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Speaking Private Authority: The Construction of Sustainability in Forests and Fisheries

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

SPEAKING PRIVATE AUTHORITY: THE CONSTRUCTION OF
SUSTAINABILITY IN FORESTS AND FISHERIES

A dissertation submitted in partial fulfillment of

the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

INTERNATIONAL RELATIONS

by

Roberto J. Flores

2017

To: Dean John F. Stack
Steven J. Green School of International & Public Affairs

This dissertation, written by Roberto J. Flores, and entitled *Speaking Private Authority: The Construction of Sustainability in Forests and Fisheries*, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Florida International University, 2017

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ABSTRACT OF THE DISSERTATION
SPEAKING PRIVATE AUTHORITY: THE CONSTRUCTION OF
SUSTAINABILITY IN FORESTS AND FISHERIES

by

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Florida International University, 2017

Miami, Florida

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The aim of this dissertation is to expand upon current understandings of the emergent global phenomenon that is private authority. Private authority is a process wherein private actors create, implement, and enforce rules aimed at managing global problems. As private authority is becoming increasingly important in the conduct of global governance, broadening our understanding of it will serve the field of International Relations. In this dissertation I argue that private actors are not simply outgrowths of structures or certain material conditions, rather they are purposive actors strategically pursuing an agenda. As such, explaining private authority requires an examination of the constitutive elements that underlie this social phenomenon—to which I apply an innovative conceptual and analytical framework that combines social network theory with discourse analysis.

I applied these tools to two cases taken from the environmental sector—forests and fisheries. I found that as a result of the development of a greater networked character to environmental politics, the actors that were best able to generate and wield private authority were those that were able to construct discursive nodal points around which

other competing actors could converge—at the level of identity. The construction of nodal points placed these private actors in privileged positions in-between competing networks—making them network connectors. In this position they are able to facilitate the flow of power across networks and convert such into private authority, at a rate greater than that of their competitors.

As related to the cases, I found that in forests and fisheries sectors it was the Forest Stewardship Council and Marine Stewardship Council that emerged as the most prominent and expansive private authorities. They did so as a result of their ability to construct a nodal point around their tailored definition of what sustainable development meant, and looked like in practice. This placed them in-between two powerful networks (the environmental NGO network and the industrial network), facilitating the flow of power between them, and leveraging such to expand their programs beyond that of competing programs. Thus, social position plays a crucial role in determining the success of private authority programs.

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ABBREVIATIONS AND ACRONYMS

- CGoSRF – Clean Green of the Southern Rocklobster Fishery
- CITES – Convention on International Trade in Endangered Species
- CQL – Carrefour Quality Lines
- CSA – Canadian Standards Association
- ENGO – Environmental Non-Governmental Organization
- EEZ – Exclusive Economic Zone
- ETP – Endangered, Threatened and Protected
- FAM – Fisheries Assessment Methodology
- FAO – United Nations Food and Agriculture Organization
- FoE – Friends of the Earth
- FoS – Friend of the Sea
- FSC – Forest Stewardship Council
- GAA – Global Aquaculture Alliance
- GATT – General Agreement on Tariffs and Trade
- GEF – Global Environment Facility
- GMO – Genetically Modified Organism
- GP – Greenpeace
- HACCP – Hazard Analysis and Critical Control Points
- HCVF – High Conservation Value Forests
- IFIR – International Forest Industry Roundtable
- ISO – International Standards Organization

ITTA – International Tropical Timber Agreement

ITTO – International Tropical Timber Organization

NFI – National Fisheries Institute

MSC – Marine Stewardship Council

OECD – Organization for Co-operation and Development

PEFC – Pan European Forest Certification

P&C – Principles and Criteria

RAN – Rainforest Action Network

SCS – Scientific Certification Systems

SFI – Sustainable Forestry Initiative

SFP – Sustainable Fisheries Partnership

SSCS – Sea Shepherd Conservation Society

TFAP – Tropical Forestry Action Plan

UNCHE – United Nations Conference on the Human Environment

UNCLOS – United Nations Conference on the Law of the Sea

UNCTAD – United Nations Conference on Trade and Development

UNDP – United Nations Development Programme

UNEP – United Nations Environment Program

UNFCCC – United Nations Framework Convention on Climate Change

WARP – Woodworkers’ Alliance for Rainforest Protection

WBCSD – World Business Council for Sustainable Development

WFP – Western Forest Products

WRM – World Rainforest Movement

WTO – World Trade Organization

WWF – Worldwide Fund for Nature

CHAPTER I: INTRODUCTION

This dissertation is aimed at examining and explaining the process by which global political spaces are being regulated by private actors wielding *private authority*. This emergent phenomenon is becoming increasingly important in the conduct of global governance and thus broadening our understanding of it will serve the field of International Relations. Private actors can govern by what has come to be known as *private authority*, a process wherein these actors create, implement, and enforce rules that are aimed at managing global problems. Up to this point, private authority has been primarily explained in the literature through materialist, structuralist, and/or rationalist means—all tending to describe private authority as being a derivative feature of an instrumental exchange relationship. Or, in other words, only able to exist under conditions where broader material or structural forces create a sufficient incentive structure for more powerful actors to see it in their interest(s) to accept private authority. These approaches, while meaningful, ignore the more interesting story taking place at the constitutive level, at the level of identity. This critical piece to the story of private authority needs to be explained in order to broaden understandings. I argue in this dissertation that while the aforementioned traditional approaches are illuminating, greater consideration needs to be given to the social processes underlying private authority. Private actors are not simply outgrowths of structures or certain material conditions, rather they are purposive actors that can shape structures through their actions. As such, explaining private authority requires an examination of the constitutive elements that

underlie this social phenomenon. This dissertation aims to do so through the use of network analysis and discourse analysis.

It is important to note before moving forward that this dissertation seeks out a novel approach to explaining private authority. It will focus on a newly emergent actor identified in this dissertation as a *network connector*.¹ In an increasingly networked world, where power and authority are becoming more decentralized, actors that can bridge two networks are playing critical roles.² By focusing the project on these specific actors—through two case studies—these newly emergent actors can be introduced and explained, and the examination of their role in-between networks will shed light on the social processes driving private authority.

Much has been said about private authority under the general banner of global governance, including discussions on: the emergence of private actors, the ways they shape contemporary global politics, and the emergent phenomenon that is private authority.³ This literature has demonstrated many of the forms by which non-state actors moved into the political terrain once dominated by states, and in this territory established themselves in select positions of authority. What these explanations do not fully explain are the socially constitutive variables that lead to private authority, and support it once it

¹ Risse-Kappen 1995; Strange 1996; Raustiala 1997; Keck and Sikkink 1998; Cutler, Haufler, Porter 1999; Young 1999; Hall and Biersteker 2002; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore & Sell 2010; Auld 2014; Green 2014; Moog 2014.

² Strange 1996; Castells 1996, 1997, 1999, 2000, 2006; Hajer & Hendrik 2003; Barney 2004; Bovaird 2005; Castells & Cardoso 2006; Benkler 2006; Knoke 2012; Van Dijk 2012; Krieger & Belliger 2014.

³ Risse-Kappen 1995; Strange 1996; Raustiala 1997; Keck and Sikkink 1998; Cutler, Haufler, Porter 1999; Young 1999; Hall and Biersteker 2002; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore & Sell 2010; Auld 2014; Green 2014; Moog 2014.

is established. The issue identified in this dissertation is that structural, materialist, and rationalist approaches treat actors as “bounded groups in hierarchical structures,” where actors operate within neat and hierarchically-organized sectors.⁴ Within these sectors, private actors seeking to govern are able to do so by wielding what are considered ideal-type forms of authority (i.e. legal-rational, expertise, moral, etc.).⁵ Approaching the subject in this way treats private authority as a finished good or commodity that is exchanged amongst actors based on utility calculations. While this approach can do well at explaining private authority under clearly delineated structures of power, it cannot explain the phenomenon in a complex and dynamic world where power flows more dynamically. As I argue that global power is increasingly becoming more dynamic as its flow across global networks, I find it essential to relook at how private authority is explained within such a context.

I argue that private authority in the contemporary world is an outgrowth of what Manuel Castells called “network society”.⁶ The network society is a social structure that is based on networks that rely on advanced communications technologies for organization and operation.⁷ These networks constitute the new “social morphology” of

⁴ Craven and Wellman 1973, p. 58.

⁵ Risse-Kappen 1995; Strange 1996; Raustiala 1997; Keck and Sikkink 1998; Cutler, Haufler, Porter 1999; Young 1999; Hall and Biersteker 2002; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore & Sell 2010; Auld 2014; Green 2014.

⁶ Castells (2011), *The Rise of the Network Society*. Blackwell Publishers Inc.

⁷ In defining ‘*social structures*’ in this work, I borrow from Crothers 2013 who defined it as “relations among people, between groups or institutions, and backwards and forwards between people and groups”. This definition is indicative of the mutually constitutive nature of social structure, as Crothers goes on to make the claim that “[h]uman action in turn, feeds back to affect the operation of social structures: there is an ongoing, reciprocal process of shaping and feedback between participants and social structures.”

the current era, as they are based on a “networking logic that substantially modifies the operation and outcomes in processes of production, experience, power and culture”.⁸ Furthermore, for Castells, “networks are open structures, able to expand without limits, integrating new nodes as long as they are able to communicate within the network, namely as long as they share the same communication codes”.⁹ Thus, in dynamic societies that revolve around information flows, switches connecting the networks are privileged instruments because they serve as key facilitators of the flow of power. Their role as “switches,” in where they translate interoperating codes between networks, become the “fundamental sources in shaping, guiding and misguiding societies”.¹⁰ This is because in network society, unlike in other forms of society (i.e. ones based on bounded groups in hierarchical structures), power and authority are dynamic. They are in constant flux, based in transmission flows rather than in the traditional forms that tend to be used to frame contemporary problems of global governance.¹¹ As the global political system thus continues to disperse power across the system, away from the traditional forms, studying it within this updated context is important. Here then I study private authority in the context of *networks*.¹²

⁸ Castells 1996, Vol. 1, p. 470.

⁹ Ibid.

¹⁰ Ibid.

¹¹ The traditional forms here are primarily dependent on static power transference (i.e. re-organization of bureaucracies, creation of new bureaucracies, greater budget allocations, etc.).

¹² It is important to note that this dissertation is not aimed at furthering Castell’s full theory of “the network society.” It only adopts the theory as it applies to private governance authority in the environmental sector. Castell’s theory is vast and wide-ranging, encompassing the whole of global society, as he sees history moving into the information age. His broader assumptions are far beyond the scope of this dissertation.

The dissertation aims to make three specific contributions by adopting this approach: **First**, it offers an updated framework for contextualizing private authority. A framework that considers more closely the horizontal flow of power across hubs, spokes, and nodes, in parallel with the vertical movement of power that has been the focus of most other studies on the topic of private authority. The approach adopted in this dissertation allows for a more expansive conceptualization of power flows, which in turn opens up more analytical space within which to examine social processes—in this case those that explain private authority. However, in order to examine private authority in such a way (through its constituent social parts) it is important to properly dissect the network into digestible parts. This can be difficult because of the constant contestation of meanings that takes place within political spaces. Meanings are never fixed and are constantly evolving, making it difficult to place actors within fixed locations in order to study them. Therefore, to get at the logics that drive the sector and fields, and to appropriately place actors, this dissertation maps them out by taking a historical look at how distinct actors emerged and structured these spaces through the construction of discourses. More specifically, by examining the categories used by distinct actors to construct and divide the social world within the relevant political sector, and how such actions affected their place within that sector relationally.¹³ Bottom line is that a key component to understanding private authority is identifying how certain actors were able

However, Castell's explanation of the social processes that drive the movement toward network society can be seen operating within specific sectors that are being governed by private actors organized in networks. These networks thrive on the processing of complex and high volume information that is transmitted rapidly across the networks via modern communications technologies. Thus, Castells's theory of networks provides a critical frame by which to expand understanding.

¹³ Sending 2015, p. 23.

to define key concepts that other actors then used to identify themselves. The preferred methodological approach for doing so is discourse analysis. The application of discourse analysis to the case studies will present the emergence of distinct actors, over time, into specific subject positions, through which power and authority then flowed across networks.

Second, and following from the first, this dissertation introduces a new conceptualization of private actors that are governing apart from States—deemed herein as *network connectors*. Network connectors are private governors that have actively sought out a subject position that situates them as nodes in-between two networks. These actors are granted distinct forms of authority based on their ability to position themselves to connect networks, and through such, able to transfer distinct forms of power across those networks. In placing themselves here, positionally, they are able to retain certain elements of that power for their own use. However, in order to tap into this power these actors must construct interoperating codes. For it is only through these codes that actors across distinct networks can be connected, and through which authority can then flow. Upon successfully constructing such codes, these actors come to operate as nodes. Yet, in these positions, these private actors are operating apart from any clear source of traditional, hierarchical form of authority. As such, they present themselves as ideal subjects of inquiry.

As previously mentioned, the current literature tends to explain these actors through their possession of ideal-type forms of authority (i.e. legal-rational, expertise,

moral, etc.).¹⁴ Such approaches overlook the fact that without connections to larger networks, such actors have no means of generating their own independent authority. Moreover, it overlooks the struggles that these actors undergo to maintain their position in-between networks. While private governors are often granted distinct forms of authority, they are not granted any authority without stipulation. As a result, they are constantly forced to balance networks (or coalitions) in order to maintain authority. Focusing on network connectors—as they have explicitly staked out positions in-between networks—will bring visibility to the mechanics underlying this social process. After all, it is their connections (through social relationships) to distinct networks that garners them the authority to govern. Examining social interactions within these spaces will reveal a more accurate understanding of the messy politics that is private governance. It will also provide insight into the full spectrum of strategic possibility for private governors, and the interplay of different sources of authority.

Third, it leverages the tools of discourse analysis in order to unlock the social foundations of the phenomenon that is private authority. The discourse approach adopted here aims at explaining how actors respond to changing meaning in the world through a “thick” description that “encompasses not only things said but also things done, that is, practices, envisaged as meaningful actions”.¹⁵ Also, this ‘thick’ discourse approach provides a way for understanding how actors “construct the world around them, the

¹⁴ Risse-Kappen 1995; Strange 1996; Raustiala 1997; Keck and Sikkink 1998; Cutler, Haufler, Porter 1999; Young 1999; Hall and Biersteker 2002; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore & Sell 2010; Auld 2014; Green 2014.

¹⁵ Epstein 2008, p. 186.

possibilities for acting within it, and their own identities”.¹⁶ As discussed in Castells (2000), in an increasingly globalized world of interconnecting networks, identity becomes the source of social meaning. Actors organize their meaning “not around what they do but on the basis of what they are, or believe they are”.¹⁷ Yet operating within the seams of competing networks requires *identity balancing*, or maintaining the integrity of one’s own identity while trying to mold others’ toward common purpose. Thus, a more thorough investigation of identity will be a critical component of this dissertation’s contribution. Doing so moves it beyond imposing assumed meaning on material facts and allows for a more thorough examination of how private actors navigate between competing discourses in strategic pursuit of authority.

Approaching the dissertation this way not only allows for an explanation of the multiple loci of authority that exist in environmental politics (and global politics more generally), but also how that authority dynamically flows. While the focus of the dissertation will be on network connectors, it also considers both actors that operate in other parts of the network as well. Thus, while focused on one particular type of actor, it also considers the experience a broad array of actors, dispersed across the network, and their interactions in both the private and public realm. The public realm is considered in this work because although these private actors operate apart from the state’s coercive capacities, they oftentimes plug themselves into state networks to reinforce their authority.

¹⁶ Abdelal, et al. 2010, p. 175.

¹⁷ Castells 2000, p. 3.

Approaching the project in such a way forgoes entanglement in the debate over private versus public (or state) authority. It merely aims to point toward several sources of authority in world politics that are not necessarily competitive. Rather, the purpose is to show how that authority flows in a networked sector, and the role one particular actor has in that process. But in weaving together the narrative argument it seeks to reveal the more complex process underlying the strategic competition amongst actors undertaken to gain private authority.

Literature Review

In order to examine the nature of private authority in environmental governance it is important to first clearly understand what private authority is. Therefore, the *first* part of this section will trace the evolving definition of private authority as it has emerged in the body of literature on the topic. *Second*, because private authority is exercised by a diversity of actors, operating within and across networks, it is important to examine network society as it has been explained in the literature. *Third*, and finally, in order to make the case for the importance of this novel type of private governor deemed a *network connector* the section will conclude with a discussion on the discourse approach that will be utilized by this dissertation.

