>177</sup>. An interviewee not involved in the GSTC argued that the accreditation system as currently envisioned is very burdensome, and that very few, if any, regional or national schemes would be able to afford the accreditation. Indeed, as it stands now none of the VISIT member programs is willing to invest the required amounts of resources in the pursuit of accreditation. What is more, in a case study of four state-level tourism certification programs in the United States, Poser (2009, pp. 63-64) found that none of these, and presumably none of the US state-level schemes, currently meet the minimum requirements for accreditation. For any of the US certification initiatives, qualifying for accreditation would thus necessitate significant changes to their procedural practices as well as to the substantive criteria used for certification<sup>178</sup> (Poser 2009, p. 70).

However, largely due to the efforts of the past decade, there also are more positive signs. One interviewee confirmed that the schemes active in the Sustainable Tourism Certification Network of the Americas are already preparing for accreditation, while another indicated that new initiatives currently developing their programs are taking the time to make sure that their programs are in alignment with the Global Sustainable Tourism Criteria. What is more, although voicing a number of concerns<sup>179</sup>, the African certification bodies active in the Sustainable Tourism Network Southern Africa have expressed support for the setting up of an accreditation system, and have found in a self-assessment comparing their certification schemes with the GSTC draft Accreditation Manual that they have a promising collective average compliance rate of more than 80 percent (Finlay 2010; STNSA 2010, p. 11).

In light of these conflicting signals, the future success of the GSTC's accreditation system is thus still uncertain. As one interviewee indicated, the final outcome will largely be dependent on how certification programs frame the chicken-or-egg causality dilemma they face. On the one hand they need a large enough portfolio of certified businesses in order to be able to afford accreditation, on the other hand the international market recognition that accreditation can provide may be essential in building up a client base of this size. Arguing for the latter, the interviewee in question indicated to expect that, while uptake may be slow in the GSTC's initial years as programs prepare for accreditation, uptake will become increasingly widespread within a decade or so. Whatever happens, what the demanding nature of the accreditation requirements does make clear is that the GSTC does not merely set out to allow third parties to distinguish between 'good' and 'bad' certification programs; even the frontrunners are being pushed to their limits. Thus, if accreditation *does* eventually become the norm for sustainable tourism certification bodies, this would entail a significant raising of the bar for these programs and the tourism operators they certify.

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<sup>177</sup> For arguments against the introduction of an accreditation system and global criteria, see the blog of Harold Goodwin, the most vocal opponent of the GSTC and its predecessors, at <http://haroldgoodwin.blogware.com/blog>.

<sup>178</sup> Most would have to both expand the scope of their standard as well as increase their minimum requirements (Poser 2009, p. 70).

<sup>179</sup> The most important concerns voiced relate to the governance of the GSTC in general, the representation of African stakeholders more specifically, the height of accreditation fees, and the potential for competition between the GSTC and national certification initiatives (STNSA 2010, pp. 7-8).

#### **6.4 Explaining the Speed of Progress**

A decade has passed since the group of tourism stakeholders who had gathered at the Mohonk meeting unanimously endorsed the Rainforest Alliance's proposal to study the feasibility of establishing an accreditation program for sustainable tourism certification bodies. As has been discussed, the resulting Feasibility Study concluded that the establishment of such an accreditation body was both feasible and desirable, and outlined in detail a process of organizational development that would result in an accreditation system being fully operational as early as 2006. However, a number of years past this initial target year the system is still not operational, and it is only due to the fact that lately the pace of progress has accelerated significantly that the latest planning is now aiming for a launch by mid-2011. This section aims to shed some light on why progress has been this much slower than anticipated, and what has caused the process to speed up considerably in the past year or so.

The main explanation for the slow speed with which the efforts to establish a Stewardship Council have unfolded in the past decade is the fact that the market simply was not yet ready for an accreditation system in the early 2000s. Although all the regulatory actors present at the Mohonk meeting were very excited about progress being made there and eager to continue to move the initiated process of convergence forward, the consumer demand and business interest that would ultimately have to drive the need for an accreditation body simply were not sufficiently present. Many struggling certification bodies feared that accreditation would be too much of a burden (financially and/or operationally) and were skeptical of the benefits to their organization.

##### *The Quest for Support and Participation*

In recognition of the fact that there was little pre-existing demand for accreditation, and that such demand would thus need to be built in order for the set up of an accreditation system to be a success, the implementation of the STSC was deliberately organized as a very gradual, bottom-up, and inclusive process. Influence over and ownership of the process, was the reasoning, would breed the necessary stakeholder support for its outcomes. It was thus early on in the process of preparing for the establishment of the STSC that the achievement of sufficient private sector participation and public sector support were identified as key ingredients to the success of the initiative.

However, the realization of sufficient participation proved to be challenging, and despite good intentions and sincere efforts progress in this regard remained piecemeal and slow in the initial years. Ironically, it was precisely the reality that made the inclusiveness of the process so crucial to its success - the limited pre-existing interest in and support for accreditation - that made the needed participation so difficult to realize. In one way or another, the majority of the STSC initiative's efforts throughout the decade have revolved around the movement's quest for public and private sector support and participation. While both were ultimately achieved, this was a long process that took more time than initially expected. Although the ultimate achievement of the desired levels of public and private sector involvement may very well be the process' main accomplishment so far, the time it took to pursue them can thus also be considered to have been the main reason for the slow rate of progress throughout the years.

As indicated in the previous section, the various consultation, support building, and promotion activities that were organized as part of the STSC initiative's bottom-up strategy of organizational development have been very instrumental in creating the momentum that was required for the process to finally take off under the auspices of the GSTC. In light of this apparent agency of the STSC initiative, it could thus be argued that, had the STSC initiative been (even) more proactive in implementing its stakeholder engagement and outreach strategy, the development of the global council could have been accelerated. Although true to

some extent, there also is a strong feeling among those who were involved in these early efforts that the process simply needed to take the time that it did in order for the practice of sustainable tourism certification to mature and the need for convergence to become more apparent throughout the sector<sup>180</sup>.

Indeed, over the course of the decade, a general (non tourism-specific) heightening of awareness of and sensitivity to sustainability concerns among consumers raised demand for sustainable tourism products and services. With increasing interest from tourists as well as mainstream intermediaries (e.g. (online) travel agencies), pressure on tourism businesses to credibly demonstrate their sustainability credentials grew stronger. Simultaneously, certification initiatives increasingly came to understand that they would not be able to flourish in isolation and started to appreciate the need for cooperation and convergence more and more. Thus, although the fact that many certification bodies have now matured to the point that they feel the need to become part of something global cannot be seen in isolation from all of the preparatory work that has been undertaken by the STSC initiative, the growth and maturation of the sustainable tourism certification movement that ultimately created more fertile ground for the establishment of an accreditation body was to some extent also an autonomous process, which moved as fast as the market allowed it to.

A main advantage that the Partnership for the Global Sustainable Tourism Criteria had over the STSC initiative was then also its timing. Reflecting the changing market circumstances and progressing insights, the majority of internationally relevant players in the tourism industry were convinced of the need for a common global understanding of sustainable tourism by the time the Partnership for Global Sustainable Tourism Criteria entered the scene in early 2007. Not only was the majority of the industry now ready (or even eager) to seriously consider the Criteria that the Partnership had set out to develop, they were also willing to actively participate in the development process. More than any other initiative before it the GSTC Partnership was able to really involve businesses from all sectors in the tourism industry, ranging from accommodation owners and tour operators to (online) travel agents, the cruise industry, and airlines. The inclusiveness of their development process resulted in overwhelming support for the finalized set of Criteria<sup>181</sup>, and is still considered to have been absolutely crucial to the success of the GSTC Partnership.

When the GSTC Partnership and the STSC initiative merged, the newly established Global Sustainable Tourism Council was able to retain the participation of most of the stakeholders that were involved in its predecessors. By joining forces with the GSTC Partnership, the STSC initiative thus managed to realize an influx of private sector participation into its efforts to set up a global accreditation system. This was an important breakthrough, as the STSC initiative itself still had not been able to realize as much industry involvement as it would have liked. Also after the merger participation in the GSTC continues to diversify, with one interviewee pointing out that the GSTC is now “seeing a lot of enthusiasm from sectors from which [it] did not see this before”.

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<sup>180</sup> Two characteristic quotes from two different interviewees :

“The way [the process] has evolved is the way the industry has allowed it to evolve”.

“From an outside perspective it might seem that the whole process took too long, but I honestly think that this process [...] the slow pace, moving at the pace of the market [...] was necessary”.

<sup>181</sup> Among those participating in the GSTC Partnership’s consultation process the approval rate was no less than 91% for any one criterion, and more than 90% was confident that the Criteria as a whole “addressed all aspects of tourism that are required for a business to be sustainable and were globally relevant and appropriate” (Sanabria et al. 2009). A similar 91% of industry consulted indicated they would adopt the criteria (Frankel 2008a).

Similarly to its experiences with the private sector, it also took the STSC movement quite a while to get the public sector on board. In recognition of the fact that governments tend to be actively involved in the tourism industry, positioning their countries as destinations in international markets and operating or supporting many of the sustainable tourism certification programs out there<sup>182</sup>, such active public sector involvement and support was again identified early on as crucial to the movement's success. In light of the desire to realize active government involvement, the STSC initiative actively tried to engage the relevant UN bodies and enlist their support since the very beginning. For not only do UN agencies have firmly established relationships with key players (with UNEP mobilizing environment ministries and UNWTO bringing tourism ministries to the table), their involvement does also more generally bestow a certain aura of legitimacy and neutrality upon a process in the eyes of certain (primarily public sector) stakeholders. However, the formal support of and endorsement by UN agencies turned out to be difficult to realize, and the first couple of years very little progress was made in this regard.

After a number of years of futile efforts, the STSC initiative eventually managed to get its foot in the door through its involvement in the International Task Force on Sustainable Tourism Development, which provided a platform for engagement with governments and UN agencies. Through this direct engagement, and with the help of several committed champions who stood up within these organizations, the STSC movement eventually succeeded (as did the GSTC Partnership) in realizing the active involvement of UNEP and the UNWTO, with the registration of the STSC initiative as a UN Type II Partnership in March 2009 being an important milestone.

Not only has this UN support enabled the movement to engage more productively with both national and local governments and tourism boards, who now make up a respectable portion of the GSTC's membership, it has more recently also been essential to the success of the movement in an operational sense. Although the GSTC is an independent nonprofit organization, its Secretariat is currently housed within the United Nations Foundation, which provides both in-kind support (such as office space and other infrastructure) as well as a sizable portion of the GSTC's operational budget. Although the GSTC is envisioned to eventually become financially independent, the UNF's support currently is absolutely essential. The UN bodies are thus key players, and have been very instrumental in speeding up the movement's progress since their active involvement was secured.

Thus, although originally dominated by NGOs and certification bodies, the metagovernance of sustainable tourism certification has become increasingly inclusive over the years. Due to the enormous size and scope of the tourism industry participation will never become truly all-inclusive, and "continually bringing in more and more of the industry and making them part of the membership and decision making structures is", in the words of one interviewee, "going to be critical to future progress". Still, the GSTC now has a sufficiently well-rounded base of participation and buy-in for the process to move forward. Although operating an inclusive and transparent process will continue to take time, the days in which the struggle for achieving buy-in and participation slowed down the process are now over.

### *Reasons for Optimism*

With the achievement of sufficient private sector participation and the realization of formal support and endorsement by UN agencies (and, by extension, governments), the main challenge to the successful implementation of a global umbrella organization has now been overcome. What is more, with the establishment of the Global Sustainable Tourism Council

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<sup>182</sup> In fact, about half of sustainable tourism certification programs are either led by government agencies or do otherwise receive government support (UNWTO 2003, p. 1; Font 2003, p. 12).

the movement has also made progress with regards to neutralizing certain other barriers that played a role in hindering the progress of the STSC initiative.

For instance, considerable progress has been made in terms of operational capacity and financial viability. Although both the 2003 Feasibility Study and the 2007 Business Plan contained detailed projections regarding the STSC's financial needs and potential sources of income during the different phases in its development, the movement for the establishment of the STSC never actually raised the required resources. While obtaining the necessary funding will certainly remain a continuing challenge and the GSTC still does not have the financial capacity to hire the number of staff it would need to do everything it would like to do<sup>183</sup>, the GSTC has greater fundraising potential than the movement to establish the STSC ever had. Not only does the Council in this regard have an important ally in the United Nations Foundation, whose support has allowed the GSTC to operate a small Secretariat, the private sector is also starting to come forward. So far the GSTC has succeeded in obtaining the funding it needed to hire outside help with specific projects, such as the development of the Accreditation Manual, the development of the website, and the positioning of the GSTC brand.

Furthermore, what has been particularly essential for the financial viability of the GSTC is the willingness of its members to invest their staff time and other in-kind resources in the process. Although the STSC movement was similarly reliant on in-kind support from committed organizations, such in-kind support was never really viewed as a substantial factor in even the latest of the STSC's financial plans. In comparison with the financial projections, this willingness of individuals and organizations who share the GSTC's vision to volunteer their time has thus been an essential cost saver. In addition to being cost efficient the GSTC's organizational model, in which a number of working groups consisting of volunteering members do most of the work with the support and coordination of a small Secretariat, is appreciated for other reasons. It allows a wide range of experts to get involved in the process and contribute within the realm of their own expertise, thus ensuring that a diversity of views and backgrounds is represented in the different work programs. What is more, by truly involving the members in the work being done this set up generates a sense of ownership of the process that is hoped to boost member commitment to its outputs<sup>184</sup>. While such a working group based implementation mechanism may delay progress somewhat, as collective processes of deliberation simply take more time than Secretariat decision making, all interviewees involved are very excited about the current set up and feel that the benefits are well worth the wait.

Another aspect of the GSTC that is considered an improvement over the course in which the STSC initiative appeared to be heading is the fact that, although it continues to play an important role in the Council's work, the soon to be established accreditation program is not the centerpiece around which all other work streams revolve<sup>185</sup>. Reflecting the recognition that (the accreditation of) certification is just one of an array of tools that can be utilized to accelerate the movement of the tourism industry towards more sustainable practices, this broader focus of the GSTC<sup>186</sup> is thought of as key to its future success. In this light, several interviewees voiced concerns that a lack of understanding among certain stakeholders of the GSTC's broader mandate, resulting in a narrow perception of the Council as just an

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<sup>183</sup> Although the recent addition of two new staff members undoubtedly helps tremendously in this regard.

<sup>184</sup> Which was indeed an important reason for attaching so much importance to the inclusiveness of the process in the first place.

<sup>185</sup> Although the original plans for the STSC did not envision this stewardship council to be *just* an accreditation program either, this aspect was a lot more dominant than it is now for the GSTC.

<sup>186</sup> Broader, also, than simply the scope of the STSC and the GSTC Partnership combined.

accreditation body, will hinder its ability to influence these players. It is hoped, however, that with a little outreach and the passage of time this barrier too will dissipate.

Note that, although an inclusive process does by no means guarantee an effective process, the additional strengths discussed here are all at least to some extent facilitated by the inclusive nature of the GSTC. New supporters have brought in new sources of finance; the working groups are presumably more effective because of the diversity of backgrounds and perspectives they can draw upon; and the diversity of its membership has made it easier for the GSTC to broaden its focus, as it would have been very difficult for the Council to move beyond the certification realm if it were merely an umbrella organization for certification bodies.

### *Conclusion*

As one interviewee summed up recent developments in the realm of the metagovernance of sustainable tourism certification, it was thus a convergence of several separate though interrelated forces, rather than a single event or process innovation, that created the current momentum. The market for sustainable tourism is considerably more ready now to embrace an accreditation system than it was a couple of years ago; after years of proactive stakeholder engagement the movement finally has the buy-in and support of a wide range of key stakeholders; the two global metagovernance initiatives active in the sector have merged to integrate their efforts and form a united front; and the resulting umbrella organization has developed a comprehensive strategy and found an effective and cost-efficient way of working. Not only did this convergence of forces cause the pace at which the process progressed to accelerate, those involved are now also very optimistic about future prospects. Indeed, the sustainable tourism standards field is now more cohesive than ever, and prospects for the introduction of an accreditation system have never looked better.

## **6.5 Metagovernance Objectives**

With the GSTC Partnership and the STSC movement joining forces and the GSTC rolling out a variety of mutually reinforcing yet distinct programs of work, global metagovernance efforts in the realm of sustainable tourism certification have become increasingly comprehensive in recent years. It should thus not come as a surprise that the GSTC is engaged in the pursuit of all three metagovernance objectives.

Considering the complete lack of agreement on what constitutes sustainable tourism up until the early 2000s, it was clear from the very beginning that initiating and accelerating a convergence of understandings, goals, and priorities was going to be a key priority for those rolling out the first metagovernance efforts in the sector. Indeed, coming to a common understanding of the ‘sustainable tourism’ and ‘ecotourism’ concepts was the primary purpose of what can be considered the first major act of metagovernance in tourism, the development of the Mohonk Agreement. After this first milestone, the pursuit of this first metagovernance objective was taken up primarily by the Partnership for Global Sustainable Tourism Criteria. In fact, when this GSTC Partnership was set up, those involved in making the STSC a reality made a conscious decision to leave this key aspect of their sizable metagovernance task, while essential to their efforts to set up an accreditation program, up to the new Partnership.

The finalized Global Sustainable Tourism Criteria are shaping the goals and priorities of numerous organizations active in the realm of sustainable tourism, among which many standards setting and certification initiatives. They do not only encourage standards initiatives to raise the bar and increase the stringency of their standards, but also ensure that the scope of their standards is sufficiently comprehensive. Most notably, the Criteria have inspired many standards organizations who initially focused exclusively on the environmental dimension of

sustainability to also consider tourism's socio-economic and cultural impacts. Considering their widespread uptake the criteria are not only increasing the public interest orientation of individual schemes, but are truly driving a convergence of standards across the regulatory system. What is more, not only will the accreditation program, once established, cause some of the schemes out there to raise the stringency of their standards (increasing their impact per certified operator), it will also serve to increase the market share of the better programs vis-à-vis their less stringent competitors (increasing the impact of the entire complex of certification bodies per given number of certified operators).

Furthermore, although it has been less of a priority than the other two metagovernance objectives, the GSTC does certainly also recognize the importance of ensuring the democratic legitimacy of sustainable tourism standards initiatives. However, rather than developing its own criteria and procedures to put this commitment to credible standards processes into practice, the GSTC's strategy is to simply draw on ISEAL's work in the area. The Council plans to become a member of the ISEAL Alliance, and the Global Sustainable Tourism Criteria have been developed (and will be revised) in accordance with the ISEAL Code of Good Practice for Setting Social and Environmental Standards. To some degree, standards organizations building their systems around a locally applicable adaptation of the Global Sustainable Tourism Criteria do thus tap into the legitimacy of these Criteria. What is more, although the Draft Accreditation Manual from June 2010 (TSC 2010) does not yet cover the process by which certification schemes wishing to become accredited are to develop and revise their standards<sup>187</sup>, an interviewee indicated that the idea is to make compliance with ISEAL's Standards Setting Code a requirement for accreditation.