Private Governors

There is a large bulk of literature on the topic of private governance that is generally subsumed under the broader category of global governance. This private governance literature predominantly focuses on how non-state actors adapt themselves to

power structures in world politics that exist apart from them.¹⁸ Susan Strange (1996) was one of the first to intensely examine the phenomenon of private governance and found that agents other than states are increasingly exercising authority in society. While her focus tended toward transnational corporations, and their use of markets to leverage authority away from states in international politics, her overall point was clearly made that non-state actors can exercise what she calls “parallel authority”.¹⁹ This form of authority takes place alongside that of states and is tapped by using the potential power of markets. Avant, Finnemore and Sell (2010) take this argument a bit further by contending that “authority relationships” constitute the basic building blocks of global politics and can be exercised by non-state agents as much as those attached to states. This is identifiable in the ways by which non-state agents behave in a manner that mirrors states, i.e. they strategize, compete and cooperate in order to achieve desired political outcomes. Yet, although private actors do indeed operate much like states in order to achieve outcomes, they operate apart from the governance mandate that states have (based in the social contract).²⁰ Therefore, they have different bases of authority and in order to determine those a broader social approach is needed. Private governors do not just accrue authority by proving their instrumental utility to other actors, or as claimed in Green (2014) “[i]f these potential governors can legitimate their claims to authority, the

¹⁸ Hass 1992; Strange 1996; Keck and Sikkink 1998; Barnett and Finnemore 2004; Bernstein and Cashore 2007; Weaver 2008; Lake 2009; Hopgood 2009; Kahler and Lake 2003; Green 2013.

¹⁹ Strange 1996, p. 65.

²⁰ Contractual right here is an allusion to Rousseau’s social contract theory – expressed in his 1762 work *The Social Contract* – where he states “Let us then admit that force does not create right, and that we are obliged to obey only legitimate powers” (Penguin Edition 1968, p. 168).

governed will choose to adopt them”.²¹ The social process is deeper than that, and therefore conceptualizing private governance and the exercise of private authority in this way is problematic. It treats the exercise of private authority as a static phenomenon that takes place in a hierarchical, well-organized sector, wherein the simple act of consent by the governed is the prerequisite for authority. Where markets become forums between non-state actors and states to compete over the seeming commodity that is *authority*. Thinking about this phenomenon along these terms leads to the conclusion that private governors are those that compete (with states as well as with other actors) in order make rules and/or standards that other relevant actors in world politics can voluntarily choose to adopt and abide by.²² In others words, private governors are apart from the structures of power and can only seek to appeal in some way to those that are within. *Private authority*, according to the current body of literature, is thus the equivalent of making rules and having them supported and followed by others only insofar as they provide some instrumental benefit.²³

While conceptualizing private authority in this way is a useful heuristic tool, it does not appreciate the complexity of this social phenomenon, particularly not as it takes place within network society. These frames do not take into consideration the process of emergence of private governors from within power structures, into positions of authority, by actively shaping discourse. These actors, through the process of defining the

²¹ Green 2014, p. 34.

²² Ibid, p. 35.

²³ See Risse-Kappen 1995; Strange 1996; Raustiala 1997; Keck and Sikkink 1998; Cutler, Haufler, Porter 1999; Young 1999; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore. and Sell 2010; Auld 2014; Green 2014.

standards of private governance (within the respective political sectors they emerge into), constrain the behaviors of other actors they seek to regulate. They create rules that are abided by, not due to judgments of instrumentality (although those undoubtedly play a part), but more so by placing themselves in subject positions from where they can rule through their shaping of discourse. Thus, traditional approaches miss the deeper social dynamics that compose private governance relationships. This is an important point to make because the works herein discussed are foundational, and inform those that proceeded them. Therefore, an expansion of the current understanding of private authority is needed.

Private Authority

Private authority is defined by Rodney Hall and Thomas Biersteker (2002) as “institutionalized forms or expressions of power,” that are legitimate because “there is some form of normative, un-coerced consent or recognition of authority on the part of the regulated or governed”.²⁴ Green (2014) elaborates on this conception by claiming that private authority is a “social relationship between authority and subject because it is mutually constituted, requiring the subject acknowledge the consent to the claim of authority”.²⁵

There are three key components to these popular conceptions/definitions of private authority. *First*, compliance with the rules and standards developed by these

²⁴ Hall and Biersteker 2002, p. 5.

²⁵ Green 2014, p. 6.

private governance institutions is not coerced but rather derives from consent. **Second**, in these forms of governance *legitimacy* is the glue that binds, or in other words, legitimacy is the bedrock of support for private governors. For if the private governor is not legitimated by those operating within the targeted domain, consent is not granted. If consent is not granted then authority is not granted, and the governor is incapable of governing. But as these private governors provide viable governance solutions to relevant actors they are legitimated by these actors as *authorities*. **Third**, this is a social process wherein an aspiring governor must accumulate the social/material capital necessary to elicit the consent of the targeted subject of authority.

In the literature it seems as if the first two components of this definition are taken seriously but not the third, i.e. the social process of accumulating the power necessary to govern. It is important to emphasize here that private authority consists of dynamic relationships, it is not a static condition. For example, Barnett and Finnemore (2004) use the case of international organizations to argue that they acquire authority through their bureaucratic functionalities. They create standards that can be followed, constructed through application of their expertise. Additionally, their support brings with it moral credence as they can advance shared values toward social and political objectives. Yet in spite of the essential ‘socialness’ of this type of authority (i.e. moral credence, development of agreed upon standards amongst conflicting groups, acknowledgement of expertise), the explanations provided by Barnett and Finnemore assume away this part. They attribute these qualities to these actors and argue authority without exploring the social processes by which these qualities came about. Structuring their argument in such a way forgoes any deep explanation of private authority, which would need to include an

examination of the social process by which these actors arrived at different forms of authority. Similarly, Sikkink et al. (2002) look at transnational networks and advocacy groups, and claim that they exercise authority based on the moral credence acquired through their “impartiality, representativeness, and accountability”.²⁶ Because they act for the common good, and for causes of moral worth, they are provided a sufficient amount of legitimacy to be translated into private authority. But again, what is the social process that underlies the accumulation of moral authority? Who defines the actions of these networks as moral, or for the ‘common good’? How are the concepts organized within the discursive terrain that make articulations from these groups ‘moral’, or representative of the common purpose? Such explanations would require a deeper sociological component in order to be explained properly.

The more sociological approaches are those of Avant, Finnemore and Sell (2010) and Sending (2015). The former however use authority as a generic category by referencing particular types of authority – be it expert, delegated, or institutional. They treat these forms of authority as endogenous to specific types of actors. Yet these forms of authority are rarely so clear cut, as they usually take multiple forms. Additionally, these sources of authority must be socially constructed in order to be leveraged. The process by which this takes place changes the nature of governance so that meanings that once held influence are changed to accommodate new meanings constructed by private governors. As stated in Friedman (1990), “the distinction between statement and speaker such that the latter can endow the former with its appeal, ” and takes it further in stating

²⁶ Sikkink et al. 2002 pp. 312-335, as found in Sending 2015.

that “[t]he concept of authority can thus have an application only within the context of certain socially accepted criteria which serve to identify the person(s) whose utterances are to count as authoritative”.²⁷ This process not only affects meanings of concepts to different actors, but also affects identities. Therefore, the authors cannot explain it fully unless such is taken into consideration. Accordingly, a deeper analysis of the process by which actors come to construct and maintain such forms of authority is needed. Such an analysis would need analytical tools that can identify the social criteria by which articulations are evaluated and authority is then conceded. As well as ones that consider this process within the realities of network society. “Ideal-typing” actors and forms of authority say little toward this end, because they say nothing about the criteria that is constructed and comes to shape the way actors are evaluated.²⁸

In Sending (2015), the most socially-oriented of those discussed, the author seeks to explain the phenomenon of governance authority by explaining the emergence of governors within hierarchically organized domains, or between superordinate/subordinate actors. The emphasis in this work is on the ability to garner recognition by actors operating in politically contentious spaces. While insightful and illuminating this work assumes actor intentionality as being based in the quest for recognition. Yet, although the author explicitly attempts to avoid structural explanations, Sending’s theoretical framework assumes that a structure and specific logic presuppose the actors under examination. That structure is competition within hierarchically structured social spaces,

²⁷ Friedman 1990, p. 69-71.

²⁸ Sending 2015, p. 21.

and the quest for recognition within these spaces then drives certain, seemingly intuitive, behaviors based in rational choice decision-making.

This dissertation seeks an alternative means of explanation. One that seeks to assume nothing other than that private governors seek to be legitimated as rule makers, so that their rules are followed, and their agenda promoted. However, operating apart from state authority removes hierarchical logics from the equation and replaces them with asymmetric logics. The process by which power is generated thus transcends just instrumental exchange relationships based on clear power structures. Rather, it is replaced by dynamic social flows and the construction of meaning that emanates from strategic employment of discourse. This process will be examined and explained in this dissertation.

Taking the social approach also treats the second element of the definition of private authority – legitimacy – more seriously. The current literature acknowledges the key role of legitimacy in private governance but simply attributes this ‘condition’ to certain actors without theorizing the process by which this condition arises. Legitimacy after all is a struggle over values. Therefore, it would seem that a central role would be given to examining not just the values themselves, but also the process through which they develop, are adopted, and/or how they shape possibilities. Yet, the tendency in the literature is to rely heavily on structural-material factors and rational choice modeling to explain outcomes.²⁹ What about the role of ideas, identities, and practices in constructing and maintaining private authority? Avoiding this question forgoes a certain ‘depth’ (or

²⁹ Cashore, Auld and Newsom 2004; Pattberg 2005; Auld 2014; Green 2014; Moog 2014.

‘thickness’) of description, leaving it short in its explanatory power. Thus, rather than contributing to the current body of literature that captures the static components of private authority by pre-assuming attributes, this dissertation looks to analyze and explain the process by which actors arrive at private authority. Further, how, by navigating distinct discourses, they position themselves strategically amongst a diverse array of actors to construct, leverage, and maintain private authority. Such an approach requires a theoretical frame that considers more seriously the social component of private authority, as it takes place in network society.

Treating private authority as a static commodity traded between competitors, rather than a dynamic force that flows rapidly throughout this political space (via high tech networks that power the modern world) generates several issues: First, this does not accurately represent the nature of power in private governance. The argument for this was described in the previous section and thus will not be revisited, however, the larger point to be drawn from this is that these oversights derive from a failure to consider the fundamentally social nature of these processes. It places actors in ‘taken-for-granted’ subject-positions, as well as within certain ‘taken-for-granted’ political contexts.³⁰ Take for example the robust literature on epistemic communities.³¹ It is effective in the way that it identifies actors clustered around a base of shared knowledge, as well as in the impacts of these specific groups, but it does little in terms of accounting for the social dynamics that led these actors into positions of authority. Nor does it give much attention

³⁰ Friedman 1990; Haas 1992; Barnett and Finnemore 2004; Avant, Finnemore & Sell 2010; Risse 2012.

³¹ Most notable here is the work of Haas, 1992.

to how these actors fare in maintaining the authority granted by such a subject-position; including how they relate to and interact with the opposing networks they stand between. This is much the same with the international organizations literature.³² While this literature has been crucial in establishing a framework for better understanding private governance and authority, it is typically organized around particular types of authority available to private governors.³³ Approaching the topic in such a way leads to a focus on how static forms of authority can be used within a particular context, and a particular moment in time.³⁴ Like the epistemic community literature, this neglects the social dynamics that led international organizations to a subject position of authority, as well as how they operate in a dynamic environment wherein power flows through and between networks. Similar in many respects is the literature on advocacy groups, or groups that are influential because of their “moral authority”.³⁵ The focus of these studies is generally on organizations that share common values, around which they bond. Then looking at how this commonality leads these organizations to act cooperatively toward common goals, and how that invariably leads to authority. While useful, it does not do particularly well in depicting the structure of the relationships between these organizations, nor the flows within which these relationships develop, nor the dynamic fluctuations of these relationships. These relationships tend to not be so simple. Network

³² Namely that of Barnett and Finnemore, 2004.

³³ The types of authority discussed in Barnett and Finnemore 2004 (pp. 21-25) are rational-legal authority, delegated authority, moral authority and expert authority.

³⁴ Sending 2015, p. 4.

³⁵ Best represented in the works of Risse 2012 and Friedman 1990.

connectors operate at nodal points between networks. They operate in such positions, and are granted authority to “govern” as such because they provide the invaluable service of connecting networks and serving as conduits of power. Able to transfer identities and shape outcomes that break from the status quo and present themselves as more acceptable to both sides. However, in order to maintain such a position, this requires a particular adeptness at balancing coalitions, as well as remaining relevant. For it is the ability of an actor to place themselves in a position from where they can be perceived to contribute to the goals of the two networks that deems them useful. By treating this process as it is treated in the advocacy group literature (i.e. assuming that common values are interpreted and internalized uniformly across actors, and then these groups operate as a cohesive front in convincing the targets of governance that abiding by the rules generated to protect these common values is practical) it overlooks the complexities inherent in the role played by network connectors. A point from where coalition maintenance is as important as obliging competitors, or targets of governance. Thus while these bodies of literature have shed a great deal of light on the dynamics of private governance and authority, there is much more to the story that needs to be told.

A Theory of Private Authority

Before moving forward it is important to first frame the process by which the dissertation will explain how private authority functions. To tap into this sociological approach, this dissertation will use discourse analysis. It will do so because it aims to understand “how, under what conditions, and for what reasons discourses are constructed,

contested and changed,” and then the political effects of such on matters of private authority.³⁶ Discourses give meaning to a social and physical reality, and it is thus through them that sense is made of the world. In other words, things encountered in the world have no meaning other than the meaning given to them through the process of social construction. This does not mean that the world only exists in peoples’ heads, but rather that meaning is not fixed.³⁷ It is fluid and variable, and thus relationships oftentimes change between actors and objects, as well as amongst actors. This process results from fluctuating meanings that affect identities and interests.

In order to explain emergence then it is necessary to understand discursive practices, as the latter “systematically form the identities of subjects and objects by articulating together a series of contingent signifying elements available in a discursive field”.³⁸ Actors thus navigate a discursive field by constructing/molding concepts that then serve to place them in positions of authority, as discursive fields form around “nodal points” that serve as reference points wherein discourses bind together to form a coherent system of meaning.³⁹ Network connectors operate between networks and draw authority from their ability to build connecting nodal points between social networks. To do such, network connectors must synthesize the operating codes of divergent discourses into a unifying discourse wherein they hold a position of authority.

³⁶ Howarth et al. 2000, p. 131.

³⁷ Wendt 1999, p. 164.

³⁸ Howarth et al. 2000, p. 7.

³⁹ Laclau and Mouffe 1985, as found in Howarth et al. 2000, p. 7.

Within networks, codes must be adaptable in order for connections to be made. Network connectors provide this service by connecting nodal points through discourse. However, as they do so, particularly those entering into a new discursive terrain, they begin to encounter challenges to their identity. As these actors try to make sense of these challenges, and adjust action accordingly, other actors who interpret and judge their actions evaluate them. Oftentimes this brings into confrontation contending ideas and actions, which threaten the identity constructed by others operating within the same discursive terrain.⁴⁰ This translates into issues of legitimacy.

As aspiring private governors operate apart from hierarchical state authority, they require the broadest support base possible, across networks. Thus, they must construct a discourse that is widely acceptable across networks. Yet, because this process inevitably challenges the identity of others (as it tries to connect wholly distinct actors operating on distinct codes) this process involves a great deal of complexity. Actors operating within discursive spaces that have their identity challenged by others, are put in a position where de-legitimizing the other actors becomes essential for identity protection.⁴¹ Navigating this process in order to construct a discourse that has broad appeal is thus the most critical component of private authority. This dissertation seeks to explain such by applying a discourse approach. The interpretive narrative gleaned through discourse analysis will serve as the descriptive background from which a causal story can then be told. Causal

⁴⁰ Howarth et al. 2000.

⁴¹ Epstein, p. 175-193, as found in Abdelal, 2010.

mechanisms will be identified via process tracing.⁴² The ideas and social structures constructed by network-connectors, based on the movement of actors within the discursive terrain, have causal effects. These effects will be evaluated against empirical evidence. The theoretical approach presented here can generate additional hypotheses regarding private environmental governance, and the findings are generalizable enough to be useful to future studies examining private environmental governors across sectors.

Why Focus on the Environmental Sector?

The contours of any political sector are individually unique because they are patterned on the basis of relationships between actors operating within these sectors.⁴³ Thus, to understand any particular development within a particular sector, it must be understood as a distinct social space. A space whose boundaries are in constant flux, as they are determined by the unique positions occupied by distinct actors, each with their own separate agendas and striving to achieve specific objectives.⁴⁴ Therefore, to get at the logics that drive private governance, one must first map out the environmental sector by taking a historical look at how distinct actors emerged and came to structure the field they operate in. This constructive process evolved through the development of categories that ordered the boundaries of their social worlds.⁴⁵ Therefore, in order to conduct such

⁴² George and Bennet 2005; Bennett and Checkel 2015.

⁴³ Laclau and Mouffe 1985.

⁴⁴ Sending 2015, p. 22.

⁴⁵ Ibid.

an analysis, and keep the scope manageable and focused, it is necessary to focus on an individual sector. Doing so will allow a more precise and thorough look at the social processes underlying actor emergence and the various strategies actors used within this distinct political terrain. Additionally, it allows for better control of macro-level factors that can have distinct effects within distinct sectors. The macro-level factors that will be considered in this dissertation are the networking of society as the result of the logics of a neoliberal discourse paralleled with the advancement in technology. Each of which had a significant impact in the environmental sector, yet one distinct from other political sectors. Therefore, by focusing on the environment, the nature of private governance and political authority can be examined with greater control. The selection of the environment, amongst other political sectors, is not arbitrary. It is a calculated decision for a few particular reasons: *First*, The environmental sector is intrinsically important. Beyond the obvious physical importance to humanity, politically it is a salient and increasingly important topic. Issues affecting the environment have been advancing up the policy agenda as the negative effects of environmental degradation become more apparent. Even a cursory look at mainstream news media reveals frequent reports of extreme weather events tied to environmental degradation, and the attention the environment receives as a result. The US Department of Defense named climate change resulting from environmental degradation as a threat to national security in its last two Quadrennial Defense Reviews (2010 & 2014). An issue of such importance merits study within any context.

Second, and related to the first, as well as to issues of research design, private environmental governance is rapidly increasing. The multitude of actors operating in this

space thus presents a rich space within which to analyze private authority as it evolves.

Third, the environment can be broken down into several sectors that represent separate fields within one over-arching sector. This provides an opportunity for analyzing within-sector differentiation (i.e. forests, fisheries, climate change, oceans, etc). The environmental sector has an overarching logic that applies to these fields individually, yet each field has its own set of actors. This presents the opportunity to examine differences between fields (forests and fisheries in this study), within one sector (environment), and that allows for control of variation.

Fourth, and finally, the environmental sector exemplifies well the transition to network governance that is taking place across political sectors – beyond just the environment. This is the case for several reasons. *One*, governance of the environment takes place primarily amongst the developed countries of the world, which leverage the power of modern communications and information processing technologies to achieve their objectives. Understanding the complexities of environmental systems degradation requires advanced information processing techniques, intensive knowledge accumulation, and the technology to support such. Thus the effects of the networking of governance are very prominent within the environmental sector. This is not to say that the networking of power is not taking place in the developing world, but rather just that it is more prominent in the developed world—and thus more easily analyzed. *Two*, governance in the environmental sector is not, in its current form, ordered hierarchically. Rather it is more horizontally oriented as non-state actors play a significant role in the ordering and governing of the sector. This is particularly the case considering the unwillingness of states to enact authoritative legislation to protect the environment. *Three*, there exist in

the environmental sector distinguishable networks that operate—for the most part— independent of one another. For example, the industrial network and the network of environmental NGOs (ENGOS). Both sides consist of diverse collections of actors plugged into different networks along different nodes. Some of these networks plug into state authority at different points but mainly operate apart from the hierarchical structures of state authority. *Four*, power and authority dynamics flow between actors dynamically in this space. This can be witnessed in the rise and fall of actors attempting to leverage all forms of authority in this space to achieve outcomes. ENGOS are constantly at odds with industry and government over environmental conservation strategies. They engage in push and pull power struggles aimed at achieving desired objectives, and leverage intermediaries in order to further their cause. Thus the space provides rich empirical grounds for studying the social phenomenon that is private authority. *Five*, information is the currency of power in this space. While material productivity is of obvious relevance and importance to those actors in the industrial networks, the ability to convey their operations as being considered “sustainable” is critical to remaining profitable. Conveying this data requires both the accumulation of vast metrics, measured against standards created by environmental experts using advanced scientific tools of measurement, as well as a firm definition of what *sustainable* means. Thus, it requires not just advanced scientific instrumentation to measure the effects; it also requires the technical means by which to convey and inform such broad audiences.

Plan and Method of the Dissertation

This dissertation has two main parts: a theoretical component and an empirical component. Chapter two presents a theory of private governance authority in networked society. It will begin with an in-depth discussion on the nature of networked society, with a focus on private governance within such. This section will include an in-depth look at the constituent elements of private authority, how it flows across networks through network connectors, and why some are better able to shape the discourse than others. The purpose is to present a more robust, explanatory, and socially accurate framework for understanding private governance in the environmental sector specifically, but more generally, about the social processes involved in global governance.

A brief third chapter will follow which presents the methodological tools that will be utilized to process the information collected. The theoretical component to the dissertation will rely on discourse analysis and social network analysis for its development. However, the empirical work to support the theoretical claims will be conducted by applying content analysis and the process-tracing method to what will be two comparative-qualitative case studies. While the targets of the analysis will be the Forest Stewardship Council (FSC) operating in the forestry sector, and the Marine Stewardship Council (MSC) operating in the fisheries sectors, several distinct, competing actors will be analyzed to show that control of discourse development is a key component to private authority.

As the dissertation aims to ground private governance within its broader discursive context, the focus of chapter four will be on outlining the discursive structures

of the environmental sector. In order to properly analyze how authority transits social networks, and the key role network connectors play, it is essential that the network architecture be accurately mapped out and clearly presented. Therefore, the discursive structure of the overarching environmental sector will be presented so that during the empirical chapters the process of construction, re-construction, and navigation of subject positions can be more accurately described. Through extensive content analysis, and secondary source research, three distinct discourses are identified within the environmental sector: the *preservation discourse*, the *sustainable development discourse*, and the *environmental economism discourse*. These discourses were adopted, and adapted, in varying ways by actors and networks across varying environmental sectors. Framing the project in this way will allow for a detailed examination of how actors navigated different subject positions within this domain and how, from these subject positions, they were able to enforce rules.

Chapters five, six, seven, and eight are the empirical chapters and will focus on the FSC in the forestry sector and the MSC in the fisheries sector. The first chapter of each case study (that is chapters five and seven respectively) will focus on how the FSC/MSC emerged into the subject position of a network connector through their construction and manipulation of discourse. The second chapter of each case study (that is chapters six and eight respectively) will then focus on how the FSC/MSC then used such a subject-position to wield authority. Looking not just at the relationship between the FSC/MSC and those they sought to govern, but also on the role competing networks played in the process. Through a network analysis, complemented by a focus on discourse, it becomes evident that the FSC/MSC constructed an adapted form of the

sustainable development discourse that could resonate to both the preservationists, as well as the environmental economism actors. Through strategies of identity-balancing and identity transference the FSC/MSC were able to gain legitimacy over their competitors. Such an approach is distinct from those that use either *moral authority* or *instrumental value* as the key factors propelling weaker actors to gain legitimation and power over stronger actors. Rather, I argue that it is because weaker actors are able to establish themselves as a conduits between competing networks that they are able to become legitimated as authorities. Fundamentally, the FSC/MSC were able to first establish themselves in an authoritative position through their construction of a key nodal point. Second, they were able to stabilize and expand their authority through their ability to transfer the identity of the ENGO network, seen as protectors of the environment, to the industry network via their eco-label. This was a key goal of industry, to be seen by consumers as protectors of the environment as well. In return, by supporting the FSC/MSC, ENGOs were seen as being effective in affecting change toward sustainable management of forests and fisheries. While these actions may be premised on perceived calculations of interest, the interest was based in social identity that was measured only in any given actors relation to the FSC/MSC, not simply bottom line profitability or simple material gain. This claim will be explored using extensive content analysis of public statements made by key actors within the networks involved. A direct comparison will be made between the FSC/MSC and competitor programs in order to show that their ability to define what *sustainable management* meant, and the practices that accompanied it, in a way that was amendable across networks (although not ideal to either), is the main cause of their ability to elicit private authority.

Chapter nine synthesizes the findings of the book and discusses the theoretical implications—namely, appropriate and more fruitful ways by which to evaluate the nature of private authority in environmental politics. It also presents future channels for inquiry, situating the work within a much broader set of issues and questions relating to institutional complexity in a networked society, and the effects of such on all forms of authority over time.

Conclusion

The findings of this dissertation are significant for four reasons: *One*, although this dissertation is focused on the FSC/MSC in particular, it has a more general aim of expanding understandings of how private governance unfolds in general. The strategic interactions amongst actors in the forestry and fisheries sectors very much reflects those taking place within various other global political sectors. Thus, the hypotheses generated by the theory expounded here, along with the findings that follow from the empirical sections, are in many ways generalizable across political sectors.

Two, private authority does not occur in a vacuum. Rather, it is polycentric. The rational bureaucratic model of the industrial era state is not an accurate reflection of the more contemporary developments within network society. The latter takes place in a decentralized social structure with many centers that are interconnected by nodes. It is important to emphasize that this structure is social in nature. It reflects a diverse array of actors competing across multiple levels of the international system for authority and influence. Therefore, answering the questions posed by this dissertation should be of

interest to not just to scholars of private authority but also to those of international relations more generally. Understanding this process should shed light on the evolving forms of global governance, and not just the role of non-state actors in it, but the role of the state as well. This dissertation purposely avoids entering into the argument that the traditional nation-state is losing ground to non-state actors, or that its power is necessarily being weakened or challenged by these actors. This dissertation only argues that the nature of global governance is changing in form and this is forcing the state and non-state actors to adapt to these newer realities. It then examines the process by which this phenomenon operates under this form. The state in this dissertation is considered to be a hub in the global network, a particularly powerful one at that, to which non-state actors can connect and disconnect contingent upon dynamically evolving circumstances. Additionally, the study of international relations has tended to focus on international law and international organizations as the vehicles by which global governance is carried out.⁴⁶ However, the arguments and evidence presented by this dissertation will demonstrate another form of governance that needs to be considered – private governance. Private governance, and the authority wielded by those that engage in it, are an intimate part of the process of global governance.

Three, focusing research efforts in the environmental sector is useful because the environment is critically important. There are countless scientific assessments that speak of the looming threats of environmental degradation and the need to mitigate these. There have been several high level international conferences held in order to discuss the

⁴⁶ Green 2014.

topic. Even a cursory look at popular media news headlines reinforces this, as extreme weather events are frequently tied to environmental degradation. Collectively these realities reflect a growing consensus that the future of human life on this planet depends on taking appropriate action. Therefore, any effort at better understanding how the environment is managed is a worthy endeavor. As private governance measures gain increasing support and popularity, while at the same time being accused of “greenwashing” and taking natural pressure off states to exercise their power within the domain, this topic in particular, of private governance, is critical for the future.⁴⁷

Four, and finally, private governance in the environmental domain is growing exponentially. The vast array of actors and interests that are operating within this domain is dense and thus provides a rich base by which to examine private governance. Although the focus of this dissertation is the FSC and MSC, it also considers a variety of actors operating within the same domain (ENGOs), each with distinct tactical approaches. The dense richness of the domain allows for a more nuanced look at this political development.

⁴⁷ See Bowen 2014 for expanded discussion on greenwashing; Smith 2007 for withdrawal of state responsibility.

CHAPTER II: THEORY

Introduction

There is broad consensus in the literature that private actors are playing a more important role in international politics than ever before.¹ Beyond merely being able to influence decision-makers and rule-makers, they are actually becoming rule makers themselves. However, there is little systematic and explanatory knowledge describing *how* they have been able to make that transition. This transition is one where private governors have moved into subject positions wherein they can make and enforce rules. Perhaps even less has been said on why some private actors, once in these positions, have become more widely accepted than other competing private actors. The understanding of these two processes, taken together, can present a much broader and significant understanding of private authority.

A brief overview of the process by which this dissertation argues that private authority is generated is as follows: Private governors must first cultivate a discourse that places them in subject positions from where their exercising of private authority becomes possible—as a private actor wielding authority is something that does not materialize from structural or material conditions. Rather, it is something that originates as an idea that is then manifested through discourse. Discourse shapes the possibilities for acting within the world; for both private actors and the political actors that surround them alike. A constitutive part of this process is meaning-making, and leveraging discourses to make

¹ Hass 1992; Strange 1996; Keck and Sikkink 1998; Barnett and Finnemore 2004; Bernstein and Cashore 2007; Weaver 2008; Lake 2009; Hopgood 2009; Kahler and Lake 2003; Green 2014, p. 26.

sense of a dynamic, social world. Through this meaning-making process, the identities of those actors engaged in the discourse adapt to the emergent world around them. This is a critically important part of private authority that must be included as part of its narrative. For it is through this process that materially weak actors can regulate the behavior of the more powerful. In constructing nodal points around which other actors converge, weak actors give meaning to the actions of those acting around them. So, for example, if a private environmental governor constructs, or defines, what it means to be acting *sustainably*, then actors seeking to be perceived as acting sustainably must adjust their behavior accordingly. The private actor creates an implicit rule structure that others must follow to be considered to be acting “sustainably”. This manifestation is not due to any material or structural condition—external to the social relationship—but rather due to the social process by which meaning was made.

This dissertation seeks to explain this process in two ways. *First*, by looking at the emergence of the Forest Stewardship Council (FSC) and the Marine Stewardship Council (MSC), within their respective sectors (forests and fisheries), to show how they were able to strategically shape the discourse within these sectors, and, in doing so, place themselves in subject positions from where they were legitimated as authorities. *Second*, by looking at how, from these positions, they expanded their base of authority by constructing sets of articulating practices that other actors abided by. Cumulatively, through these discursive maneuverings, the FSC and MSC, acting as network connectors, were able to force other actors to abide by their rules because doing so was intimately related to identity formation.

Part One: Framing the Argument within the Appropriate Macro Context

Social processes are co-constituted with the structural features within which they are embedded, thus framing them appropriately is critical. While the aforementioned approaches to private authority have been framed within the context of dyadic relationships, taking place within hierarchically structured political sectors, I argue that this frame no longer tells the whole story. An expanded understanding is necessary. The world is undergoing a rapid growth of decentralized forms of governance, based on networks and networking logics. This growth has opened up opportunity structures wherein actors can seek to exercise private authority. That is not to say that states are losing power (nor sovereignty) to non-state actors seeking to challenge them. Rather, it is to say that the technological advancements that developed symbiotically with the spread of capitalism have led to some fundamental changes of the global political system. One such change has been the increasing prominence of information as a source of power in relation to control over resources and material commodities. Whereas all three have always historically been sources of power, and remain so, they are weighted differently in the contemporary era (i.e. information is becoming a more important source of power relative to possession of material resources). This development, considered in parallel with another development of the contemporary world—the increasing capacity of non-state actors to generate, aggregate, and use information as a source of power—means that non-state actors are now better equipped to wield authority in select political sectors than ever before.

Another such change brought about by the proliferation of global capitalism is the breaking down of communication barriers, which, amongst various other factors, has imbued political behavior with an economic logic (based on efficiencies and instrumental utility).² Under such conditions hierarchical, bureaucratic organizations have become less capable of resolving the issues they face due to the rigidity of their structures. Rigidity prevents an organization from efficiently managing and acting upon information. In response, organizations across the globe are moving toward greater decentralization. Under these increasingly decentralized forms, in an increasingly information-centric world, power and authority are becoming more distributed—and shared—for the sake of greater efficiency and effectiveness in achieving objectives. The political logic generated by this transition has come to challenge that of the old bureaucratic state-centric model, thus problematizing the state-centric frameworks that most contemporary work analyzing governance, power, and authority rely on. Such approaches give little consideration to the social dynamics of the current historical period through which governance takes place, which is that of *networks*.³ Therefore, to better understand most any political sector of society today this dissertation argues that a contextualization and consideration of network logics is critical.

² Several authors have made the more expansive argument for these changes. I am not trying to expand upon these but rather borrow a frame that presents a more accurate context for the social processes that explain private authority. Therefore, I will not expend space recounting these arguments here. For a number of examples discussing this, see amongst many others, Castells 1996, 1997, 1999, 2000, 2006; Hajer & Hendrik 2003; Barney 2004; Bovaird 2005; Castells & Cardoso 2006; Benkler 2006; Knoke 2012; Van Dijk 2012; Krieger & Belliger 2014, amongst many others.

³ For such examples see: Friedman 1990; Haas 1992; Barnett and Finnemore 2004; Cashore, Auld and Newsom 2004; Pattberg 2005; Avant, Finnemore & Sell 2010; Risse 2012; Auld 2014; Green 2014; Moog 2014.

Network society—the moniker used by Castells (1996)—consists of networked social actors facilitating the flow of information, and by extension social forms of power, within and across networks. As the process of power transference here is as much about social connectivity as it is about any particular material status, it is important (in understanding and explaining the logics and processes within network society) to consider the role played by social positioning and identity. However, as social positioning and identity formation are dynamic processes that occur over time, and are socially constructed, any effort to explain them must consider their emergence. Or, better stated, the process by which private actors emerged into subject positions from where they could wield private authority must be considered. Once this context is adequately presented it should become clearer how these actors were able to arrive at these subject positions from where they could wield authority. Additionally, how they were able to garner and expand that authority once in that position.

Before moving forward, it is important to note that there does exist a healthy amount of literature in the field of international relations that uses social network analysis to explain a diverse array of political outcomes.⁴ More particularly, to explain either how social positioning within a network determines certain constraints and opportunities, and the effects this has on performance, behavior, and/or beliefs. Or, alternatively, how outcomes are explained by the structure of connections within the network. The tendency in these studies however is to treat networks independently, as either structures or as

⁴ For an illustrative example, see Burt 1995; Kahler 2009; Carpenter & Drezner 2010; Carpenter 2011; Wong 2012; Lupu & Voeten 2012; Oatley, Pennock & Danzman 2013.

actors.⁵ As structures they are seen as interconnected nodes that influence the behavior of their members and produce consequential outcomes.⁶ As actors, networks are seen as consciously designed organizations with clear membership boundaries that compete with markets and/or hierarchical bureaucracies.⁷ While both of these approaches are compelling, they tend to focus on how nodes within the network are shaped by the position, namely how constraint and opportunity structures of the network shape the behavior of the node. Little consideration is given to how nodes can shape networks, and even less is given to how actors can link separate networks and in the process shape political sectors.