Finally, a lot of the GSTC's efforts are in one way or another aimed at fulfilling the third metagovernance objective. For instance, both the Council's work on developing mechanisms for increasing the market demand for sustainable tourism products and services as well as the development of tools and training materials to facilitate the implementation of more sustainable practices are to increase the effectiveness with which certification programs can drive the implementation of sustainability improvements in the sector forward. Moreover, the accreditation program's structural and procedural requirements for certification bodies are a prime example of the technical harmonization often at the core of efforts to pursue the third metagovernance objective. What is more, as this reduces duplication of efforts and realizes economies of scale, the GSTC also increases the efficiency of the overall regulatory system by organizing the shared implementation of functions that individual certification bodies would otherwise have to implement by themselves, such as training and development and marketing.

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<sup>187</sup> This June 2010 Draft Accreditation Manual does for instance not contain provisions regarding minimum levels of transparency and local stakeholder input an accredited standards body is to comply with. It merely outlines the baseline criteria with which the final standard is to be in accordance.

## 7. Conclusions and Discussion

As established in section 1.7, this thesis aims to advance an understanding with regards to three interrelated research questions:

1. How do metagovernance initiatives in the private standards field give shape to their metagovernance aspirations, and which metagovernance objectives do they attempt to fulfill?
2. How effective have metagovernance initiatives in the private standards field been?
3. What factors influence the effectiveness with which metagovernance initiatives in the private standards field are able to effect change?

The case studies making up the bulk of this thesis have already addressed these questions, each in relation to a specific metagovernance process. Based on a synthesis and comparison of the experiences of these different initiatives, the remainder of this thesis will discuss some more general lessons and insights pertaining to the above research questions.

### 7.1 The Character of Metagovernance in Private Standards Setting

Covering their set up and institutional structure, their overall strategy, and the specific kinds of activities they pursue, the case studies have painted a detailed picture of how a number of metagovernance initiatives have given shape to their metagovernance aspirations. They reveal that the practice of metagovernance in private standards setting has a lot of different faces. It can take the form of an internally oriented collaboration between a limited number of like-minded peers, a very inclusive process aiming to bring together and influence as large as possible a subset of standards initiatives and other stakeholders in a particular industry, or a collaboration between frontrunners from a variety of different fields. Given the many differences observed between the studied initiatives, it would be foolish to presume that the case studies paint a comprehensive picture of the full spectrum of different ways in which metagovernance can be pursued and implemented. They do, however, give an idea of the diversity of metagovernance efforts out there, and hopefully provide a useful complement to the generally rather abstract literature on metagovernance by fostering a more concrete and tangible understanding of the practice of metagovernance in private standards setting.

#### *The Permanency of Metagovernance Initiatives*

Before going into a discussion of how the studied metagovernance initiatives relate to the different metagovernance objectives it should be pointed out that, although standards initiatives themselves are generally set up for an indefinite period of time, this is not necessarily the case with regards to their metagovernance initiatives. While some metagovernance efforts are designed as to become permanent organizations working with a completely open-ended timeframe, others are set up to achieve certain changes and then be dismantled, possibly even with a predetermined timeframe in mind.

Completely dependent on donor funding, which had been allotted for three years, the Joint Initiative was indeed set up for a predefined period. Even when it became clear that these three years would not be enough to achieve its main objectives, extending the project turned out not to be an option<sup>188</sup>. Within the ITF, the option of establishing a new international oversight body was discussed, yet it was agreed fairly early on that adding an

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<sup>188</sup> Though, as discussed, JO-IN's members did set up the JO-IN Forum to allow them to continue the collaboration more informally.

additional layer to the regulatory system was not the way forward. ITF members preferred to build upon the work of existing systems, programs, and organizations, and although the Task Force was not established with a specific timeframe in mind it was clear from the beginning that it would at some point be dismantled. Although the work of the ITF is now being continued by GOMA, and interviewees do not rule out the possibility that the three-year GOMA project will be extended or followed up by yet another project, metagovernance in organic certification will thus not result in the establishment of new permanent structures. ISEAL, on the other hand, was established as an independent organization after an only relatively short period of more informal collaboration, and continues to grow and expand. Lastly, in tourism the STSC was envisioned from the start to become a permanent institution much like other stewardship councils, and the GSTC has now indeed been set up as such. Interestingly, the GSTC Partnership was initially not intended to become an institution in itself, or even a permanent effort for that matter. Only when those involved saw the amount of support they got and realized how much momentum they were generating did they decide the Partnership should remain active after finalizing the Criteria, which it did until it merged with the STSC movement to become the GSTC.

Several considerations appear to play a role in the decision whether or not to establish new permanent structures in the pursuit of metagovernance. First of all, there naturally are financial considerations to take into account; an additional regulatory layer simply entails additional costs. Moreover, there also is the question of whether permanence is actually required. Although allowing sufficient time for an initiative to roll out its work program is always important, continuing to implement the same kind of metagovernance activities indefinitely is often not necessary. With regards to the GOMA project, for instance, there is a feeling among those involved that once regional processes of convergence and harmonization have taken off, and the institutional support and know-how required for their continuation is sufficiently present at the local level, GOMA will be able to withdraw without negative ramifications. A third factor influencing the possibilities for successfully establishing permanent metagovernance structures is of a more political nature. As metagovernance efforts in the realm of private standards setting have so far not been authoritative top-down processes, but have all included at least a subset of the standards initiatives being metagoverned<sup>189</sup>, metagovernance will not result in the establishment of new permanent structures if the standards initiatives being metagoverned do not support this. Consequently, the question of how likely such newly to be set up structures are to compete with or otherwise undermine already established institutions is an essential one. So does the GSTC, as did those working to create the STSC before it, continuously need to mitigate concerns expressed by standards initiatives<sup>190</sup> that this new overarching structure may compete with and eventually take over, rather than support and reinforce, some of their own work programs.

## **7.2 The Metagovernance Objectives Revisited**

As expected, the case studies clearly confirm that the metagovernance objectives identified in section 1.5 are not mutually exclusive; they are often pursued simultaneously, or even with the distinct purpose of reinforcing each other. Nevertheless, the fact that the metagovernance objectives are not discrete mutually exclusive categories with clearly defined boundaries does not render an examination of the intensity with which metagovernors pursue the different

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<sup>189</sup> Although all are to a more or lesser extent also hoping to influence the relevant standards initiatives that do not participate in the process.

<sup>190</sup> For instance, such concerns were expressed at a workshop covering the Council's plans by the Sustainable Tourism Network Southern Africa (STNSA 2010, p. 8).

objectives futile. Looking at the work of the studied initiatives through the lens of these metagovernance objectives reveals some interesting observations regarding their priorities.

#### *Achieving Implementation of Standards*

Overall, it is the third metagovernance objective – enhancing the efficiency and effectiveness with which standards initiatives can bring about the implementation of their standards in targeted supply chains - that has been pursued the most by the studied initiatives. It was the almost exclusive focus of the ITF and JO-IN, and did also receive considerable attention from ISEAL (which sees the scaling up of impacts by increasing uptake as its core mission) and the metagovernance efforts in tourism. In fact, even when the other two metagovernance objectives are being pursued this is often at least partly because it is hoped that successes in those realms will spill over to increase the effectiveness with which the standards initiatives being metagoverned can achieve conformity with their standards.

Perhaps this emphasis on the third metagovernance objective is not surprising considering the voluntary nature of metagovernance efforts in private standards setting. The studied metagovernance initiatives are either set up by the standards initiatives in need of metagovernance, or are heavily reliant on the participation and/or uptake of outputs by these schemes. Consequently, it is only natural for these initiatives to predominantly focus their efforts on those metagovernance opportunities that have the most obvious and immediate benefits for the standards initiatives being metagoverned. As increases in the capacity of standards initiatives to bring about compliance with their standards (which strengthen an initiative's goal attainment capacity in a very direct manner) are more attractive in this regard than enhanced public interest orientation or democratic legitimacy, this is where the priorities of metagovernance will often lie.

#### *Converging Goals and Priorities*

The first metagovernance objective of realizing a convergence of goals and priorities, while being largely disregarded by ISEAL on account of the diversity of its membership, has been pursued to at least some extent by all of the studied sector-specific initiatives. Most progress in this regard has clearly been made in the tourism case, where the Global Sustainable Tourism Criteria have contributed significantly to a convergence of understandings on the characteristics of sustainable tourism. The Joint Initiative did succeed in combining the codes of its members into a single draft code for the purposes of the Turkey Project, yet its members have since not been able to finalize it. While this common code was originally conceived to eventually replace the codes of conduct of JO-IN's members, it has only scantily influenced member codes so far. Lastly, although the ITF would certainly applaud a convergence of regulatory objectives and its work may even facilitate it in the future, harmonization at the objectives level was not really a main aim of the Task Force. It did engage in the pursuit of the first metagovernance objective to some degree, but primarily as a means to an end (trade facilitation). Consequently, when the Task Force turned out to be unable to agree on a single reference code it simply redirected the focus of its work on common regulatory objectives to explicitly defining the degree to which different systems' organic objectives are already the same<sup>191</sup>, and eventually did little to actually push forward a convergence in regulatory objectives.