There is a literature that does address the former (i.e. how nodes can shape networks) however, it remains in the minority.⁸ Nonetheless, it is important to address the critical contributions made by it. Emanating from this literature is the notion of the ‘political entrepreneur,’ or agents able to affect political change through leveraging the social relations they have built within a network. Most prominently they are able to do so by filling ‘structural holes’ that exist within network structures.⁹ They do so through the development of innovative ideas that can reframe agendas and connect distinct nodes of

⁵ Kahler 2009, pp. 4-7.

⁶ Ibid.

⁷ Ibid, pp. 4-7.

⁸ Knoke and Kuklinski 1982; Emirbayer and Goodwin 1994; Gargiulo and Benassi 2000; Burt 2009; Goddard 2009.

⁹ Particularly in the work of Burt 2009; Goddard 2009.

the network.¹⁰ While these approaches take agency more seriously than the others previously discussed, they maintain their analytical gaze within networks. Yet, I argue that by remaining within networks such approaches do not promote agency enough. Networks function based on common operational codes (i.e. symbols, knowledge, language, etc.), and thus there tends to exist a general compatibility of goals and interests amongst actors within networks. Therefore, staying within networks limits the entrepreneurial actor to ‘within network’ change. Approaching it as such omits the possibilities for change across entire sectors by actors that can bridge gaps or ‘structural holes’ that exist in-between completely separate networks.

This dissertation distinguishes itself then by attempting to examine and explain the possibilities for affecting political outcomes open to actors linking separate networks. While it will use the tools and concepts of social network analysis that have been built up through this rich literature, it will focus on actors operating in-between networks. In these political spaces there is no common denominator in terms of language, function, and/or objectives between actors. Nor is there an established political order *per se*. Rather, the actors that operate in these spaces compete to define the norms and practices of these spaces through the development of discourses. By constructing discourses around which actors across networks can converge, they come to regulate the behavior of the actors surrounding them. This is regularized through the creation of rules that are then adopted by other actors, or, in other words, exercising private authority. Thus, these actors, and their discourses, become the focus of this dissertation. As these actors

¹⁰ Particularly in the work of Burt 2009; Goddard 2009.

strategically position themselves in these spaces between powerful networks—unbound by either end—they can leverage this flow of power to translate social capital into authority. This dissertation seeks to show how this process allows these actors to play an outsized role through their shaping of the identities of powerful players across networks. Doing so in ways that seem, at least intuitively, beyond their capacity (particularly in comparison of their resource bases to those of the networks they operate in-between).

To explain this further, an apt starting point would be a discussion on networked governance. As previously discussed, private authority is an outgrowth of the increased networking of society. Therefore, before delving into a discussion on the social processes surrounding private authority, it is important to first expand upon the explanation of network society provided in the previous chapter.

Networked Governance

Barney (2004) aptly describes the process of properly contextualizing any social phenomenon as “gather[ing] the particularities of the historical situation and abstract from them a concept that would articulate the principle animating human practices and relationships”.¹¹ That concept here is that of *networks*. In basic terms network society manifests when “the constitutive principles of networks...become the animating force of individual, social, economic and political life”.¹² Manuel Castells (1996) describes the networked nature of society as:

¹¹ As Barney discusses Weber’s (1958/2009) expectations as a social scientist, p. 1-2.

¹² Barney 2004, p. 2.

[A] historical trend [where] dominant functions and processes are increasingly organized around networks. Networks constitute the new social morphology of our societies, and the diffusion of networking logic substantially modifies the operation and outcomes in processes of production, experience, power and culture.¹³

The idea of a society coming to adopt the structure of a network speaks of three interrelated trends (which emanate from a vast array of sources): a move toward decentralizing power, the expansion of markets, and the rapid advancement of communication technology.¹⁴ There are several historical events and factors that have driven these trends and institutionalized their logics across society, most importantly being: the spread of global capitalism, increasing globalization, the end of the Cold War, the increasing importance of information in the modern economy, and the rapid development of advanced technological processing capabilities. However, by no means does this insinuate determinism. Actors have agential qualities that they can employ to manipulate and shape these technological innovations as they see best fit. The point to be made here is simply that in a socially constructed society, agents and structures are mutually constituted, and uncovering the process by which these historical developments evolve, and the political outcomes that result, requires an understanding of the social forces driving this process. Yet, because explaining the process by which network society historically developed is beyond the scope of this dissertation, I will rely on the work of other scholars who have argued extensively,

¹³ Castells 1996, p. 469.

¹⁴ Barney 2004, p. 26-32.

clearly, and convincingly that the networking of society is taking place across political sectors.¹⁵ I have selected the environmental sector because it most clearly displays the network logics that drive modern politics, and thus it serves as an ideal framework for this project. By doing so I seek to conduct a dissertation that is manageable in scope, but that can provide insights which generate hypotheses that are more broadly applicable to other political sectors.

I will proceed through the remainder of this section by first providing a general overview of the fundamentals of network governance, as represented by the cited scholars. I will then show how these fundamentals are manifest within the environmental sector. After developing the social framework that will guide this project, I will discuss the sources of authority within this networked sector, and further how network connectors can arise within this frame to generate private authority. The section will conclude with a brief discussion on the special role played by identity.

Overview of Network Governance in Contemporary Global Politics

At the base of network society has been the economic transition from an industrial goods economy based on production, to an economy based on knowledge and information. According to the OECD, “economies are increasingly based on knowledge and information. Knowledge is now recognized as the driver of productivity and

¹⁵ Castells 1996, 1997, 1999, 2000, 2006; Hajer & Hendrik 2003; Barney 2004; Bovaird 2005; Castells & Cardoso 2006; Benkler 2006; Knoke 2012; Van Dijk 2012; Krieger & Belliger 2014.

economic growth, leading to a new focus on the role of information and technology”.¹⁶

They go on to explain that:

The existence of information technology and communications infrastructures gives a strong impetus to the process of codifying certain types of knowledge. All knowledge which can be codified and reduced to information can now be transmitted over long distances, across vast networks, at minimal cost.¹⁷

This puts a premium on the control and management of information, as profit margins are based more on efficiency and know-how, and less on control over physical/material resources. The economy is thus increasingly driven by information flows, across advanced communication technologies, than material production capacity.¹⁸

The political transitions of network society mirror the economic transitions just discussed. However, instead of material production, it is political power that is transitioning to information and knowledge as opposed to material capacities. Within networks power is a function of access to networks, and inserting oneself in the pipeline of flows. Castells writes “networks also act as gatekeepers. Inside the networks, new possibilities are relentlessly created – outside the networks, survival is increasingly difficult”.¹⁹ Thus, those actors that can insert themselves in-between networks carve out a special place within the network society. Access to significant networks is crucial, and therefore nodes that can connect powerful networks hold special value. This is because

¹⁶ OECD 1996, p. 3.

¹⁷ Ibid, p. 13.

¹⁸ Castells 1996, p. 62; Barney 2004, p. 28.

¹⁹ Castells 1996, p. 171.

nodes within (and in-between) networks can hold different levels of power based on their function within the network.

These processes have led to a trend toward a decrease in states' insistence on exercising authority both exclusively and hierarchically, even within their own borders, but more particularly in the international arena. As a result, international institutions and organizations (or non-state actors more broadly) have grown exponentially to deal with the host of transnational and deterritorialized issues that have arisen, i.e. human rights and environmental issues for example. In this arena, power and authority have been largely decentralized amongst an increasing number of non-state actors—included in these emergent actors are the private governors that are the focus of this dissertation. Network governance is thus the representation of an underlying social structure that operates based off of networks running on information and communication technologies. These networks “generate, process, and distribute information on the basis of the knowledge accumulated in the nodes of the networks”.²⁰

Part Two: Framing the Argument within the Appropriate Micro Context

The Networked Environmental Sector

The environmental sector is information driven. Understanding the human impact on environmental change requires the monitoring of complex eco-systems with advanced technologies, and then further using those technologies to process and manage the information in a way that is conducive to achieving one's objectives. Herein lies the

²⁰ Castells & Cardoso 2006, p. 7.

power of environmental networks. The vast amounts of sorted data—only recently available by the power of technological breakthrough—are only sortable and manageable through the networking of this political space. So much so that governments have proven ineffective in governing this space not just because of political differences, but because they lack the specialized knowledge to regulate the space. They have more often sought out other actors for their expertise and technological prowess rather than manage environmental issues independently. In doing so, they opened up political space for a diversity of non-state actors to form separate networks aimed at affecting change in this space – apart from states. These non-state actors include environmental NGOs, private environmental governors, and industry.

Environmental NGOs (ENGOS) serve their constituencies by providing expertise and applying such to serve as stewards (or protectors) of the environment. To an eco-conscious citizenry, this brings them a great deal of symbolic power – as protectors of the environment. The power that this brings is not vested in only a select few actors, but rather across the ENGO network. Within this network, like actors share information, collaborate on projects and operations, attend and observe the same summits and conferences, and oftentimes even share funding to achieve common objectives. Due to this overlap, and because they leverage advanced communication technologies to communicate, they are tightly connected into what is deemed by this dissertation an *environmental preservation network*. Power flows through this network as the distinct nodes bring attention to their cause by processing complex data on environmental damage and then broadcasting these findings to mass audiences. For example, natural disasters, or more so man-made environmental disasters (i.e. oil spills, toxic chemical

spills, etc.), present opportunities that must be seized upon by these groups to spread their message broadly and quickly. Yet not only are the primary and secondary effects of these disasters extremely difficult to interpret and project, but moreover, local events are oftentimes undecipherable by global organizations. As a result these groups branch out into cooperative relationships with other concerned actors, operating within networks to provide input, but also maintain local branches so as to understand local needs and problems. The authority of these groups comes from their ability to use the information attained to shape the public discourse in a way that influences the wider public toward preservation, and the practices that promote what they consider preservation. Yet this entire process is only possible through the technologies that facilitate mass communication.

Additionally, because of the dynamic nature of environmental events, this network is highly decentralized. Hierarchical structures cannot manage such complexity in a very efficient manner, and therefore a decentralized network is the more effective form of political organization. Hierarchies require centralized command and control, with action items only being acted upon after several layers have authorized action. This cumbersome approach has worked historically because information was more easily controlled. However, in today's information society, where technology has allowed for the rapid spread of highly complex and evolving information, such cumbersome approaches to dealing with information are diminishing. As complex information spreads rapidly and prompts distinct responses across vast networks, governing actors are better prepared to deal with responses through decentralizing power. This allows independent nodes of the network to formulate and tailor responses to evolving political dynamics.

It is much the same for industry. Industry services the material demands of modern consumer society. In such a capacity they are consistently pursuing new markets, resource bases, and more cost effective methods for managing global supply chains. Due to the dynamic nature of such tasks, industry also relies on decentralized networks for more efficient operations. Even though the corporations themselves are hierarchically oriented in most cases, they have outsourced much of their functionality by entering into networks that provide essential services in the form of extensive supply chains. Each node in the network (or actor operating along the supply chain) provides a critical task, with many leveraging advanced technological processes, based on information processing, to carry out their specified tasks efficiently.

However, in carrying out such processes in the search for greater efficiencies, industry is being increasingly scrutinized over how they are impacting the environment. Such scrutiny can oftentimes affect their image. This image—in an information society that is networked and where information can be moved across broad networks instantaneously—is constantly under threat. A tarnished image under such circumstances can present an existential threat to an industrial actor. Therefore, image is a high priority for such actors.

While these two networks have similar interests—being seen as stewards over the environment—they have vastly different means by which they achieve that. ENGOs have a far more restrictive view of what forms of practice should be considered sustainable in light of a fragile environment, while industry has a far more liberal approach that focuses more on profitability and competitiveness than any particular environmental exigencies. These positions will be explained in-depth in the following

chapter. The general point to made here, however, is that these differences foreclose in many ways the possibility for cooperation. Therefore, the networks formed by these actors are separate; even though they exist within the same political sector. This reality generates conflict that must be settled politically. As states have pulled back from regulating in the global environmental sector, private governors attempting to serve as network connectors have emerged. These private actors seek to govern broadly, not merely influence individualized outcomes. However, because these private actors lack the material power of states to enforce regulations, they must seek alternative means of regulation. They do so by first constructing a discourse that places them in positions of authority. From this position they then generate authority in two key ways: *First*, they construct a discourse around which actors across networks can converge. This gives them the authority to establish what is considered acceptable and not, and ultimately to construct rules to enforce these behavioral requirements. *Second*, they can transfer symbolic power across networks. In the cases under examination by this dissertation, this symbolic power comes in the form of transferring the symbol of environmental NGOs as ‘*protectors of the environment*’ to industrial actors in the form of an eco-label. In reverse order, it provides ENGOs symbolic power as they are seen as being effective at changing the behavior of industrial actors toward more *sustainable* outcomes.

Without network connectors such transfers of symbolic power would not be possible. The extensive organizational structures, specialized expertise, and overall capacity necessary to provide this function (at scale) is beyond the scope of individual actors within each of these separate networks. Moreover, the two sides of the network operate and speak in distinct codes, which makes the establishment of any permanent

connection impossible. This disconnect present network connectors with an opportunity to step in and play an essential role toward establishing and maintaining this connection. Network connectors thus not only serve as conduits of information, proving adaptable on both ends, but they also serve as bridges for the transfer of identity. By ‘connecting’ the codes of the two opposing sides they allow for the transference of identity. Constructing a common language for both sides to engage in and present themselves in an image that appeals to a wider audience.

Sources of Authority in Networked Governance

In the information age, where communication technology allows the spread of information to the masses instantaneously, information is power more than ever before. Mass communication now constitutes the public space and presents those that can capture the public attention with an opportunity for power and authority.²¹ Communication takes place not between individuals and firms, but between institutions and society at large.²² It is thus in this space where discourses are constructed by organizations that shape the public imagination, and images and identities are constituted by the process. It is for this reason that understanding the structure of social networks and the positioning of actors within them becomes so crucial.

²¹ Castells and Cardoso 2006, p. 12.

²² Castells & Cardoso 2006.

The social structure of the network, and the position of each actor within the network, creates a certain opportunity structure.²³ Depending on the number and quality of connections, trust amongst actors, obligations of support, etc., actors in networks will be more or less effective at accomplishing their goals.²⁴ Therefore, it is not just material capital that can be leveraged by networked actors to affect outcomes, but also social capital.²⁵ Constructing and generating trust and legitimacy are the core components of social capital.²⁶ Developing these has as much to do with the network of contacts any given actors have as with the strategic positioning of that actor with that network of contacts. Both can lead to a competitive advantage.

Yet, as networks tend to consist of actors of similar identities that congregate around discursive nodal points, they bring together those with similar interests.²⁷ As a result, trust and legitimacy tend to be high in these networks, which translates into a wide diffusion of social capital.²⁸ In other words, similar actors, with similar identities, tend to trust one another and legitimacy is given without great difficulty. Information tends to flow freely amongst these actors and there is little challenge to that common identity they all hold. Yet in an information society, where competing networks develop that can

²³ Castells 1996, 1997, 1999, 2000, 2006; Barney 2004; Bovaird 2005; Castells & Cardoso 2006; Benkler 2006.

²⁴ Castells 1996, 1997, 1999, 2000, 2006.

²⁵ Epstein 2008.

²⁶ Epstein 2008; Sending 2015.

²⁷ Kahler 2009.

²⁸ Ibid.

challenge social identity or can challenge the legitimacy of competing networks, social capital comes at a premium. Take the case of the ENGO Greenpeace. Greenpeace operates as a decentralized organization within a greater environmental NGO network. The organizations in this network have similar goals, operate on similar premises, as well as have similar identities. Social capital is diffuse within this network, and although all the organizations in the network do not always agree on common strategies, they all have a common goal – the preservation of the environment. Additionally, they all congregate around common discursive nodal points—identified in the next chapter as the preservation discourse, and to a lesser extent the sustainable development discourse. Entrenched within the ENGO network, and using the tools provided by networked governance, Greenpeace tended to focus on direct action campaigns that aimed at grabbing media attention. Thus leveraging its social capital to challenge industrial actors, states, and international institutions that possess greater amounts of material power. By using the social capital provided by modern communications technology, along with the information processing technology that allows them to make science-based arguments, Greenpeace has revolutionized the environmental space. In their ability to attract widespread media attention they were able to raise public awareness and direct unwanted publicity on industrial actors targeted by their actions. Thus it was only through Greenpeace’s position within a highly decentralized network of environmental organizations, and their leveraging of the power of advanced communication and

information technologies, that they have been able to shape outcomes.²⁹ Therefore, understanding these dynamics of the network is important.

Greenpeace, however, has only made limited efforts at private authority (some of which will be discussed in the empirical chapters). Rather it primarily aims to wield influence. Greenpeace's tactics are targeted at certain actors behaving in certain ways but they are not rule makers. They do not create regulatory systems that can permanently shape behavior within a domain—as much as they would like to do so. They simply cannot generate sufficient social capital through their network connections. As they have distinct goals, distinct identities, and operate within the logic of a distinctive discourse, they are limited to the resources of the environmental network. They are not sufficiently connected to the industrial network, or other sectoral networks for that matter, to harness the power of multiple networks to their purposes. For Greenpeace, significant gaps exist because the distinctions between networks prevent the sufficient flow of the trust and legitimacy necessary to generate authority. An actor that can bridge this gap, however, can generate sufficient authority to govern. For it is their ability to shape behaviors through meaning-making that then allows them to facilitate the transfer of information, and the flow of power, that grants them the requisite authority to govern. I deem these actors *network connectors*.

²⁹ The example provided was merely to make the point of networks and communication technology. Greenpeace is not a network connector, nor does it wield private authority. Rather, the example given is one of influence. But it served as a useful example for the point that needed to be made.

Network Connectors

Network connectors facilitate this flow of information and power across networks by being able to connect competing discourses. In doing so they not only build trust and confidence across networks, but are able to shape discourses, and by extension behavior and practice. This ability to shape ways of being, through the institution of language that designates certain practices as acceptable, is what I consider a core component of private authority. ***The most successful private governors must be network-connectors, because outside of their own networks they do not possess sufficient material or social capital to enforce rules.*** These network connectors are essential to the flow of information between disconnected networks, through whose connection the power of the networks can be amplified.

Network-connectors take advantage of filling structural gaps between networks to garner the authority requisite to govern. Since they actively seek out these positions to capture the power generated by the position, to then be translated into authority, it is important to keep in mind that they achieve such subject positions as a result of their entrepreneurial behavior. As social entrepreneurs, they do not simply rest on the influence given them by their position within an established network, rather they leverage the power that can be generated by shaping the space in-between networks to gain authority (as opposed to settling for influence). As their connection is crucial for the two combined networks, now that both have experienced the benefits accorded by maintaining this connection, the network-bridger can broker between the two to build

legitimacy – and by extension social value.³⁰ They have the option of strengthening the bond of the network, or of weakening it, it is their choice, and this choice is based on what brings strategic value to them and to their mission. An actor arriving at a position in-between networks—serving as a connector—arrives their through strategic means, seeking to secure and maintain a productive relationship in order to solidify their position. They do not arrive their because they simply possess any particular ideal-type attribute (such as moral legitimacy for example) that has been imbued upon them. Therefore it can be said that attributes are correlated to social positioning rather than vice versa. This point is emphasized in Burt (2009) when he states that:

Causation lies in the intersection of relations. [Gaps between networks] can have different effects for [actors] with different attributes or for organizations of different kinds, but that is because the attributes and organizational forms are correlated with different positions in social structure. The manner in which a [network gap] is an entrepreneurial opportunity for information and control benefits is the bedrock explanation that carries across player attributes, populations and time.³¹

Under such premises, understanding network-connectors does not require framing actors in terms of what they can provide in practical or moral terms to another actor. Rather, it is about their navigation to a place where they can gain from the benefits provided through connecting networks. In other words, their authority does not derive from individual attributes (e.g. moral authority, legal-rational, etc.), rather it is the entrepreneurial pursuit of that authority through strategic positioning in-between

³⁰ Burt 2009, p. 79.

³¹ Ibid.

networks that allows them to continue to exert entrepreneurial authority.³² Being able to find that middle ground makes the network connector the arbiter of common meaning to be found between competing networks; as well as a conduit for identity transference.

The Undertheorized Role of Identity

In network society, meaning is organized around identity. How actors are portrayed to the public plays a significant role in any given actors' ability to achieve its objectives. Therefore, being able to shape discourses so that one's identity is then validated in the eyes of the public is critical to success. Therefore, constructing and shaping meanings in discourse are absolutely crucial to the process of governing, and important sources of authority. Network-connectors can transfer identity between networks so that the best of each can be attributed to the other. For example, in the environmental sector, the preservation principles that animate the environmental movement can be transferred across networks to industry by a network connector (the Forest Stewardship Council for example). This is done in the form of a symbol or logo. By putting the logo of the FSC on industrial outputs, the identity of the environmental movement is transitioned across networks to industrial products. In return, the FSC gains the identity of an actor that is able to shape the practices of industry toward greater sustainability.

³² Green (2014) defines entrepreneurial authority as those that accrue authority through "a process that culminates in the governed deferring to the governors. Private actors must devise potential ways to govern and then peddle their ideas to those who might comprise the governed" (p. 34). While this dissertation conceptualizes the nature by which authority is garnered differently than does Green, the point that these actors act apart from the state to position themselves as governor remains the same in both accounts.

This process is a reflection of what Castells (1997) called *project identity*.³³ Project identity is wherein social actors utilize available cultural materials in order to build a new identity that redefines their purpose and position in society. In pursuing such, they are fundamentally seeking to transform the structure of society. This purposive behavior is clear in network-connectors because they seek to stake out positions in grey areas between networks. Filling this void requires an actor willing to operate in undeveloped areas wherein there is no connecting logic. In order to connect the networks then, social actors must create connecting discourses. It is within these discourses that meaning is made as to what is considered acceptable to the two networks, yet in a way that does not threaten or challenge the identity of either network so as to prevent the connection.

The ability to transfer identity in this way is manifest through the control of information. In the case under discussion, for example, the information being controlled is: what is it that defines one as acting *sustainably*? In the environmental sector, information and control over the discourse is critical because it can be used to shape the mind of the consumer and concerned citizen over what this means. The networks on both sides of the environmental sector are locked in a struggle to shape the minds of citizens across the globe on this topic. The environmental network needs to cultivate its image as protectors of the environment, or environmental watchdogs, while not seeming unreasonable in their demands. On the other side, industry requires that an increasingly eco-conscious consumer base accept their operational approaches as being *sustainable*

³³ Castells 1997, p. 8.

while still operating efficiently within competitive markets. Both sides thus require some compromise, or navigation to a middle social position. Any actor that can construct such a middle-position would derive unto themselves great social power. It is in situations such as these then that network connectors can insert themselves to great political effect. From such a position network connectors can stabilize identities through the building of interests and values between networks that can then be translated by those networks into power and authority. After all, it is those who code the world in an intelligible and lasting way that gain the authority to govern over its parts.

The Central Role of Discourse in Explaining Private Authority

A look at discourses shifts the starting point of analysis away from the meanings that social or material facts hold for pre-constituted actors to the way in which certain discourses construct the world for actors operating within it.³⁴ Discourses shape possibilities for acting within the world, and thus, by extension, the identities of relevant political actors. As stated in Howarth (2009), “[social practices] systematically form the identities of subjects and objects by articulating together a series of contingent signifying elements available in a discursive field”.³⁵ Private authority is generated by articulations.³⁶ Articulations are not just utterances but rather any actions taken to establish oneself into a position from where objectives can be accomplished. They serve

³⁴ Howarth et al. 2009.

³⁵ Ibid, p. 7.

³⁶ The idea of “articulations” was borrowed from the discourse approached presented in Laclau and Mouffe (1985).

the purpose of shaping relationships between actors that modify their identities in a way favorable to the actor that enacts the articulations. Yet, in order to fully understand the power of such articulations, made by actors operating in-between networks (where there does not exist a clearly articulated discourse by which behavior is regulated), it is important to first understand the discourses spoken by the distinct networks. As the focus of this dissertation is on environmental political sectors, the distinct discourses shaping this sector must be identified. I identify three broad environmental discourses: (1) *the preservation discourse*, reflecting the position of ENGOs; (2) *the sustainable development discourse*, reflecting a middle position wherein meanings were being heavily contested; and (3) the *environmental economism discourse*, reflecting the position advocated by industry.

Each of these component discourses shape the scope of acceptable actor behavior to relevant actors because encoded in them are certain social rules. These rules are socially constructed and are followed because failure to do so not only threatens one's interests, but more importantly, one's own identity. Such an approach is grounded in what Laclau and Mouffe (1985) deemed "*nodal points*".³⁷ These points are "privileged signifiers", or reference points wherein discourses can bind together to form a coherent system of meaning.³⁸ Actors position themselves around these nodal points to make meaning of the world, and of their role in that world. Their movement around these nodal points corresponds to shifting identities. These movements can be identified by

³⁷ Howarth et al. 2009, pp. 8-9.

³⁸ Ibid.

shifts in their discourse, and discursive practices. As actors navigate this terrain however, they are constantly challenging the position and identity of other actors as well. This is indicative of the open-ended nature of any social system, including networks. These systems are perpetually open to challenge and reformulation. Actors are constantly striving for their closure, to ward off challenge, and entrench themselves in positions of authority. This invariably leads them to create discourses filled with rhetorical impossibilities and contradictions. As these actors strive to close social systems of signification, to entrench themselves and maintain the status quo, they must try to close out challenges to constructed meanings.³⁹

To account for this process, Laclau and Mouffe present the concept of *empty signifiers*. There is always a striving toward an impossible ideal. Empty signifiers are the discursive forms such strivings represent. An example coming from the cases examined in this dissertation is the articulations that formed the concept of *sustainable development*. Such an ideal is impossible because it is all-encompassing. Sustainable development promises to deliver environmental conservation to all parties willing to abide by its essence; essentially representing a commitment to protect sovereignty, while redistributing wealth from the North to the South. All the while conserving the environment and promoting continued economic growth and free-market capitalism. Through the emptiness of such a concept certain parties have been able to control meanings and connotations associated with the environmental movement. Under this construct, competing actors present a diverse array of political objectives, aimed at

³⁹ Howarth et al. 2009, pp. 8-9.

fulfilling this impossible task, to seize the discourse and the many forms of practice that result from it.⁴⁰ The fixing of meaning or the filling of the signifier essentially represents the outcome of a political struggle. This process not only creates meaning, but also negates alternative interpretations as well. This signals the victory of a particular configuration of meanings and social relations and is reflective of power in action.⁴¹

It is by this process that private governors can generate private authority. Private authority is not a commodity, nor some material-type attribute possessed, it is manifest by the process of creating nodal points around which other actors come to identify. This places the actor constructing such a discourse in a central social position that forces other actors to consider them while in the process of identity formation. It is the discourse that demands rule following from the governed, as well as consideration from those on the other end supporting the private governor. For ignoring or discrediting the private governor threatens one's own identity. Additionally, I argue that it is in fact this process that distinguishes actors in terms of 'success' (which I define in this dissertation as simply the proliferation of the private governance program under consideration). New ideas must take hold in pre-constituted discursive terrain, as there must be some pre-existent reference for some actors to make sense of the emergent phenomenon; which in this case is private governance.⁴² These pre-existing references represent the boundaries that are being challenged by emerging actors. They define what can and cannot be said,

⁴⁰ Howarth et al. 2009, pp. 8-9.

⁴¹ Laclau and Mouffe 1985; Howarth 2000; Epstein in Abdelal, Blyth and Parsons 2010, p. 185.

⁴² Epstein in Abdelal, Blyth and Parsons 2010, p. 183.

and the ability of an actor to challenge those strategically, by taking a middle position between networks, is what I argue explains why the ideas put forward by network connectors are more effective than others. The sustainable development discourse strategically deployed by the FSC/MSC captured the popular imagination not due to randomized structural or material variables, but rather because these private governors were able to connect two distinct discourses spoken by sectoral actors through the creation of a nodal point. The two discourses represented the two separate networks – the environmental movement speaking a preservation discourse and industry speaking an environmental economism discourse. Yet the FSC/MSC were able to recast these two separate discourses, each which represented sustainability in drastically different terms, into a nodal point that morphed the idea of preserving the environment with that of exploiting it. They did this by speaking of the two as not being mutually exclusive, but rather complimentary – through reimagined management practices. The ability of a materially weak actor to shape the field in this way is where private authority truly lies. For the adoption of rules is contingent upon actors acknowledging and conforming to the discourse being spoken (or enacted). The re-constituted discourse does not persuade actors, rather it forces actors to talk and act in a certain way because otherwise they will be perceived as being unreasonable, or acting abnormally.⁴³

In this way identity is constructed in relation to the discourse controlled by the private governor. This allows the less powerful actor to enforce rules that may not suit the interests of those to whom the rules are being applied. Furthermore, this process

⁴³ Epstein in Abdelal, Blyth and Parsons 2010, p. 185.

works both ways. Where the traditional literature remains focused on dyadic relations between the private governor and those to whom rules are being directly applied, this approach broadens the scope of actors that are part of the private authority process. Private authority is much more than a two-way relationship. It encompasses a broad range of relationships within the context of networks.

It is important to note before moving forward that such a broad conceptualization of private authority risks being misinterpreted as a conflation between private authority and influence. Yet this broad approach can stay true to the definition of private authority as rules being enforced upon the governed because it identifies the social rules that are spoken, or enshrined as part of practice by the governors. Again, I allude to the implicit rules that are part of the FSC/MSC *sustainable management code*, namely that ENGOs follow certain implicit rules that included no boycotts or protests against industrial actors that were members of each of the organizations. Such instances will be identified in the case studies, and rules will be clearly identified as part of the discourse throughout the project.

Conclusion

In order to explain private authority then there are a couple of tasks that need to be completed. *First*, there must be a clear understanding of the discourses that define acceptable behavior within certain networks. These are the nodal points around which actors' identities and interests converge. Chapter 4 will examine and outline the competing discourses that defined the overall environmental sector in order to provide a

general frame from where the research proposed by this dissertation can be conducted.

Second, in order to understand the emergence of actors into subject positions from where they can wield private authority it is critical to first identify the demarcating lines between networks. This dissertation executes that task by separating them based on the discourses they speak. Using this broader map of the discursive terrain, the empirical chapters will examine ‘how’ private actors came to fill subject positions from where they could even be considered as private governors. Then it will look to explain ‘why,’ once in these positions, some actors are able to proliferate more rapidly than others. In explaining these two phenomena within two distinct environmental sectors—forests and fisheries—this dissertation seeks to contribute a broader social explanation for private authority. Before moving to the task of mapping the discursive terrain of the environmental sector, the important task of explaining the methodologies that will be employed to test the theory just articulated will be discussed. It is to this task that the next chapter is dedicated

CHAPTER III: METHODS

Analytical Framework

In order to broaden current understandings of private authority, this dissertation leverages the analytical powers of discourse analysis to examine two cases – forests and fisheries. These cases were selected due to their key position within environmental politics, and because they each contain a variety of private actors competing for private authority. Thus, they serve as rich analytical fields that are ripe for study. Within each of these cases there will be a particular focus on what are arguably considered the most successful actors within each domain – the Forest Stewardship Council (FSC) for forests and the Marine Stewardship Council (MSC) for fisheries. I have adopted this approach because the other actors examined in the case studies have come to determine their policies in relation to the positions of the FSC/MSC. Therefore, all other actors will be examined in relation to the FSC/MSC. Yet, because a variety of sub-cases will be examined within each of the cases, there is sufficient in-case variation to ward off accusations of case selection bias.

Discourse analysis was selected as a methodological tool because the theory is premised on showing that social position within a networked political sector plays a pivotal role in the exercise of private authority. However, as this dissertation also seeks to explain why some actors were able to wield private authority more effectively than others, the discourse analysis will be supplemented by process-tracing. Process-tracing is a particularly effective tool at converting a historical narrative into an analytical causal

explanation and thus will be used to bolster the theoretical propositions laid out in the dissertation.¹

There are two substantive parts to this dissertation. The first is the theory-building component. This consists of framing the discursive terrain within which the private environmental actors under investigation operated. The second is undertaking a comparative, qualitative case study within the theoretical frame built, while leveraging a standard quantitative procedure for social network analysis. The aim of this methodological approach is to achieve a thick understanding that emphasizes the relationship between historical-social context, attributions of meaning, and political outcomes. Or in other words, to show how actors operating within the macro context of network society were able to strategically navigate through discursive terrain to a middle position from where they could wield private authority effectively; while also leveraging the powers of quantitative techniques to substantiate findings.

The empirical materials will be assessed through content analysis, as well as considered via process-tracing. The comparative qualitative case study design provides the possibility for in-depth analysis, or, understanding of the case, as well as for explanation (or broad causal claims) tied to theory. Proceeding in such a way provides a means by which both the theory and analytical frame can be developed and applied to future cases. Content analysis, for its part, represents a common method because it can effectively connect socially constructed meaning and action. Process tracing can then

¹ George & Bennett 2005.

make the additional connection between the aforementioned and political outcomes. The section that follows will explain this approach.