To some extent, the importance attached to the first metagovernance objective may be inversely related to the pre-existing level of cohesion in the field. The more similar the goals and priorities of the standards initiatives being metagoverned are to begin with, the less likely the pursuit of further convergence is to be perceived as a priority by those doing the

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<sup>191</sup> As to facilitate equivalence determinations.

metagoverning<sup>192</sup>. Indeed, in the cases of workplace codes of conduct and organic standards differences mainly concerned details relating to the interpretation and implementation of standards rather than the substance of the goals being pursued, while the tourism field still had to overcome substantial disagreements on the goals a sustainable tourism certification program at the very least has to pursue. What is interesting though is that in a way it seemed easier for the GSTC Partnership to get everyone ‘sort of on the same page’ than it turned out to be for JO-IN and the ITF, who did also pursue further convergence, to bridge those final gaps.

### *Enhancing Legitimacy*

As discussed in detail previously, the pursuit of the second metagovernance objective can take two basic forms. The metagovernor either transfers the inherent democratic legitimacy of the state to the private standards initiatives being metagoverned, or manipulates the composition, structure, and standards setting procedures of these schemes as to increase their normative procedural legitimacy<sup>193</sup>. As none of the studied metagovernance initiatives were purely public efforts, the case studies only showed instances of the second of these mechanisms<sup>194</sup>.

Although thus certainly not completely ignored, the second of the metagovernance objectives has so far received the least amount of attention from the sector-specific metagovernance initiatives. Within the context of the Joint Initiative the matter of normative procedural legitimacy simply does not appear to have been an issue at all. In the tourism case, the GSTC does certainly appreciate the importance of the second metagovernance objective. However, rather than developing its own mechanisms for ensuring legitimacy in sustainable tourism standards setting, the Council is planning to endorse and use ISEAL’s work in the area. The ITF, which also recognized the importance of safeguarding the legitimacy of the processes shaping organic guarantee systems and did indeed occasionally emphasize the importance of the issue to members and stakeholders, simply did not consider it a priority. For the time being, it was judged, the sector’s main priority (and the ITF’s mandate) was to overcome the barriers to international trade caused by current levels of regulatory fragmentation. In a few years time, once these barriers to trade are being satisfactorily addressed, one interviewee remarked, metagovernance in the sector may start to address the legitimacy of standards and regulations in a more systematic manner.

Note that the above does not mean that these sector-specific metagovernance initiatives were insufficiently concerned with their *own* legitimacy. With the possible exception of JO-IN, which was in a bit of a different situation than the other initiatives as it was in the first place a member-focused collaboration and did not develop outputs for all standards initiatives in the field to pick up, the studied metagovernance initiatives all took great care to ensure the inclusiveness, transparency, and overall legitimacy of their own processes. However, when it comes to the changes these sector-specific metagovernance initiatives want to effect on the individual standards initiatives they are metagoverning, the

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<sup>192</sup> It should also be noted in this regard that agreement on goals and priorities is, although not necessarily a prerequisite, certainly a facilitator of metagovernance. It are those standards initiatives whose goals and priorities are most in agreement with each other who are most likely to join forces in a metagovernance process. This probably was most obvious in the case of the Joint Initiative, which united a rather select group of frontrunners in the field and did not include the less stringent industry initiatives.

<sup>193</sup> Which, as discussed, entails promoting design features such as broad participation, a rough balance of power among countervailing interests, deliberation, and transparency and accountability in the elaboration and use of standards (Abbott and Snidal 2009, pp. 49-50; Rametsteiner 2002, p. 169).

<sup>194</sup> Although metagovernance efforts in tourism and organic agriculture certainly did see their own legitimacy enhanced because of the participation of UN bodies, the UN involvement in these metagovernance processes did not in and of itself increase the legitimacy of (a subset of) the standards systems being metagoverned.

normative procedural legitimacy of these schemes' standards setting and verification procedures simply is not (yet) considered a priority.

As opposed to these sector-specific initiatives, the ISEAL Alliance has been very active with regards to the second metagovernance objective. In fact, this is probably the area on which ISEAL has made the most progress. Given its lack of sector-specificity and the resultant fact that its work is relevant to the entire range of social and environmental standards initiatives, ISEAL's work on legitimacy in standards setting may in fact increasingly take care of metagovernance's legitimacy dimension for other metagovernors. Already, the GSTC has made a conscious decision to not waste time and resources developing its own criteria to ensure democratic legitimacy, but simply make use of ISEAL's work for this. In as far as compliance with ISEAL's Credibility Tools will increasingly become the norm for standards initiatives, the need for other metagovernance initiatives to work on this second metagovernance objective diminishes. However, as long as ISEAL compliance remains reserved for the *crème de la crème* in standards setting and certification, reliance on the willingness of standards initiatives to voluntarily align themselves with ISEAL's requirements will not be sufficient. For the time being the need remains for sector-specific metagovernance initiatives to pay attention to the issue of legitimacy, either by promoting or requiring ISEAL compliance or by developing analogous procedures themselves.

### **7.3 Impacts of Metagovernance**

#### *Recapping the Case Studies*

The case studies have revealed a rather mixed picture, both regarding the tangible impacts the studied metagovernance initiatives have been able to realize so far and with regards to their potential to (continue to) transform their respective regulatory fields in the future.

Of the initiatives studied, the Joint Initiative on Corporate Accountability and Workers' Rights has probably had the least transformative impact. Achievements on the ground in Turkey were considered disappointing, and very little was accomplished in terms of reaching agreement on the proper design of a code implementation system. Still, the JO-IN project has contributed to some further convergence of the member organizations' workplace standards, and despite not having been finalized yet the Draft JO-IN Code has acquired the status of a legitimate reference point in the field more widely. What is more, at the time of its conclusion in late 2007 the project, which was deemed to have been quite beneficial as a learning experience for the participating standards organizations, was thought to have created considerable momentum for ongoing collaboration. However, further cooperation in the JO-IN Forum has been very minimal so far. The JO-IN Code of Labour Practice still has not been finalized, and although this *was* the intention at the outset of the project it does not look like the JO-IN Code will replace the codes of the individual member initiatives anytime soon.

The International Task Force on Harmonization and Equivalence in Organic Agriculture, although unable to agree on a single international reference standard, managed to develop a widely supported equivalence assessment procedure and come to a consensus on minimum requirements for certification bodies. It was considered quite successful at the conceptual level, and did indeed contribute to somewhat of a paradigm shift in the way governments and private regulators perceive and think about the regulatory fragmentation in the sector. To date, however, the uptake of the ITF's outputs has remained rather modest, and relatively little tangible progress has been achieved in terms of actually reducing the trade-restrictive effects of regulatory multiplicity. How much of a success the ITF shall be judged to have been in the final analysis thus depends crucially on the further uptake of its outputs in

the years to come, as well as on the level of success with which the Global Organic Market Access project manages to continue its more implementation-oriented work.

Focusing on the more procedural dimensions of operating a standards initiative, the International Social and Environmental Accreditation and Labelling Alliance is having quite a significant impact. Although not all of its work programs have been equally successful and ISEAL's impact on mainstream standards organizations remains modest to date, ISEAL has overall been effective both as a service provider and a learning platform. It has enhanced the quality of the programs of its members and a variety of emerging initiatives, and considerably enhanced its members' credibility. The ISEAL Standards Setting Code is becoming *the* international reference on the subject, raising democratic expectations for the entire range of private regulatory standards organizations. Furthermore, as an ambassador for the private regulatory standards movement ISEAL is influencing a number of policy debates of interest to its members, and enhancing the willingness of (inter)governmental bodies to use credible private standards. With its membership, operational capacity, and standing in the field all on the rise, prospects for ISEAL to continue to strengthen the private standards movement and even expand its metagovernance role further are promising.

Although the initial efforts discussed in the tourism case were conceptualized around the same time as the other metagovernance initiatives studied, metagovernance efforts in the tourism industry took a bit longer to pick up steam. The two interrelated yet relatively separate streams of metagovernance activity in the sector have only been united in the Global Sustainable Tourism Council very recently, and the bulk of the envisioned work programs are yet to be fully implemented. Main achievement of global relevance so far has been the development of the Global Sustainable Tourism Criteria, which have rapidly become a widely referenced and adopted benchmark. They are raising the quality of the various initiatives aligning themselves with the Criteria, and driving a global convergence of understandings of sustainable tourism. Whether the accreditation system built around these Global Sustainable Tourism Criteria will prove successful and be able to significantly increase coherence in sustainable tourism certification practices around the globe remains to be seen. Either way, the sustainable tourism standards field is now more cohesive than ever, and prospects for mainstreaming sustainability considerations in the sector have never looked better.

### *Raising the Bar*

Taking stock of the case studies summarized above, a first thing that may be considered striking is the stringency of the standards being developed within the context of these metagovernance processes. When a number of private regulators come together to agree on some kind of common baseline standard, one might fear that the outcome of such 'negotiations' would merely reflect a lowest common denominator. On the contrary, however, although the ITF proved unable to merge the two existing benchmarks in the field and did not succeed in developing a single international reference on organic production standards, the other metagovernance initiatives studied all developed very strict consensus standards. It was for instance agreed in developing the Draft JO-IN Code that, where standards differed across the six member initiatives, the most stringent provisions would be used. The ISEAL Standards Setting Code does also truly represent best practice in the field; all members had to improve their systems to comply, and some of them quite drastically. Similarly, very few sustainable tourism standards used for certification do currently meet the minimum requirements set out in the Global Sustainable Tourism Criteria. Naturally, metagovernors need to be careful not to be overly ambitious when developing their benchmarks, and be aware that reference standards that are too stringent may result in limited buy-in. In the case of the Joint Initiative, for instance, the stringency of the Draft JO-IN Code, while acceptable to the standards initiatives involved in the context of the Turkey Project, may have had its

effect on the willingness of JO-IN's members to actually replace their own standards with the Code. Overall, however, it certainly bodes well for the future of private metagovernance that the common baseline standards being developed are not the disappointingly unambitious 'lowest common denominator' standards that skeptics may have feared.