The aim of this methodological approach is two-fold: 1) to expand upon current understandings of private authority by adding a thick social analysis to the phenomenon; and 2) to explain how social positioning relates to the effectiveness of private governors attempting to wield private authority. The ultimate goal is to explain the emergence of private governors into subject positions within the forest and fisheries sectors from where they could wield private authority. Then explaining the social forces underlying private authority and how those forces lead to varying levels of effectiveness amongst varying private actors. This work thus aims at a “thicker,” more interpretive explanation of private authority that can supplement those that currently exist.²

This chapter is divided into three sections that justify and explain the use of distinct methods: Discourse analysis, comparative qualitative case study and process tracing. Following these sections is a justification for case selection, which is then followed by a brief conclusion. The combination of these methods to the cases selected offers more comprehensive insight into the social phenomenon that is private authority.

Discourse Analysis Bolstered by Qualitative Social Network Analysis

A discourse analysis can identify the boundaries of a given discourse—what is included as well as what is excluded from certain statements.³ A discourse analysis is

² Geertz 1972.

³ Keskitalo et al. 2015.

therefore generally carried out through text review—as language is the way that discourse presents itself most clearly and where it is in its most analyzable form.⁴ Additionally, all texts code the ideological positions(s) of their producers.⁵ As such, this dissertation draws upon a large body of text material from which a formal discourse analysis will be conducted. The written material selected has been identified for two designated periods for each case – the ten-year period leading up to the founding of the private governor under investigation, and the ten-year period following the foundation. The first time period was selected to explain emergence, and the second to explain convergence toward the nodal point constructed by the private governor under investigation.

As previously discussed, Laclau and Mouffe’s discourse analytical approach will be applied toward interpreting data. Particular attention is paid to textual practices (the ways linguistic devices are crafted into articulations), discursive practices (the ways arguments are made toward the formation of nodal points) and sociological practices (the ways actions are taken to reflect ideas). Efforts are made to maintain a critical mindset and acknowledge, to the extent possible, the bias of the researcher.

There will be two parts to this analysis: 1) establishing the contours of the broader environmental discourse that transcended particular sectors; and 2) examining how actors operated within these contours to shape political outcomes within particular sectors (which in this case I will look at the forest and fisheries sectors). To complete the first

⁴ Keskitalo et al. 2015.

⁵ Coulthard 1996, p. 228.

part I have looked at the seminal texts and documents that have been identified in the literature as being the most influential in the field. They are as follows:

- **Preservation Discourse** – *Silent Spring* by R. Carson (1962); *The Limits to Growth* by D. Meadows et al. (1972); *Only One Earth* by B. Ward et al. (1972). The aforementioned were the primary works examined, however, to supplement those, the following works were also referenced: *The World Conservation Strategy* by the IUCN, WWF and UNEP (1980); *A Sand Country Almanac* by A. Leopold; (1949); *The Population Bomb* by D. Brower & P. Ehrlich (1968); *Scarcity and Growth* by H. Barnett and C. Morse (1963); *Our Stolen Future* by D. Dumanoski et al. (1996).
- **Sustainable Development Discourse** – *Our Common Future* by the United Nations (1987); *Agenda 21* by the United Nations (1992); *State of the World* (amongst other documents) by the Worldwatch Institute (1984); *The Rio Declaration* by the United Nations (1992); the *World Development Report* by the World Bank (1992); *Environmental Economics and Sustainable Development* by the World Bank (1993); *Tropical Forests: A Call for Action* by the World Resources Institute (1985).
- **Environmental Economism Discourse** – *Changing Course* by the Business Council on Sustainable Development (1992); *Beyond Interdependence* by J. MacNeill and T. Yakushiji (1991); *A Poverty of Reason* by W. Beckerman (2002).

Text analysis was conducted on these documents to highlight the key concepts, forms, symbols, and practices that correlate to key nodal points around which actors have converged. I identified the key works by referencing scholarly texts that have aimed at explaining the evolution of the environmental movement, and annotated the works they cited as having played the most pivotal role in influencing distinct actors within the environmental movement.⁶ Data analysis of these texts led to a categorization of key terms and concepts which shape the way each approach tended to look at the world – each forming a separate discourse. Each discourse having its own unique way of talking

⁶ Humphreys 1996; Vogt et al. 2000; Bernstein 2001; Uekötter 2010; Dryzek 2013.

about the environment, and thus leading to distinct identities and practices. There were three distinct discourses identified – the preservation discourse, the sustainable development discourse and the environmental economism discourse. Each of these reflected a distinct “nodal point”. The articulations that make up these nodal points were aggregated and the most salient will be identified in the following chapter.

For the second part, the material that were examined include, but are not limited to, annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material that is provided by relevant actors. The selected material is from 1990 – 2009. Such a broad date range is necessary to first establish the existence of select discourses emerging in the environmental sector, as well as private actor emergence that led to the proliferation of their regulatory schemes. Actors were selected based on their key roles in the distinct networks (environmental and industry) in supporting or opposing private authority. They were identified based on an exhaustive search conducted of the literature on the topic, and they were mapped based on a discourse analysis of their major public statements.

Data analysis for part two began with an application of coding categories based on the articulations identified by the three discourses discussed above. Source materials were closely examined through Nvivo qualitative data analysis software and then numerically graded based on the number of articulations/statements within each that was reflective of each discourse. The code was applied in the following way: statements that were based on the logics of the preservation discourse were scored with a (+1). Those that were based in the logics of the sustainable development discourse were scored with a (+.1). Those that were based in the logics of the environmental economism discourse

were scored with a (-1). The final score of each document was then divided by the number of pages wherein forests and fisheries were discussed, respectively. Scores were then averaged over the number of documents examined. The average was the final score for each actor. This final figure was then used to place the actor within broader discursive field they act within, which in the case of this dissertation is the forest and fisheries sectors of the environment.

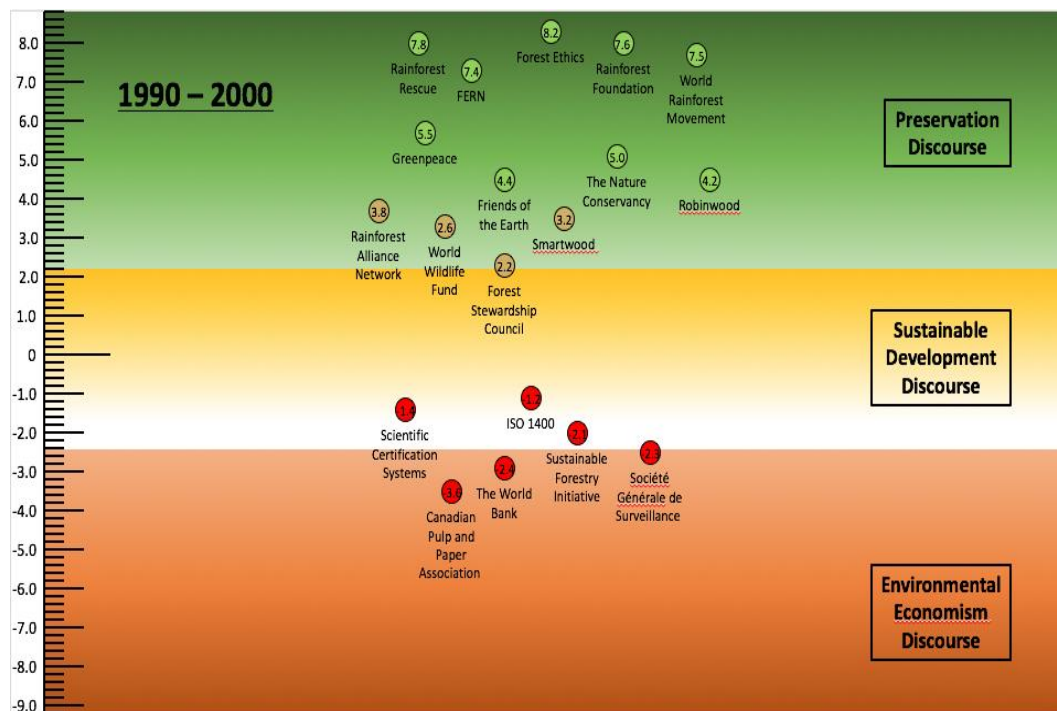
This quantification of data extracted through qualitative forms has been described, in mixed methods terminology, as “quantitative translation”.⁷ This approach can transform analytically relevant codes derived from the text into nodes of a network.⁸ It will be applied in this dissertation to identify the social position of distinct actors within a much broader discursive terrain, and their trajectory over time. It is within this frame then that interactions, links, and, most importantly, social positions can be analyzed to determine political effects. The purpose of this approach is two-fold. *First*, it provides a representation of the social positioning of sectoral actors based in discourse (See Figure 1). The findings reaffirm the existence of separate networks, the positioning of actors within such networks, as well as the positioning of those wielding private authority in a middle-position. *Second*, by breaking up this analysis into distinct time periods, it allows an analysis of how discourses leveraged by network-connectors drew both supporting and competing actors closer to the center over time. The two separate time periods examined ten years prior to the foundation of the private governor under examination and ten years

⁷ Boyatzis 1998, p. 129.

⁸ Verd and Lozares, as found in Dominguez and Hollstein, 2014, p. 270.

after. The first period is used to discuss emergence, and shows how the networks (along with separate actors) took form. The second period is used to show how certain actors, based in certain social positions, were able to shape the discursive field (see Figure 2). Using this format brings to light the existence of competing discursive networks, and as well as the positioning of distinct private governors around nodal points becomes clear as well (see Figure 2).

Figure 1. Social Positioning and Networks in the Forestry Sector

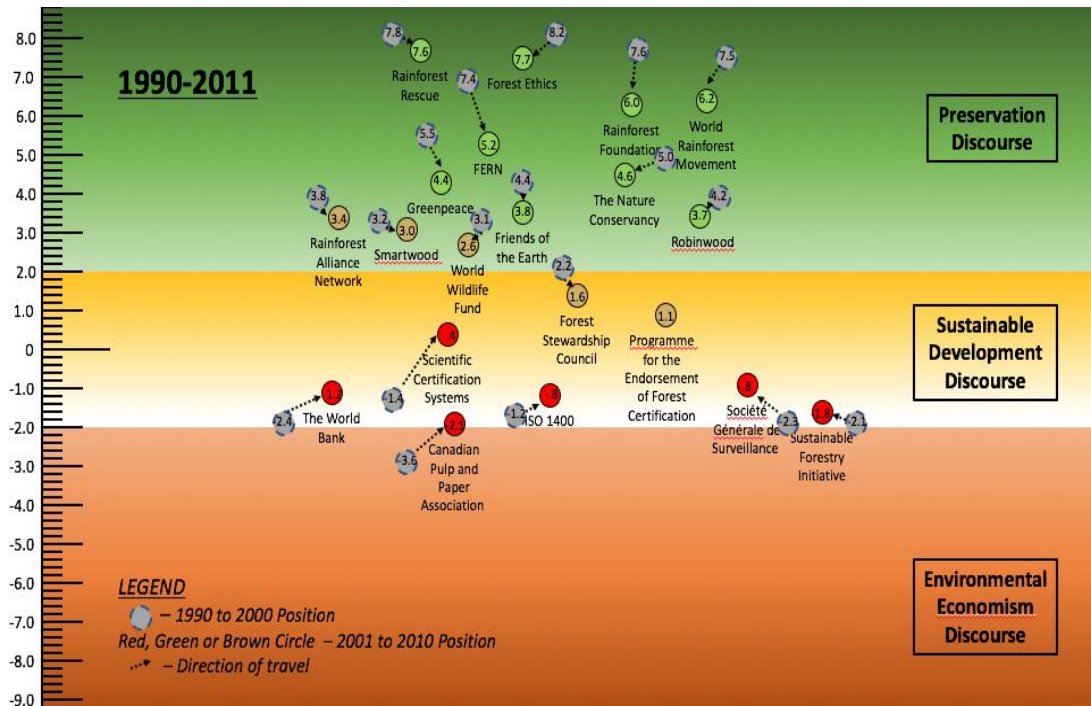


Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

Process tracing will then be used to show emergence and present an expanded, social explanation of private authority. This process of framing and analyzing the social

structure of the distinct networks will be applied to two distinct political sectors of the environment– forests and fisheries. As such this inquiry will be carried out as a comparative, qualitative case study.

Figure 2. Example of Discourse Convergence in the Forestry Sector



Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

Comparative Qualitative Case Study

This dissertation is structured around case studies because each case study “seeks to generate richly detailed, thick, and holistic elaborations and understanding of instances

or variants of bounded social phenomenon through the triangulation of methods that include but are not limited to qualitative procedures”.⁹ Yin (2013) argued the merits of case studies “when (1) the main research questions are ‘how’ and ‘why’ questions; (2) a researcher has little or no control over behavioral events; and (3) the focus of the study is a contemporary (as opposed to entirely historical) phenomenon”.¹⁰

The two primary research questions being asked in this dissertation are as follows:

- 1) How did actors emerge into subject positions from where they could wield private authority?
- 2) How were some able to wield private authority more effectively than others?

As such, it is well-suited to the demands of the research problem that drives this dissertation. Also, according to Snow and Anderson (1991), the case study is well-suited for research that looks to understand how actions and processes “are produced and re-produced or changed by examining their ongoing interactions with other elements within the particular context”.¹¹ Therefore, they allow for a deeper (or thicker) investigation into meaning – one that goes beyond rational choice or materialist approaches.

The particular type of case study method adopted in this work is a “comparative qualitative”.¹² This is a standard approach in the field of comparative politics and is

⁹ Klandermans and Staggengborg 2002, p. 151-152.

¹⁰ See Yin 2013.

¹¹ As found in Feagin et al. 1991, p. 153.

¹² Cashore et al. 2004.

frequently the method of choice when there is causal complexity and a limited number of cases.¹³ By executing the project in a way that allows in-depth research, the dissertation will not only cast theoretical light on how private actors navigated through competing discourses within the forest and fisheries sectors, and the political effects of such, but the theory-building process will serve as a model that can be more generally applied to private governors across political sectors. This approach can lead to generalizability through theoretical and analytical development.¹⁴

Process-Tracing

As discussed in George and Bennett (2005):

Process-tracing is an indispensable tool for theory testing and theory development not only because it generates numerous observations within a case, but because these observations must be linked in particular ways to constitute an explanation of the case.¹⁵

The specific form of process-tracing employed in this dissertation is that which seeks out *analytic explanation*. This form seeks to convert a historical narrative into an analytical causal explanation, in an explicitly theoretical form. The explanation presented in this dissertation is deliberately selective. It focuses on the particularly important parts of the case in the pursuit of an adequate and/or parsimonious explanation. The important parts

¹³ See Lijphart 1975; Ragin 1987; King, Keohane & Verba 1994.

¹⁴ Yin 1989, p. 21.

¹⁵ George and Bennett 2005, p. 206.

will be the key actors involved and their interactions with one another, and effects. Process tracing will be employed to show both how the FSC/MSC moved into subject positions from where they could exercise private authority, and how their actions within these positions affected all the others.

This method is well-suited for testing the plausibility of the proposed theory because it is designed to uncover the causal mechanisms underlying relationships. The causal mechanisms in this dissertation reside in the discursive formulations that are constructed to give meaning to social phenomenon. To uncover the meaning these discursive formulations impart, this dissertation relies upon the sources mentioned previously (i.e. public statements, reports, website resources, along with supplemental secondary data).

Case Selection

Case selection is a very important component to this project. A common pitfall in case selection is selecting on the dependent variable, or only those that display the phenomenon to be explained. While the cases of the forests and fisheries follow similar trajectories, there is sufficient variation within the cases selected—as a variety of actors within each case will be examined. This variation is sufficient to rule out different causal hypotheses.¹⁶ Additionally, forests and fisheries are important components of the environmental sector. The health of these sectors is critical to maintaining the integrity of the larger eco-system. Therefore, they are inherently important to understand. These

¹⁶ George and Bennett 2005.

two sectors are also important cases for understanding the development of private authority because within both the phenomenon has become quite pervasive. Each sector contains a variety of competing actors attempting to regulate those political spaces. The varying levels of success experienced by intra-sector actors, in each case, provides a ripe empirical field, with important variations, that will enable investigation of the causal mechanisms proposed by the theory.

Only two cases were selected because, generally, the smaller the number of cases selected, the more in-depth or ‘thick’ the description can be. The two cases will focus on core actors within each sector and the discourses surrounding their interactions, and effects of those. The purpose of this is to add depth and nuance to current, more generalized understandings of private authority. Additionally, limited cases portend to theory development and this dissertation aims at adding depth to current theories of private authority.

The way the cases will be organized is as follows: There will be a particular focus on the FSC and MSC, however, various other private actors will be considered as well (see Table 1). The criterion for each selection were that the organization operate internationally, and that it appears in popular literature on the topic at least five times. Framing the project in this form allows for the pursuit of both research questions.

The reason for the focus on the FSC and MSC is as follows: *First*, these two actors are the most prominent actors within each of their respective sectors. Their successes were unparalleled and the other sectoral actors all position themselves around the FSC/MS in some way (both factors to be discussed at length in the case studies). To validate this claim, content analysis was conducted on major forestry related documents

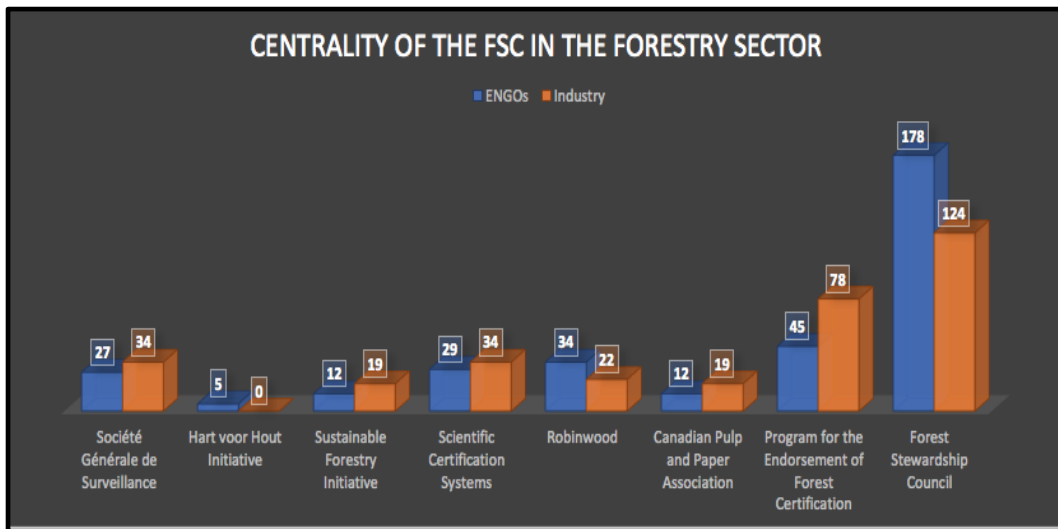
from all actors under consideration to show that the FSC/MSC were the most frequently mentioned private governors (see Figures 3 and 4). This is indicative of the central role these actors play in shaping the discourse, and by extension identity, within the sector. Process-tracing will bolster this claim by showing that competitor programs emerged in response to these two programs, and furthermore that ENGOs adjusted policies based

Table 1. Sectoral Network Breakdown

Fisheries Network	Forest Network	
World Wildlife Fund	FERN	} ENGOs
Friends of the Earth	World Rainforest Movement	
Friend of the Sea	The Nature Conservancy	
Greenpeace	The Rainforest Foundation	
Marine Stewardship Coun	Forest Ethics	
Sea Shephard Conservation Society	Friends of the Earth	
Blue Ocean Institute	Greenpeace	
Marine Conservation Society	Rainforest Rescue	
Audubon Society	Rainforest Alliance Network	
North Sea Foundation	World Wildlife Fund	
	1995 Buyers Group (WWF)	} Private Governors
Naturland	Smartwood (RAN)	
Friend of the Sea	Robinwood (FoE)	
Marine Stewardship Council	Forest Stewardship Council	
Greenpeace Redlist Program	ISO 14000	
Sustainable Fisheries Partnership	Program for the Endorsement of Forest Certification	
Carrefour 'Peche Responsible'	Scientific Certification Systems	} Key Industry Actors
Clean Green of the S. Rocklobster Fishery	Sustainable Forestry Initiative	
Unilever	The Soil Association	
International Coalition of Fisheries Associations	World Bank	
National Fisheries Institute	Leroy Gabon	
Soil Association	The Home Depot	
Earth Island Insitute	B&Q	
Walmart	IKEA	
Migros	Western Forest Products	

on the actions taken by these two programs. **Second**, the FSC/MSC are both considered ‘successful’ private governors, and have been the focus of several studies.¹⁷ Thus, beyond the practical component of an abundance of literature discussing these two organizations, they are ideal focal points because they will reveal the nature of how social dynamics can translate into private authority. However, since they are not considered independently but rather within the web of networks, and other private governors will be analyzed, this is not a case of selection bias. **Third**, their discourses are shown to be most influential – through process tracing. Therefore, focusing on how they shaped the

Figure 3: Number of Mentions in the Forestry Literature Examined (1996-2006).



Figures derived from counting the number of mentions of each group in the popular literature on the topic (1996-2006).

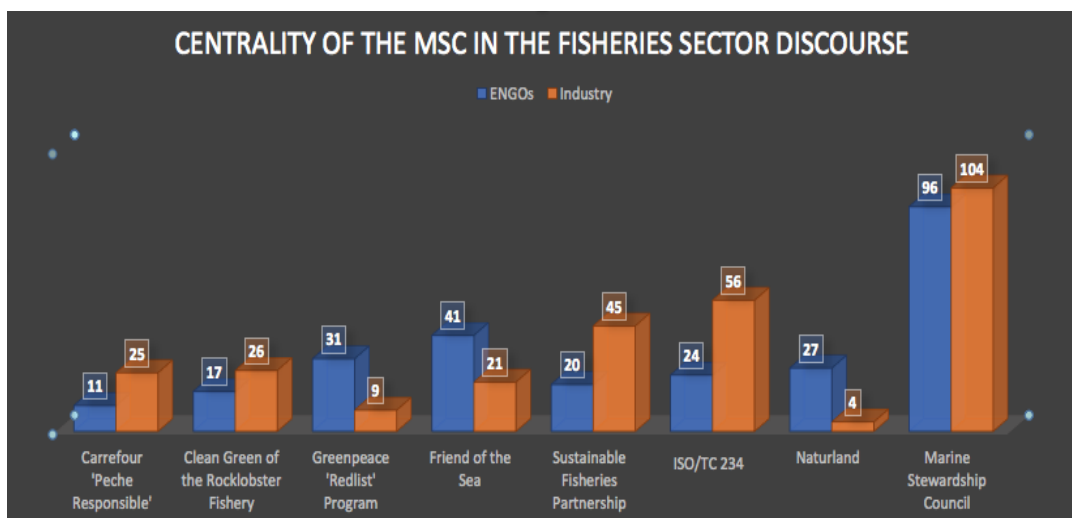
¹⁷ Cashore 2002; Lohmann 2003; Bernstein and Cashore 2004; Cashore et. al. 2004; Pattberg 2007; Bonnano & Constance 2008; Schepers 2010; Ponte 2012; Auld 2014.

discourses spoken and meanings within the forestry sector, relative to actors across networks is appropriate. *Fourth*, and finally, they are both important cases because they stand at the cutting edge of private governance authority.

Conclusion

The analytical framework and method presented in this chapter provide a comprehensive approach to answering the research questions proposed by this dissertation. The approach and method places emphasis on processes of meaning-making undertaken by distinct actors while navigating discursive terrains, and the political effects of such. This parallels the social constructivist nature of this project that looks to study

Figure 4: Number of Mentions in the Fisheries Literature Examined (1999-2009)



Figures derived from counting the number of mentions of each group in the popular literature on the topic (1999-2009).

discourses and the practices that emanate from them. The intent is to present a thickly detailed interpretive analysis that broadens the collective understanding of the phenomenon of private authority. While a majority of the literature is focused on more narrow structural and materialist explanations, this one seeks to consider the wider social dynamics that make up the phenomenon. It examines the central role of discourse in the social processes of emergence, social positioning and the exercise of private authority. Such an approach is a much needed effort at expanding current understandings of the emergent phenomenon that is private authority, which is coming to play an ever more critical role in governing the globe today.

CHAPTER IV: THE CONTOURS OF THE ENVIRONMENTAL DISCOURSE

Introduction

As the socio-historical forces discussed in chapter two converged (namely the networking of society and the growing faith in market solutions for political problems) to fundamentally shift the nature of global politics, political actors operating within this context were forced to re-make meaning of the world around them. One political sector wherein this transition was particularly salient was the environmental sector, where as a variety of developments (to be discussed) forced actors to re-imagine their relationship with the environment. While many perceived the environment as a fragile system, possessing finite resources, and endangered by the steady and destructive growth of consumer society, others challenged this position by arguing that this ominous view of environmental damage was being overstated.^{1 2} In other words, that the environment was not as fragile as described but rather—if managed *sustainably*— its finite resources could be cultivated indefinitely. Others, taking this claim even further, felt as if the

¹ *The position of those perceiving the environment as fragile is best represented by the following works: Silent Spring* by R. Carson (1962); *The Limits to Growth* by D. Meadows et al. (1972); *Only One Earth* by B. Ward et al. (1972); *The World Conservation Strategy* by the IUCN, WWF and UNEP (1980); *A Sand Country Almanac* by A. Leopold; (1949); *The Population Bomb* by D. Brower & P. Ehrlich (1968); *Scarcity and Growth* by H. Barnett and C. Morse (1963); *Our Stolen Future* by D. Dumanoski et al. (1996).

² *The position of those perceiving the environment as sustainable via better management is best represented by the following works: Our Common Future* by the United Nations (1987); *Agenda 21* by the United Nations (1992); *State of the World* (amongst other documents) by the Worldwatch Institute (1984); *The Rio Declaration* by the United Nations (1992); the *World Development Report* by the World Bank (1992); *Environmental Economics and Sustainable Development* by the World Bank (1993); *Tropical Forests: A Call for Action* by the World Resources Institute (1985).

environment did not need to be managed at all.³ This camp argued that markets would inevitably lead humanity toward environmental equilibrium—as the negative externalities created by market exchange would limit environmentally damaging behaviors. Whatever the position taken toward the environment, each is defined by their discourse—as actors make meaning of the world, and its dynamic changes, through the means by which they speak of it, and then engage with it. This chapter seeks to present the discourses that were developed by actors seeking to make sense of the environment in a rapidly changing world. A world wherein the political order was being reorganized in order to accommodate alternative structural forms (i.e. network society), as well as political problem solving mechanisms (i.e. markets). Within such a context, the emergence of three major discourses becomes apparent. This dissertation has designated them as: *the preservation discourse, the sustainable development discourse, and the environmental economism discourse*.

This chapter is dedicated to tracing the process by which these emergent forms of discourse came into being, as well as how they reshaped meaning for the actors involved. As meaning shifted, and actors sought to reformulate their identity to align with these new meanings, a contested political terrain was opened up. Within this terrain, actors competed to shape meaning in a way that reflected their own agendas. As identities can come to shape interests, the ability to shape identities to align with one's own agenda speaks to power. For this process to shape behavior is fundamental to private authority, or getting an actor(s) to behave in line with a privately developed rule structure. As such,

³ *The position is best represented by the following works: Changing Course* by the Business Council on Sustainable Development (1992); *Beyond Interdependence* by J. MacNeill and T. Yakushiji (1991); *A Poverty of Reason* by W. Beckerman (2002).

understanding the process by which this occurs is a critical part of explaining the process of private authority. As applied more directly to the content of this dissertation, understanding this process will establish a framework for evaluating how environmental actors in the forestry and fisheries sectors maneuvered through this emergent discursive terrain. The focus of the empirical chapters will be on how the FSC and MSC strategically used these discourses to place themselves in positions of authority, between competing networks, in order to proliferate their private authority regimes. Thus, framing the context in which they did so is critical. That is the purpose of this chapter.

In the first part of this chapter, I will present a brief historical narrative of the convergence between a liberal economic discourse (which promoted a harmonious convergence between economic exigencies and protecting the environment) and the environmentalism discourse (which prioritized environmental protection first, over any economic argument). This will serve to provide a basic context for the mapping out of the discursive terrain within the environmental sector. The mapping out of the terrain will be presented in the second section of the chapter. The three competing discourses (preservation discourse, sustainable development discourse, environmental economism discourse) will then each be discussed in turn. For each discourse, a brief historical narrative will be provided, as well as a discussion on the influence of major works that propelled the discourse forward. These works were selected based on the central, organizing role they played within each discourse (see Table 2). The aim will be to show how the discourse they promoted came to serve as reference points around which actors' identities converged (or nodal points as discussed in the previous chapter), and made

sense of their actions. Later chapters will then refer to this ‘discursive map’ in order to situate distinct actors within the broader discursive terrain.

The purpose of presenting the narrative of how these distinct discourses evolved is to establish a frame for the empirical chapters. Namely to show how certain actors strategically managed the adoption of select normative concepts within the distinct discourses in order to position themselves to wield authority. In the case of this dissertation it will be to show how the FSC/MSC came to occupy a central position in-between networks—within their respective sectors (forests and fisheries)—through their shaping of the discourses that were emerging.

Table 2: Representative Texts of the Distinct Discourses

Preservation Discourse	Sustainable Development Discourse	Environmental Economism Discourse
*Silent Spring (1962)	* Our Common Future (1987)	* Changing Course
*The Limits to Growth (1972)	* Agenda 21 (1992)	*A Poverty of Reason
*Only One Earth (1972)	* Rio Declaration (1992)	* Beyond Interdependence
The World Conservation Strategy (1980)	The World Development Report (1992)	
Our Stolen Future (1996)	Environmental Economics & Sustainable Development (1993)	
The Population Bomb (1968)	Tropical Forests: A Call for Action (1985)	

See Litfin 1994; Humphreys 1996; Bryant & Bailey 1997; Wackernagel, M. & Rees, W. 1998; Goldman 1998; Bendell & Murphy 2000; Carter 2001; Wellock 2007; Rootes 2008; Epstein 2008; Nadis 2011; Mckie 2012; Dryzek 2013.

This will allow for the testing of the hypothesis adopted in this dissertation that through their discursive maneuverings, the FSC/MSC were able to shape the discourse in a way that placed them in a position of authority. In doing so, they forced other actors to react to their actions and situate themselves relative to the FSC/MSC. This central position allowed them to elicit private authority through position, not by any structural feature per se, or individual attribute.

Historical Overview

There are several ways to discuss the environment, however, this dissertation proposes that since 1950, there have emerged three broad forms of speaking about the environment.⁴ These are identified as a *preservation discourse*, a *sustainable development discourse* and an *environmental economism* discourse. However, before defining and explaining these forms of discourse, a brief historical narrative of the convergence of liberal economics with environmentalism that led to the emergence of these distinct positions will be presented.

Historical Context of Distinct Environmental Discourse Emergence

Starting in the late 1950s, a demand developed to build global governance regimes that would effectively manage critical resources. Elements within the scientific community were indicating that if effective governance institutions were not put into

⁴ While the specific categorization of discourses used in this dissertation is novel, the idea that there are competing discourses about the environment is not. For alternative viewpoints, all of which were used as reference points for this dissertation, see Litfin 1995; Bernstein 2001; Dryzek 2013; Keskitalo 2016.

place the health of the planet was at risk. These findings, along with the dedicated efforts of a growing environmental movement, mobilized eco-conscious citizens around the world to prompt governments to action. States responded in various ways, but none more prominent than by organizing the 1972 United Nations Conference on the Human Environment (UNCHE), also known as the Stockholm Conference. As stated by John McCormick (1989):

Stockholm was without doubt the landmark event in the growth of international environmentalism. It was the first occasion on which the political, social, and economic problems of the global environment were discussed at an intergovernmental forum with a view to actually taking corrective action”.⁵

Yet while intergovernmental regulatory mechanisms for ensuring environmental protection were articulated throughout the conference by States, emphasizing international law as a means of institutionalizing protection, the conflicting goals between environmental exigencies and economic development proved too difficult to overcome.⁶ The Stockholm Conference proposals were chided by industrial interests, and the leaders that represented them, because they “unduly dissociated the environmental issues from the general framework of development and development planning, in such a manner as to render it an instrument of purely restrictive, anti-developmental and ‘conservationist’ policies”.⁷ So while the 1972 Stockholm Conference alluded to an emerging paradigm

⁵ McCormick 1989, p. 88.

⁶ Issues of sovereignty also proved problematic however these debates are reflected in the arguments over economic development. See Bernstein 2001 for an expanded discussion.

⁷ UN Doc. A/CONF.48/PC.12, Annexes I and II (1971), excerpt as found in Sohn (1973), p. 428.

shift in the way environmentalism was viewed at the global level, where liberal economics and environmentalism were seen as complementary to one another, the two were considered separately during the conference.⁸ It would be another 20-years before the two issue areas would officially converge into a new way of thinking about environmentalism at the global level.

While the convergence would not become official until 1992 (during the next major intergovernmental conference on the environment – the Rio Conference), it was the 1987 Brundtland Commission Report that framed the conference as a defining moment of convergence between economics and environmentalism.⁹ This report framed its finding within the context of an innovative rhetorical device deemed – “*sustainable development*”.¹⁰ Sustainable development was packaged as a concept that represented, according to the Brundtland Commission report, the “possibility for a new era of economic growth, one that must be based on policies that sustain and expand the environmental resource base”.¹¹ Supporting this approach were such economic principles as interdependence, modernization, and free trade to promote economic growth. The rationale was that the aforementioned could be done sustainably while simultaneously facilitating poverty reduction.¹²

⁸ Bernstein 2001.

⁹ McCormick 1989; Bernstein 2001.

¹⁰ WCED 1987, p. 43.

¹¹ Ibid, p. 1.

¹² See Bernstein 2001 for an expanded discussion.