### *Building Relationships and Trust*

Another red thread running through the various case studies is the importance attached to the relationship and trust building aspect of the studied metagovernance initiatives. By spawning familiarity and mutual trust among their participants, all the studied initiatives resulted to a more or lesser extent in increased bilateral and multilateral dialogue and collaboration (also outside of the framework provided for this by the metagovernance initiatives themselves) between regulatory actors previously not in contact with each other. In each case, these more indirect benefits of the metagovernance initiative were considered very valuable. Apparently, given the levels of multiplicity and fragmentation currently characterizing private standards setting fields, the need for enhanced relationships, trust, and understanding among the various regulatory actors active in the field is so big that these secondary effects of metagovernance initiatives are often considered just as important, if not more important, than the actual official outputs these processes generate.

In addition to being an important outcome of the process in and of itself, the development of enhanced relationships and trust among the actors involved is also a prerequisite for metagovernance processes to move forward successfully. In the fragmented standards setting fields in which metagovernance is generally orchestrated, the regulatory actors coming together tend to have (slightly) different goals and priorities, and go about achieving their missions in different ways. As these organizations are generally also rather attached to and protective of their own standards systems and ways of doing things, and may even see each other as competitors, it is thus no wonder that it usually takes a while for the different initiatives involved in a particular metagovernance process to get on the same page regarding the parameters of their collaboration.

As metagovernance initiatives, given their complex and demanding nature, really do require a certain level of trust, mutual understanding, and willingness to re-evaluate one's own ways of doing things where necessary, tangible progress can generally be expected to be slow until this foundation of mutual trust and understanding is sufficiently present. Indeed, JO-IN, the ITF, and efforts in tourism all took a while to 'warm up', as the organizations involved established their credibility towards one another and settled into a new cooperative mode. In this light, slow progress in a metagovernance initiative's first years does not necessarily need to be taken as cause for concern; these first metagovernance efforts in a sector are often to a large extent about laying the groundwork for future cooperation, and the speed with which metagovernance initiatives progress towards their substantive goals does usually increase once this foundation for collaboration has been established. Consequently, even though initial progress may be slow, it is generally worthwhile to keep such efforts going. The fact that the case study initiatives that were not set up as permanent organizations have spawned follow-up initiatives to continue their work should thus be regarded as a very positive development<sup>195</sup>.

Complementing the above discussion, it should be restated that, given the inherent inertia characterizing even the most vibrant of regulatory fields, the uptake of metagovernance outputs - both by those actively engaged in their development and by others in the field - is often a gradual process. What is more, after metagovernance solutions have been picked up or implemented by their target audiences, it generally also takes a while for the desired effects of

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<sup>195</sup> Although, as discussed, collaboration within the framework of the JO-IN Forum has been very minimal so far.

such uptake to fully manifest themselves. With regards to all of the studied metagovernance initiatives, even those that have already been concluded, it can thus be expected that a substantial part, if not the majority, of their impacts is still to materialize in years to come.

#### **7.4 Determinants of Metagovernance Effectiveness**

In the most general sense, an evaluation of the factors influencing the effectiveness with which metagovernance initiatives - or any regulatory initiative for that matter - effect change on a regulatory system needs to take into account two sets of influences: internal and external ones. Internal influences are those factors that are within the control of the metagovernor, and can thus be changed if needed (e.g. to enhance metagovernance effectiveness), while external influences are contextual factors outside of the control of those pursuing metagovernance, which metagovernors thus need to take as a given and adapt to<sup>196</sup>. Indeed, in attempting to identify facilitators of and barriers to the progress of the selected metagovernance processes, the case studies have evaluated both the way in which these processes were designed and implemented as well as the context in which these metagovernance attempts were taking place. Contemplating the role of internal and external factors in determining a metagovernance process' effectiveness, one might expect that it is the set up of the process that determines the effectiveness with which a metagovernance initiative is able to produce outputs, while it is the context within which this initiative operates that largely determines the amount of influence these outputs will ultimately have on the regulatory system the initiative aims to transform. However, although both these statements are more or less accurate, the picture painted by the case studies is somewhat more complex.

Although the case studies do highlight some factors related to the design and implementation of a metagovernance process that can more or less universally be considered to be strengths or weaknesses, it would seem that there are few of such process design 'rules' that will hold in all circumstances. Rather, the best manner in which to organize a metagovernance process, as well as the challenges and barriers to be faced along the way, appear to be very much dependent on the change sought after and the context within which the process is rolled out. More specifically, the optimal set up of a metagovernance initiative is to a considerable extent predetermined by (1) the nature of the change it is trying to effect in the regulatory system and (2) the basic characteristics of this particular regulatory system, most notably the sector and/or issue area being governed and the actor constellations in the regulatory field.

These actor constellations, in turn, are largely shaped by the nature of the sector and issue area being governed. In the realm of workplace standards in the apparel industry, for instance, standards initiatives target a relatively limited number of large multinationals<sup>197</sup> (with fairly non-location-specific standards), while standards setting in organic agriculture and sustainable tourism targets a larger number of smaller operators (with location-specific standards). Accordingly, there are fewer (larger) schemes targeting labor practices and many more (smaller) schemes certifying organic agriculture and sustainable tourism operations. Although they share these characteristics of many small operators being certified to regionally

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<sup>196</sup> Note that the internal-external distinction made here takes the metagovernance initiative, rather than the regulatory system in which metagovernance is pursued, as the unit of analysis. Accordingly, the label 'external' should in this context not be taken to mean 'external to the regulatory system being metagoverned'. Although such contextual influences certainly may also be external to the regulatory system being metagoverned (the constitutional framework within which (meta)governance is pursued does for instance certainly shape what metagovernors *can* and *cannot* achieve), the external influences on the goal attainment capacity of metagovernance initiatives that are most important (or at least of the most interest here) are in fact the characteristics of the regulatory system being metagoverned.

<sup>197</sup> Who then deal with their larger number of suppliers (factories).

specific standards, there also are significant differences between the private regulation of sustainable tourism and organic agriculture. In organic agriculture, IFOAM has been acting as a force of convergence since fairly early on in the development of the practice of standards setting and certification in the sector, whereas the GSTC has only been established very recently. What is more, whereas sustainability certification in tourism is strictly voluntary<sup>198</sup>, many governments have stepped in to actually regulate the use of the term organic. Creating a situation in which compliance with certain standards becomes a mandatory requirement for access to certain markets, this has completely changed the character of the practice of standards setting and certification in the sector. Lastly, ISEAL naturally also faces very different dynamics than sector-specific metagovernance initiatives, due to the diversity of its membership and the almost exclusively procedural nature of the change it is seeking to produce in these members.

As these contextual differences do not only determine what metagovernance needs are most deserving of attention, but also considerably shape what would be the most effective design of the metagovernance process, a synthesis of the four case studies does not really provide a wealth of clues regarding the optimal design of metagovernance initiatives in general. Overcoming fragmentation-related trade barriers in the organic sector, ameliorating consumer confusion in tourism, and addressing legitimacy concerns in standards setting more generally are simply very different tasks, and do hence each require a different approach to coordination.

Accordingly, rather than attempting to outline *the* optimal design characteristics of metagovernance initiatives in the voluntary standards field, those interested in how to design such metagovernance processes most effectively would do well to focus on gaining a better understanding of the interactions between such process design features and the characteristics of the regulatory field being metagoverned. Nevertheless, there *are* some considerations regarding the design of metagovernance processes that did continuously resurface across the various case studies as important to the successful implementation of metagovernance. Some of these even appear to represent more or less universally applicable ‘design rules’. These success factors can (perhaps because of their universal nature) all be considered to be rather mundane and straightforward, yet *do* to a considerable extent determine the effectiveness of metagovernance. This final section will first cover these more or less universal principles for the effective design and implementation of metagovernance processes. Subsequently, this thesis will be concluded with the discussion of some more context-dependent influences on the effectiveness of metagovernance: the role the public sector should play in the metagovernance of voluntary standards setting, the organization of collaborative metagovernance as a membership- or secretariat-driven process, and the effect of the degree of institutionalization of a standards field on the potential for effective metagovernance.

### *Funding, Timing, and Ambitions*

A first, admittedly rather obvious, precondition for the success of metagovernance initiatives is the availability of timely and sufficient funding. Although the organizations behind these initiatives have in times of need allocated some of their own discretionary spending to these efforts, all metagovernance initiatives studied have relied predominantly, if not exclusively, on donor funding from foundations, governments, and intergovernmental agencies for their operational budgets. Naturally, being at the mercy of such external donors has its disadvantages. For instance, when a project is funded with a one-time grant for a predetermined period of time, an initiative is pegged down to an inflexible timeline, which becomes problematic if this timeline turns out to be too ambitious (as with the Joint

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<sup>198</sup> Although a substantial portion of sustainable tourism certification schemes is being backed by governments, participation in their systems remains voluntary.

Initiative). Alternatively, when funding for the entire duration of the project is not secured from the start, donations often tend to fluctuate quite a lot from one year to the next (Skinner et al. 2004, p. 126). As experienced to a minor extent by the ITF, such uncertainty regarding the future funding situation may force initiatives to operate under artificially short timeframes, discouraging the roll-out of long-term work programs that take a while to produce outputs as well as more generally hampering long-term planning. While thus problematic at times, doing away with such donor reliance is virtually impossible for most metagovernance initiatives. Though some metagovernance organizations have the potential to generate some of their own income, for instance by collecting membership fees (ISEAL) or charging for services such as accreditation (GSTC), none of them are able to set up sustainable funding mechanisms that will result in financial self-sufficiency in the near future. Accepting the necessity of reliance on donor funding, every metagovernance initiative would thus do well to attempt to maintain good relationships with its donors, as well as diversify its funding base as much as possible.

Another desirable process design characteristic that is as important and universal as it is straightforward is that a metagovernance initiative should allow for sufficient time for a gradual process of convergence to unfold. As discussed in the previous section, progress is often quite slow in the initial stages of a metagovernance process. The case studies suggest that, rather than trying to force the pace, metagovernance initiatives would be wise to accept this reality and take it into account in the determination of their ambitions and timelines. The ITF, deliberately set up without a predefined timeline, took considerable care to keep ambitions realistic, allow sufficient time for its participants to settle in a good cooperative mode, and not move forward faster than its participants would be able to keep up with. Though initial progress was slow as a result, those involved ultimately were very pleased with the way the process had unfolded and the recorded achievements. ISEAL's Codes of Good Practice have been criticized for the slowness of their development, yet do – once finalized – quickly become widely accepted benchmarks. What is more, those involved in the efforts to establish the Sustainable Tourism Stewardship Council are still content with the fact that they, once they realized the field was not yet ready, were able to abandon their initially envisioned timelines and slow down the process. The Joint Initiative, on the other hand, found itself 'trapped' in a predetermined timeline because of its funding situation, and was unable to cope with the delays occurring throughout the project. As these recurrent delays were plaguing an already overly ambitious initiative, JO-IN had to cram too many activities in too little time and found that time constraints severely limited what it was able to achieve.

Such a mismatch between the ambitions expressed and the time and funds available for pursuing them can severely frustrate a metagovernance process. While being ambitious is good, even if this means not all ambitions are realized in the end<sup>199</sup>, too much ambition in the initial stages of a process only leads to disappointment and disillusionment later on, and harms overall progress. As one interviewee argued with regards to the Joint Initiative, "being hopelessly overambitious [at the outset] almost doomed the project to failure". This should be a lesson for other metagovernance initiatives. While it is tempting, given the many challenges private standards systems face, for a metagovernance initiative to bite off more than it can chew, it is important to take a very grounded and realistic approach to the task at hand and make sure that an initiative's available time, funds, and ambitions are aligned with each other. This can be a hard balance to strike, as these three variables are always simultaneously influencing and being influenced by each other. For instance, not only does the amount of funds available for an initiative determine the project's maximum duration and what goals could realistically be achieved, but an envisioned initiative's aspirations and proposed timeframe will also influence the amount of funding it will be able to secure. Nevertheless,

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<sup>199</sup> As one interviewee expressed it, "you have got to set optimistic goals just to get somewhere in the middle".

though not always easy, continuously monitoring whether or not these three characteristics of the process are (still) aligned, and making adjustments as necessary, will pay back in the end.

### *The Importance of Individuals and Leadership*

Another factor of which the importance to the overall effectiveness of metagovernance initiatives was emphasized by interviewees in every single case study is the competence and commitment of those managing and participating in the metagovernance process. The expertise of leadership, staff, and participants, their commitment and willingness to invest large amounts of (their own) time in the process, and their ability to collaborate effectively as a team, are all important ingredients to the success of metagovernance. To some extent, such success factors can be deliberately 'designed' into a process. For instance, in designing its processes an initiative can attempt to foster an organizational culture conducive to the progress it is trying to realize, and a well thought out recruitment policy can maximize the chances of hiring competent staff who would be able to function effectively in the initiative's organizational environment. However, although some steering is thus possible, to a considerable extent a metagovernance initiative is also simply dependent on 'luck' in this regard, having to work with whoever come to represent their organizations in the process.

Considering the variety of different backgrounds and institutional priorities brought to the table in virtually every metagovernance process, it requires a certain level of openness and willingness to make concessions for everyone involved to collaborate effectively as a team. Mustering such maturity is not always easy, and personal incompatibilities can easily hamper the development of the sense of trust and solidarity that is essential for effective metagovernance. Since building this trust takes time, too much turnover in leadership, staff, and participation is also problematic, as was experienced by the Joint Initiative<sup>200</sup>. It is thus important to attempt to foster continuity, minimize turnover, and ensure a good introduction to the process for newcomers.

The importance of the role played by individuals is also highlighted by the significance often attached to champions within key organizations. As followed from both the organic agriculture and sustainable tourism case studies with regards to the level of engagement of the involved UN agencies, it often is the dedication and commitment of key individuals within institutions that drives their contributions to metagovernance, rather than institutional commitment per se. Committed individuals are thus not only important because of the contributions they themselves can make to the process, but also because of their ability to mobilize their own organizations to participate in the process.

### *Inclusiveness*

The latter point is important, for - in addition to having an effective group of people engaged in the process - it is generally also vital for metagovernance initiatives to make sure that all the relevant views and interests are represented. This does not only mean that processes should be open to stakeholder input and participation, and allow such input to truly influence the process. It also requires a proactive approach from metagovernance initiatives to ensuring the balanced participation of a good cross-section of all major stakeholder groups. They can for instance actively identify, approach, and mobilize relevant stakeholders, and in certain instances even fund or otherwise support their participation.

Certainly, the degree of importance that should be attached to bringing in as many relevant organizations as possible and operating very inclusive and consultative processes does to some degree depend on the purpose of the metagovernance effort. For instance, the Joint Initiative, whose primary aim was to kickstart collaboration between just six member

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<sup>200</sup> Though the Steering Committee did remain fairly intact throughout the process, the position of International Project Manager was filled by three different people within the first one and a half years of the project.

organizations, was a lot less dependent for its success on widespread stakeholder support and participation than initiatives whose outputs are meant to be taken up by as many standards initiatives (and other stakeholders) in a certain realm as possible. Nevertheless, as metagovernance is generally orchestrated to transform an entire regulatory field, stakeholder participation and inclusiveness can be considered essential to metagovernance success in the great majority of cases. Indeed, ISEAL, the ITF, and metagovernors in tourism have all invested enormous amounts of effort in securing the input of as inclusive a group of stakeholders as possible, and do all consider these efforts to have been essential to their success. In fact, although it was not emphasized as a crucial component of the process as it was in the other case studies, even JO-IN set up a Local Working Group and an International Advisory Panel to provide opportunity for stakeholder involvement.

However, although including as comprehensive a group of stakeholders as possible enhances a metagovernance attempt's democratic legitimacy, improves the quality of its outcomes, and increases support for and uptake of these outputs in the field, such a diversity of perspectives and interests does generally also make for more complex processes. The importance of developing familiarity and trust among those participating in a metagovernance initiative for the effective operation of such processes has already been discussed and will not be repeated here. What does need to be added though, is that such mutual trust and understanding is not only important in terms of allowing metagovernance initiatives to effectively develop metagovernance strategies and outputs, but is also essential for the subsequent uptake and implementation of these outputs. In this regard it is important to realize that the achievement of mutual trust and understanding among those participating in a metagovernance process, though a virtual prerequisite, does not by itself guarantee the uptake and implementation of a process' outputs by the participating organizations and their constituencies. For, despite their success in building trust among the organizational representatives directly participating in their processes, all case study initiatives had trouble transferring these attitudinal changes to other units, branches, and levels within these organizations, as well as to their wider constituencies. As the support of these wider audiences is essential for the successful implementation of metagovernance interventions, as well as for further collaboration between organizations involved in the metagovernance effort, metagovernance initiatives would do well to attempt to design their processes in a manner that will allow them to extend their influence beyond the organizational representatives most actively involved in the process.

#### *Public Sector Involvement*

While the involvement of the entire range of affected stakeholders is thus almost always important, separate consideration should be given to the degree of involvement sought from the public sector. Though they may simply participate in metagovernance processes in a stakeholder capacity, providing just one of many perspectives, the fact that the public sector is the 'natural' source of governance activity does generally bestow some additional significance upon their involvement.

This is especially the case because of the fact that the practice of private standards setting and certification does never take place in a regulatory vacuum. Although the exact nature of these interdependencies may differ per sector and issue area, private standards setting fields do virtually always have linkages with (the regulatory efforts of) governments and intergovernmental agencies. For instance, the workplace standards propagated by private initiatives in the apparel industry are all directly based on relevant ILO conventions. Accordingly, a large part of what these private schemes do is actually simply verifying compliance with government regulations. In the realm of organic agriculture, many governments have stepped in to regulate the use of the term organic within their borders.

Consequently, it has become an important function of private standards initiatives in the sector to facilitate the assessment of compliance with specific national regulations. In tourism, about half of the certification schemes in operation are backed by governments, although they remain voluntary. In all of these sectors, actors from the public domain do thus have considerable influence on the effectiveness of private standards setting and certification efforts.

Accordingly, it is virtually always a good idea to, where possible, somehow involve (inter)governmental actors in the metagovernance of private standards setting. Given their central position in the realm of global governance, UN agencies are the most likely public sector candidate to successfully take up such a metagovernance role. Their global reach matches the transnational character of private standards setting, and they could act as a gateway to more government involvement. Indeed, the case study initiatives featuring the involvement of UN agencies (the ITF and efforts in tourism) did not only find their direct contributions to be invaluable, but also found that their support allowed them to engage with governments much more effectively. In both cases, active UN involvement was deemed an essential ingredient to the recorded progress.

However, the case study initiatives not featuring active public sector involvement do not unambiguously frame this as a shortcoming. ISEAL continuously engages with governments to promote the governmental use of private standards, and has developed close relationships with certain multilateral institutions and governmental agencies. However, it perceives them primarily as a valuable source of input and an important target audience, and has never attempted to actually include public actors in its internal governance processes. Engagement with governments remains predominantly project-based, and is not really part of a deliberate strategy to gradually increase their involvement in the metagovernance process. The Joint Initiative repeatedly engaged with the Turkish authorities to invite their more active participation, but never got more than a lukewarm response. It certainly would have appreciated more proactive involvement in the Turkey Project from the ILO and the Turkish government, as this would have been very beneficial in terms of effecting change on the ground. Overall, however, interviewees do not see a significant role for (inter)governmental agencies with regards to the further convergence of the JO-IN members, both because of a perceived lack of capacity in intergovernmental organizations to really initiate or facilitate such further convergence and because of a more fundamental belief that such attempts at convergence will only work if they truly come from the standards initiatives themselves.

These points raise a more general question: should public actors, when they perceive a metagovernance need in the realm of private standards setting, (1) leave this to be sorted out by the private sector itself, (2) facilitate, participate in, or co-manage such a metagovernance process, or (3) use their public policy making powers to initiate or 'take over' a metagovernance process and give it a more obligatory character? As reflected in the above comments regarding the Joint Initiative, at this point in time the most sensible answer would appear to be the second.

As especially the case studies on organic agriculture and tourism showed, public sector involvement in metagovernance can be very beneficial. Indeed, given the special resources, formal authority, and democratic legitimacy they possess, public sector actors are particularly well-positioned to exercise metagovernance, even when it concerns the metagovernance of an in principle private regulatory system. Nevertheless, it should be borne in mind that, while a valuable addition, public sector involvement cannot substitute for the input and ownership by directly affected private organizations. It generally are the private standards initiatives and the organizations behind them that have the best insight into what metagovernance interventions are most needed, as well as how they can best be given shape as to maximize their uptake and overall effectiveness. What is more, ownership of a

metagovernance process by the private standards initiatives concerned can also by itself breed support for its outputs. Thus, although the non-committal character of private and even public-private metagovernance efforts certainly imposes certain limitations on what can be achieved, metagovernance of private standards setting will not work if not at least a substantial subset of the private actors involved actually perceives the need for and supports such efforts.

What is more, even if one would prefer the metagovernance of private standards setting to be a top-down affair completely orchestrated by the public sector, the feasibility of such an approach would be questionable. Considering that the private standards setting systems now in need of metagovernance have often been set up as the private response to public regulatory failure, it is doubtful that (inter)governmental actors would now be able to carry the metagovernance of these regulatory systems by themselves. Some of the same barriers that hampered the substantive public regulation of global supply-chain issues to begin with<sup>201</sup> do now also hinder the proactive and successful implementation of metagovernance interventions by governments and intergovernmental bodies.

Nevertheless, although it is thus not desirable, nor always feasible, for (inter)governmental actors to completely take over the metagovernance of private standards setting, their active involvement is definitely a plus. In many instances it could in fact be quite beneficial for governments and UN agencies to step up their engagement in metagovernance, as long as they ensure that the involved private actors continue to ‘own’ the process and are not ‘crowded out’ by increasing public sector involvement. Though such more active involvement will thus not entail the use of the state’s capacity for coercive enforcement to flat out force certain state-designed solutions on to the private standards setting field, such public sector involvement may, where private efforts are absent or achieve insufficient progress, go beyond merely facilitating and supporting private metagovernance efforts. Intergovernmental agencies and governments may for instance use their agenda setting powers to trigger private metagovernance efforts where needed. What is more, in certain instances they may even proceed to formalize the outcomes of widely supported private or public-private metagovernance initiatives and encourage their adoption by individual initiatives<sup>202</sup>. In this way public sector actors may in a very purposive manner provide private standards initiatives with incentives and exert pressure on them to take the process of convergence and system improvement that extra step further, lifting the practice of metagovernance to the next level without exercising their capacity for coercive enforcement.

### *Secretariat-Driven Versus Membership-Driven Process*

One of the most context-dependent design decisions a metagovernance initiative will face is the choice whether to organize a collaborative metagovernance effort as a secretariat-driven or a membership-driven process<sup>203</sup>. The one set up is not unequivocally better than the other, and accordingly this choice should be made on a case-by-case basis. For instance, while ISEAL is able to operate very effectively as a secretariat-driven organization, the Global Sustainable Tourism Council operates to the satisfaction of all interviewees as a membership-driven organization with a number of membership-based working groups doing most of the work<sup>204</sup>.

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<sup>201</sup> See section 1.1.

<sup>202</sup> For instance by incorporating requirements regarding the alignment of certifiers with specific metagovernance outputs in public procurement policies.

<sup>203</sup> While the choice between a membership- and secretariat driven process is presented here more or less as a dichotomy for emphasis, in reality the two should be considered the two extremes on a continuum.

<sup>204</sup> Though the recent hires will allow the secretariat to take on more tasks, it can be expected to continue to function more as a catalyst, facilitating and supporting the work of the membership-based working groups, than as the primary driver and shaper of the work being done.

Naturally, both set ups have their advantages and disadvantages. By allowing for more membership involvement and ownership of the process, membership-driven initiatives may be more successful in generating support for the outputs of the metagovernance process among member organizations and their constituencies. Also, they will generally be more effective as learning exercises for the individual members, and are more likely to lead to further (bilateral or multilateral) collaboration between member organizations. What is more, having volunteering members do a lot of the work is also cheaper than hiring secretariat staff to do so, and does thus reduce reliance on donor funding. However, as all member organizations are generally very busy and processes of collaborative decision making are often difficult and time consuming, membership-driven processes may also be relatively slow. A fairly extreme example in this regard is the Joint Initiative. The fact that this collaboration relied heavily on the (very busy) leaders of the different member organizations - who proved unable to delegate, not to an 'independent' secretariat nor to lower level staff within their own organizations – repeatedly caused delays and overall made for a very slow process.

In comparison, a large degree of secretariat autonomy generally allows metagovernance initiatives to operate faster, more decisively, and more productively. What is more, a strong and independently operating secretariat may also offer greater opportunity for a metagovernance initiative to address issues that, while important, are not (high) on the agenda of (most of) its member organizations. Yet on the downside secretariat-driven processes generally have greater difficulty generating a sense of ownership over the metagovernance process and its outputs among members, and may thus find it harder to secure the implementation of the developed solutions.

Accordingly, when there is little pre-existing recognition of the need for metagovernance among (lower levels within) the member organizations and their constituencies, it may be beneficial to organize metagovernance efforts as membership-driven processes. For the active involvement of members in the day-to-day operations of the metagovernance process may raise awareness of and support for the developed metagovernance interventions, and hence help to secure implementation later on. What is more, secretariat-driven initiatives cannot only be expected to be less effective in certain circumstances; certain contextual conditions and areas of metagovernance focus will also make it harder to get members to delegate the metagovernance work to a strong and independent secretariat in the first place.

In other words, certain regulatory contexts and metagovernance tasks are more conducive to the establishment of a strong and autonomous secretariat than others. For instance, when the envisioned metagovernance interventions directly affect the most politically charged dimensions of member organizations' programs (e.g. the content of their substantive standards), these members are a lot less likely to delegate the design and implementation of these metagovernance activities to a secretariat-driven organization than when the collaboration has a fairly 'non-threatening' focus (e.g. facilitating uncontroversial improvements in audit procedures). Metagovernance initiatives whose mandate concerns the core functions of member organizations are much more likely to be set up as fora for negotiations, with more direct participation and involvement from member initiatives. Similarly, when member initiatives view each other as competitors they will be more concerned about maintaining control over the direction of the collaborative process, and thus considerably less likely to delegate to an autonomous secretariat, than when member initiatives are predominantly non-competitors (for instance because they operate in geographically distinct markets or are active in different fields all together).

Overall, while a gross simplification, one might say that in general secretariat-driven processes are most suitable to effectively develop technically high quality metagovernance outputs in a context of pre-existing agreement among members on the goals to be pursued and

the general strategy to be followed, while membership-driven processes have a comparative advantage when it comes to tackling more politically charged issues. When building support for regulatory innovations and forging agreement among member initiatives is a large part of the metagovernance task at hand, the degree of involvement sought from these members needs to be larger than when the required changes can be expected to be relatively uncontroversial.

#### *Degree of Institutionalization in the Field*

A final determinant of the effectiveness with which metagovernance initiatives are able to achieve change, which does not actually point to the necessity of specific design features yet is too important to disregard, is the pre-existing degree of institutionalization in the regulatory field to be transformed. The more organizations somehow involved in and/or affected by the metagoverned regulatory system feel that they have vested interests to protect, the harder it generally is to generate significant change and truly transform the system.

Sometimes such vested interests are simply commercial. For example, when business interests have supported the set up of a locally operating certification scheme as a means to strengthen their market position vis-à-vis (equally sustainable) foreign competitors, they may resist attempts to initiate sector-wide convergence as this would decrease the utility of their own scheme for such purposes. Similarly, a scheme with below average standards may be hesitant to pursue a convergence of substantive standards (usually at a higher level of stringency) as this would reduce the attractiveness of its program to a large part of its (prospective) client base<sup>205</sup>. However, even mission-driven initiatives inspired by a legitimate desire to minimize a production chain's social and environmental impacts can be expected to be very hesitant to support and go along with metagovernance strategies that will play out against their organizational interests, even if the suggested changes would ultimately benefit the regulatory system as a whole and further the organization's mission. People simply tend to get attached to their organizations and their ways of doing things, which causes them to resist change. At the macro level this means that a higher degree of institutionalization in a regulatory environment will generally result in higher levels of inertia.

Accordingly, it oftentimes actually is easier for a metagovernance initiative to fill a regulatory gap than it is to introduce regulatory innovations that will serve to replace or otherwise undermine existing mechanisms or institutions. This was experienced by the ITF, which did find the fact that some (national) procedures for determining equivalence already existed helpful during the process of developing its own tools, yet had to conclude later on that the existence of competing mechanisms became a barrier to the uptake of its own outputs. Institutions had already invested in their own systems, and were hesitant to replace these. Similarly, the Task Force was unable to merge IFOAM's Basic Standards and Codex Alimentarius' Guidelines (which propagate very similar substantive requirements) into a single international reference standard, as neither one of these institutions was willing to give up the power to develop its own requirements.

Given the non-committal character of metagovernance in private standards setting and the consequent dependence of metagovernance initiatives on the voluntary uptake of their outputs, the tendency of those involved in private standards setting and certification to protect their vested organizational interests imposes a straightforward yet important requirement on metagovernance: the outputs of a metagovernance process need not only benefit the regulatory system as a whole, but also all the individual standards initiatives and other organizations who are meant to pick up and implement these outputs. Accordingly, metagovernance interventions that can be expected to have significant distributional

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<sup>205</sup> Part of which may also be active in the program's governance.

consequences for the standards initiatives on which their implementation depends will generally be hard to sell. Note that this does not mean that metagovernance interventions will often not have distributional consequences at all. In fact, enabling a field's 'best' schemes to increase their market share (at the expense of their less credible and/or stringent counterparts) is often a main aim of metagovernance. What metagovernance initiatives will *not* do, however, is systematically benefit some of their members in favor of others; nor have any of the studied initiatives, and this deserves highlighting, been established with the aim of strengthening its founders' position in the market at the expense of other *credible* initiatives<sup>206</sup>.

It is interesting to note that, where their high level of institutionalization causes inertia among standards initiatives, it tends to do so the most with regards to those aspects of their systems which they consider to be most 'defining' of their programs. This may serve to explain why some metagovernance efforts find it easier to harmonize at the level of substantive standards, while others are only able to make significant progress with regards to the harmonization of standards systems' more procedural dimensions, such as their standards setting procedures and verification mechanisms.

For example, recognizing that they have all built their systems around relatively similar adaptations of the same ILO conventions, the standards organizations involved in the Joint Initiative realize that the uniqueness of their workplace standards is not in the first place what justifies their continued existence alongside the various other credible initiatives engaged in the same regulatory effort. Rather, it is their very different approaches to facilitating and enforcing the implementation of their standards at the brand or factory level that define their systems, and can be considered their distinctive contributions to the regulatory field. Consequently, JO-IN was able to make more progress with regards to harmonizing its members' substantive workplace standards<sup>207</sup> than it was in terms of reaching some kind of agreement regarding the most effective design of a code implementation system.

In the realm of organic agriculture, while there for the most part is a common understanding of what 'organic' means in practice, differences in substantive standards still carry more weight in the eyes of private standards setters and public regulators than disparities in certification requirements. Accordingly, the ITF *was* able to come to a consensus on good practices in organic conformity assessment, while it proved unable to develop a single international reference on substantive organic production standards.

In ISEAL's case, the organization's effectiveness has been partly attributed to the fact that it is concerned almost exclusively with the pursuit of procedural harmonization, and does not interfere with the content of its members substantive standards. This is despite the fact that, although their standards are also without exception the top notch in their respective fields, some of ISEAL's members have actually distinguished themselves in their field first and foremost with the procedural dimension of their systems<sup>208</sup>. The key here may lie in ISEAL's nature as a non-sector-specific collaboration. For, although the procedural harmonization being pursued results in a *convergence* among ISEAL members, it does in fact serve to *distinguish* these members from the other programs active in their respective fields.

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<sup>206</sup> For instance, the sole purpose of ISEAL's Emerging Initiatives Program is to strengthen non-member schemes wishing to become (even more) credible, even though some of these are competing with ISEAL members in certain markets. Even the Joint Initiative, which was in essence a closed club, would have willingly opened its doors to other credible civil society or multi-stakeholder schemes wishing to join. There simply were not any.

<sup>207</sup> Although, as discussed, it does not look like the organizations will be implementing a common JO-IN Code anytime soon.

<sup>208</sup> The FSC, for instance, has largely tied its right to exist to its very balanced and inclusive internal governance arrangements.

In a sense, the fact that the ISEAL Alliance unites standards initiatives from a variety of different sectors has thus helped organizations to overcome the potentially inertia-producing effects of the high degree of institutionalization characterizing some of its members.

In tourism, the practice of voluntary standards setting and certification was not all that institutionalized to begin with. Consequently, although progress has been fairly slow so far, convergence can now be expected with regards to both the more procedural dimensions of operating standards setting and certification programs as well as the substantive standards being used for certification. In fact, in illustration of the latter, the widespread influence of the Global Sustainable Tourism Criteria has been the most important result of metagovernance in the sector so far. Again demonstrating the importance of the pre-existing degree of institutionalization, there is little doubt that, had the Criteria been introduced a decade or two later, their potential to influence standards around the world and more generally shape the global understanding of sustainability in tourism would have been significantly diminished.

Thus, in addition to determining the kinds of convergence that can most easily be realized, the significance of a regulatory system's pre-existing level of institutionalization also points to the importance of timing. However, although its influence on an initiative's potential for success may be considerable, accurately timing the establishment of a metagovernance initiative certainly is not easy. In light of the above discussion, it clearly is advisable to initiate metagovernance before the regulatory field being targeted has become completely institutionalized. However, at the same time some degree of institutionalization is necessary, as there also is such a thing as launching a full-blown metagovernance effort too early on in the development of the practice of standards setting and certification in a sector. Historically, private standards setting fields have grown from the bottom up, with many independently operating actors gradually establishing new schemes over time. In a worst-case scenario, attempting to orchestrate this process from the top down too early on may stifle initiative and undermine the momentum on which the gradual mainstreaming of private standards ultimately depends. More likely, however, is that launching a metagovernance initiative before the sector is ready to embrace it will result in slow progress and limited initial impacts. A certain foundation of operational standards initiatives and market interest in certification is required for metagovernance to be successful.

Striking the right balance between allowing the field to mature on the one hand and coming into action before the far-reaching institutionalization of the regulatory environment on the other is difficult. What is more, in reality the set up of metagovernance initiatives is usually not timed all that deliberately; it is simply a matter of who come(s) to the realization that metagovernance is necessary at what point in time. It is therefore fortunate that, while it is important and can certainly make a metagovernor's job easier, effective timing is not the be-all and end-all. Although the degree to which voluntary standards setting and certification is institutionalized in a certain field does to a considerable extent determine the pace at which metagovernance will be able to progress, a metagovernance effort can also realize meaningful change when external conditions are not optimal. In the tourism case, for instance, while the first metagovernors at the scene found that the practice of standards setting and certification in the sector had not yet become sufficiently established and accepted as to warrant the establishment of an accreditation system, their efforts in subsequent years have played an important role in readying the field for the set up of such a system in the near future.

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## 9. List of Interviewees

### *Joint Initiative on Corporate Accountability and Workers' Rights*

Van Heerden, Auret. President and CEO of the Fair Labor Association. *JO-IN Steering Committee Member*. September 22, 2009.

Zeldenrust, Ineke. International Secretariat of the Clean Clothes Campaign. *JO-IN Steering Committee Member*. September 29, 2009.

Lally, Anne. Former FLA Staff Member; Independent Consultant. *Temporary JO-IN Steering Committee Member; Independent Consultant for JO-IN*. October 2, 2009.

### *International Task Force on Harmonization and Equivalence in Organic Agriculture*

Compagnoni, Antonio. International Relations Director at ICEA; Former IFOAM World Board Member. *Steering Committee Member ITF*. April 28, 2010.

Bowen, Diane. IFOAM. *Secretary of the ITF; GOMA Project Manager*. April 29, 2010.

Hoffmann, Ulrich. Head of Trade and Sustainable Development at UNCTAD. *Steering Committee Member ITF and GOMA*. May 4, 2010.

Rundgren, Gunnar. Chief Executive Officer of GroLink AB; Former IFOAM President. *Steering Committee Member ITF*. May 4, 2010.

Leu, Andre. Chair of the Organic Federation of Australia; Vice President of the IFOAM World Board. *Steering Committee Member GOMA*. May 6, 2010.

El-Hage Scialabba, Nadia. Senior Officer Environment and Sustainable Development at FAO. *Steering Committee Member ITF and GOMA*. May 6, 2010.

### *International Social and Environmental Labelling Alliance*

Doherty, Paddy. *Impacts Manager at ISEAL*. August 9, 2010 and November 16, 2010.

### *Global Sustainable Tourism Council*

Sanabria, Robert. Vice President - Sustainable Tourism at the Rainforest Alliance. *GSTC Partnership Steering Committee Member, Board Member GSTC*. October 28, 2010.

Sazzini, Sandra. International Relations Manager at Legambiente Turismo. *VISIT Chair*. November 3, 2010.

Lichtenwalddt, Janice. Former Senior Manager of Sustainable Travel at Expedia. *Communications Director and Board Member GSTC*. October 22, 2010.

Bricker, Kelly. Associate Professor, University of Utah. *Board Member GSTC*. October 25, 2010.

Plus one anonymous interviewee.