The major text that emerged from the 1992 Rio Conference was the *Rio Declaration*. This document clearly embodied the principles of economic growth, free trade, privatization of the commons, and the use of market-based instruments for environmental protection.¹³ This is perhaps most visible in Principle 12 of the document, which proclaims that:

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.¹⁴

Additionally, Principles 15, 16, and 17 promoted market-based instruments as solutions, as well as elements of cost-effectiveness in determining the merits of environmental protection measures.¹⁵ Porras (1994) insists that the declaration reflected “to the extent any international instrument can do so – the current consensus of values and priorities in environment and development”.¹⁶ In addition to the declaration, but also reflecting the liberalization of environmental policy, was the commitment made during the conference

¹³ Bernstein 2001.

¹⁴ Rio Declaration, Principle 12.

¹⁵ Bernstein 2001.

¹⁶ Porras 1994, p. 20, as found in Bernstein 2001, p. 97.

to channel money pledged for development and environmental purposes through a World Bank institution called the *Global Environment Facility* (GEF).¹⁷

But it was not until the mid-1990s, as discussed in Biersteker (1992)—after the Cold War ended and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) was completed—that financial deregulation, the general liberalization of trade, and the principles of liberal economics would come to dominate global economic governance; and by extension environmental governance.¹⁸ The influence of this trend was on display at the 1997 United Nations General Assembly special session to Review Implementation of Agenda 21 (a United Nations session aimed at evaluating the successes and failure of the Rio Conference). During this session it was determined that little progress had been made with relation to the goals of the Rio Conference due to an overall lack of political will and financial commitment on the part of States.¹⁹ However, blame was placed mainly on external global events (i.e. proliferation of civil and ethnic conflict, difficult post-communist transitions, financial crises in Mexico and Asia, etc.), rather than the liberalization of environmental protection policies.²⁰ This was backed by

¹⁷ Shortly after the 1992 Rio Summit the GEF would nominally become independent of the World Bank system however, the World Bank remained “institutional parent and trustee of GEF funds” (Young 2002, p. 7).

¹⁸ It was during this general period that the “Washington Consensus” set of neoliberal economic policies became prevalent in the global economic governance discourse. This term was coined by John Williamson in 1989 and described a set of macro-economic principles aimed at stabilization, an opening up of trade and investment, the expansion of market mechanisms used to guide domestic economies overall.

¹⁹ IISD Summary Report 1997, www.iisd.ca.

²⁰ See Bernstein 2001 for an expanded discussion.

studies conducted by the OECD and World Trade Organization (WTO), wherein it was determined that:

[I]n general terms, trade liberalization is having a positive impact on the environment by improving the efficient allocation of resources, promoting economic growth, and increasing general welfare, provided effective environmental policies are implemented.²¹

Such sentiments led to the revolutionary changes that ultimately came to be prescribed through the 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC). The Kyoto Protocol called for a doubling down on the international commitment to a liberal economic approach toward environmental protection by integrating a series of market/economic mechanisms to reduce greenhouse gas emissions by linking these emissions to market mechanisms. This parting from more moderate state-led approaches prescribed in previous international documents.

This revolutionary shift in thinking transformed the way that governments, business, and the economic establishment thought about environmental issues, and the best way to address them.²² Namely there developed a resistance toward internationally binding regulation and a support for privatization premised on market-based solutions. This ideational shift towards norms of privatization was accompanied by discursive shifts that justified and supported it. These discourses, alongside the disappointments of Stockholm and Rio (and later Johannesburg and Copenhagen), generated conditions

²¹ May 1995 Report on Trade and the Environment to the OECD Council and the November 1996 Report of the Committee on Trade and Environment to the WTO. Quote originally found in the OECD Report, was reproduced in Michael Reiterer 1997, p. 72.

²² Bernstein 2001.

where private actors were forced to engage in strategic adjustments in accordance to the changing conditions. Where once private actors focused attention on lobbying governments to effect change, considering intergovernmental failures, many shifted the bulk of their attention toward alternative strategies – such as private governance.

Before concluding this section, it is important to point out that paralleling the intergovernmental political forums discussed were also public and private economic forums whose roles in shaping the environmental discourse were critical as well. These organizations were composed of, and/or dominated by, the world's most powerful industrial actors (which included both states and corporations). Prominent examples are the Organization for Co-operation and Development (OECD), the World Bank, and the World Business Council for Sustainable Development (WBCSD). Given the economic weight of these organizations, they played a uniquely important role in shaping the environmental governance discourse away from protectionism and toward economism. Major policy documents published by these organizations (some of which will be examined in the section that follows) on environment and development clearly exemplify the strong liberal economic character of their position – both in policy and prescription. While they tolerate some limited top-down measures, they overwhelmingly favor market-based solutions to environmental problems, particularly those focused on potentially eliminating (or at least mitigating) market distortions.

It was within the context of these historical developments that the three distinct discourses emerged. In the sections that follow, the three distinct discourses will be analyzed more closely. Major concepts will be identified and the contours of each discourse will be more clearly defined.

A Closer Look at the Component Parts of Environmental Discourses

Under these conditions, as previously stated, there developed three distinctive discourses. Each adopted by varying actors, for a diversity of reasons, and then applied to political purposes. Naturally, the form of discourse adopted by these actors propelled them toward certain outcomes—but they did not determine them. Actors engaging in these discourses borrowed and pulled from separate categories to make sense of the world and legitimate their actions within it. Therefore, being able to map this process out through the theoretical model presented in this dissertation will prove useful for demonstrating how the different organizations that are part of the case studies navigated these discourses strategically.

The three discourses identified earlier will be discussed here in turn, however, it is important to note before proceeding that they are by no means rigid. Rather, they serve as ideal types. They are fluid and ever changing with several points of convergence and divergence. Nonetheless, they serve as useful heuristic tools for identifying the social position of actors within distinct networks – based on the discourses they speak (see Figure 5).

Some actors operate firmly within an identified discourse, yet many operate within the seams of the distinct discourses—navigating them by borrowing and adapting concepts that prove useful toward accomplishing their objectives. There have been changes and adaptations as the historical context discussed evolved, and thus it is the purpose of this dissertation to attempt to map those adaptations and adjustments. In order to show how actors can use discourses to position themselves in subject positions from

where they can wield private authority, and then expand upon that authority through discursive maneuverings. The sub-sections that follow are dedicated to mapping these distinct discourses out.

The Preservation Discourse

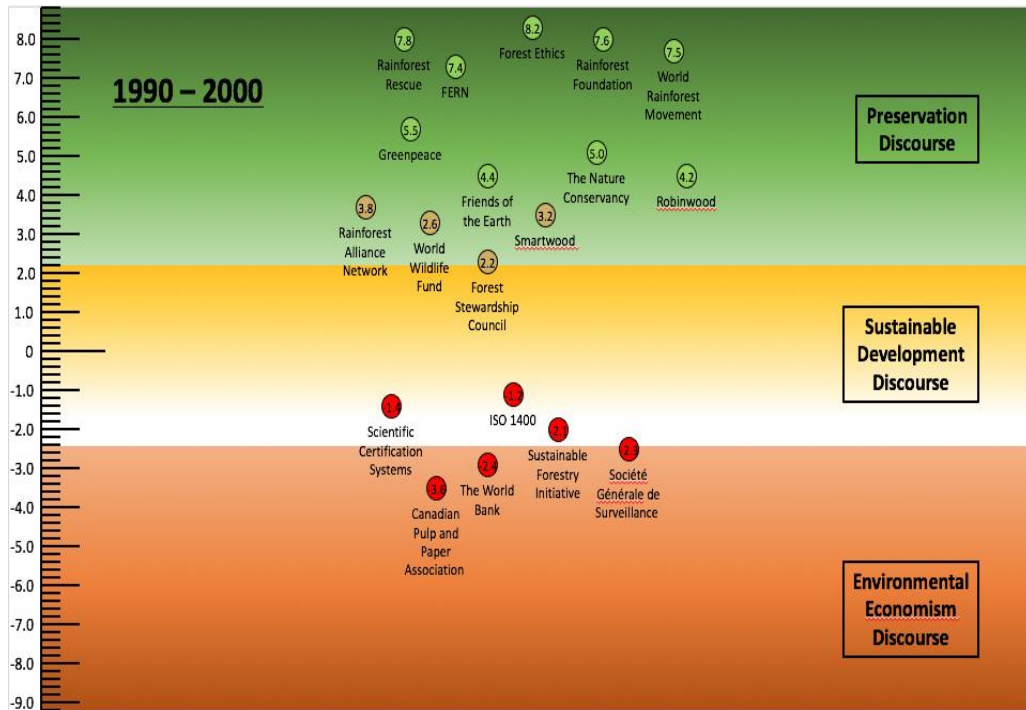
The preservation discourse is rooted in the social movements of the 1960s. These movements were premised on what can generally be described as a call for greater social consciousness toward both the intended and unintended effects of human actions. The core idea of this group is that unrestrained economic growth, alongside population growth, threatens the health and viability of a planet possessing a finite amount of resources to support such processes. As such, this discourse favors solutions in terms of legal restrictions imposed on industry and society, backed by science, in order to prevent the exploitation of critical resources. Under this form of discourse science informs strong governments to intervene on behalf of the environment where necessary. Intervention comes in the form of law and regulations which favor environmental conservation over any arguments related to development or economic growth.²³

While the major tenants of this discourse have been derived from several key influential works, three of the most influential have been: *Silent Spring*, *Only One Earth*, and *Limits to Growth*.²⁴ These works best symbolized and represented what was embodied within the *preservation discourse*. *Silent Spring* was written by Rachel Carson

²³ See Dryzek 2013 for expanded discussion.

²⁴ While these three works will be the focus of this section, others were referenced in developing the broader contours of the sustainable development discourse. Those include: *The World Conservation Strategy* by the IUCN, WWF and UNEP (1980); *A Sand Country Almanac* by A. Leopold (1949); *The*

Figure 5. Forestry Sector Discourse Example



Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

in 1962 and while its focus was on the harmful environmental effects of pesticides on bird populations, it served as a catalyst for the wider environmental movement.²⁵ Its powerful metaphors representing humankind's reckless destruction of the environment spurred many environmental movements into action. It did so by giving meaning to the sense of environmental degradation taking place as a result of irresponsible human

Population Bomb by D. Brower & P. Ehrlich (1968); *Scarcity and Growth* by H. Barnett and C. Morse (1963); *Our Stolen Future* by D. Dumanoski et al. (1996).

²⁵ Murphy 2005; Lytle 2007.

action. Carson used emotionally stirring quotes depicting the Earth as the fragile home of humanity being poisoned by the negative externalities of rapid growth and development.

For example she states:

Nature has introduced great variety into the landscape, but man has displayed a passion for simplifying it. Thus he undoes the built-in checks and balances by which nature holds the species within bounds.²⁶

She also spoke with confidence of the clear path that lie ahead for humanity and its home: the prioritization of preservation above all else, or complete destruction. This form of thinking is reflected throughout her work but none more clearly than in the following:

We stand now where two roads diverge. But unlike the roads in Robert Frost's familiar poem, they are not equally fair. The road we have long been traveling is deceptively easy, a smooth superhighway on which we progress with great speed, but at its end lies disaster. The other fork of the road — the one less traveled by — offers our last, our only chance to reach a destination that assures the preservation of the earth.²⁷

This overall black and white portrayal of the environment as under siege, and in need of human action to prevent its destruction, in many ways sparked the modern environmental movement.²⁸ We see reflected in these quotes the general sentiment of the book that human action is responsible for the destruction of the planet, and if course is not adjusted, life on Earth is threatened. So while Carson's book in many

²⁶ Carson 1962, p. 14.

²⁷ Ibid, p. 144.

²⁸ Rothman 2000; Shabecoff 2003; Murphy 2005; Nadis 2011.

ways is more romanticism than scientific and statistical exposition, it spawned a movement that would rely more on scientific evidence and statistical data to convince the skeptics.

One particularly influential work that answered the siren call of Carson, but with scientific data and evidence versus romanticism is *Limits to Growth*. This work was completed by the Club of Rome 1972, and used advanced modeling techniques to show how growth rates interacted with finite resource consumption. The findings were essentially that unchecked growth could very well lead to catastrophic collapse.²⁹

Immersed in *systems analysis*, the book considered a number of key development variables, alongside population growth, to determine possible outcomes. They came to three conclusions:

1. If the present growth trends in world population, industrialization, pollution, food production, and resource depletion continue unchanged, the limits to growth on this planet will be reached sometime within the next one hundred years. The most probable result will be a rather sudden and uncontrollable decline in both population and industrial capacity.
2. It is possible to alter these growth trends and to establish a condition of ecological and economic stability that is sustainable far into the future. The state of global equilibrium could be designed so that the *basic* material needs of each person on earth are satisfied and each person has an equal opportunity to realize his individual human potential.
3. If the world's people decide to strive for this second outcome rather than the first, the sooner they begin working to attain it, the greater will be their chances of success.

²⁹ The Club of Rome is a think tank that was founded in 1968. Its membership is composed of high-level political, business and academic leaders from around the globe that “act[s] as a global catalyst for change through the identification and analysis of the crucial problems facing humanity and the communication of such problems to the most important public and private decision makers as well as to the general public.” (Club of Rome – Mission Statement, <http://www.clubofrome.org/>, accessed 1/22/2017).

The book went through several editions but has overall been cited as one of the most influential works on environmentalism.³⁰ It brought ‘hard evidence’ to the argument of out-of-control growth and spurred environmentalism to seek out protectionism at any cost. In response the environmental movement reinforced efforts aimed at petitioning governments to impose international legal restrictions on emissions and resource degradation. Also, increasing protests and boycotts of industrial actors perceived to be acting recklessly towards the environment. More broadly, they called for drastic action to reduce human consumption patterns that had developed across modern societies.

Much in the same vein as the previous work discussed, *Only One Earth* used modern scientific data collecting and analytical methodologies to find that “there exists a single unified system from one end of the cosmos to the other” whose balances are being disturbed by the “technosphere” of a rapacious civilization bent on consumption.³¹ The book was an outgrowth of an unofficial report commissioned by the Secretary General of the UNCHE and completed in 1972, prepared with the help of a 152-member committee of consultants from 58 different countries.³² However, as its findings were not tied to policy requirements, this group was given latitude to develop and publish their findings without restriction. Their broad purpose was to investigate the impacts of world population growth on natural resources. Yet the books findings present the Earth as a fragile system, more vulnerable than understood, whose careful stewardship required

³⁰ Bernstein 2001.

³¹ Ward and Dubos 1983.

³² Bernstein 2001.

collaborative management as its first priority. Painting the greatest danger to the environment as not the Earth's fragility, but humanity's hubris. Thus warning against scientific arrogance and technological optimism in their exaggerated belief of being able to solve the Earth's ecological and climatic problems while still fueling exponential growth. The authors instead promote a tempered use of science to clarify reality, rather than help humankind escape from the unfortunate reality that they are destroying their home. Calling for collective action and loyalty to the Earth rather than to the "idols of the market and the idols of the tribe" (i.e. profit and nationalism).³³ This groundbreaking rhetoric, and the sense of urgency and community it promoted, were adopted by the UNCHE conference, and it was said to have led to "a watershed in the evolution of humanity's relationship to the Earth and global concern about the environment".³⁴ Additionally, "the conference's motto 'Only One Earth' became iconic for the modern environmental movement".³⁵

The books discussed here, although not the only ones, were widely read and highly acclaimed around the world. They embodied the philosophy and normative qualities of the preservation discourse, and environmentalism in general. It was from their language and argumentation that several key concepts were developed that reorganized the way many came to relate to the environment. Some of the key organizing concepts have been identified as follows:

³³ Ward and Dubos 1983.

³⁴ Grieger 2012, <http://www.environmentandsociety.org>.

³⁵ Ibid.

- *Environmental scarcity*: This reorganized thinking from possessing an inexhaustible resource base here on Earth to acknowledging its fragility and limits.
- *Ecological modernization*: The idea that the global capitalist economy must undergo a structural reorganization based on environmentally more conscious lines.
- *No Growth Philosophy*: The idea that the insatiable drive toward accumulation brought about by capitalism must be tamed in order to protect a fragile Earth.
- *Stewardship over the Earth*: The idea that it is the responsibility of mankind to protect and conserve the environment for generations to come, rather than consume to satisfy current demand.

These concepts led to certain practices actors engaged in to align their identity with the discourse. First and foremost they promoted top-down approaches to governance, as the fragility of the environment could not be left to markets or non-state actors. Rather, it required the full martialing of state power. In that vein, state policies should be developed and adopted to decrease resource use, level off demographic growth, control accessibility to global commons, hold states accountable for their pollution, and generally have governments aim for an equilibrium state rather than growth. The fundamental premise of this discourse then was the notion that unrestrained economic growth, alongside population growth, threatened the health and viability of a planet possessing a finite amount of resources.

Early on, groups such as Greenpeace, Friends of the Earth (FoE), and the Worldwide Fund for Nature (WWF) emerged and formulated their identity in relation to

the concepts put forward by this preservation discourse. In adopting many of the key norms established, and enacting their concomitant practices, they reinforced the social structure constructed by the preservation discourse. They petitioned governments. They protested. They boycotted. They generally assumed the mantle of protectors of the environment, and zealously pursued this cause in order to raise awareness over the plight of the Earth. It was in this pursuit that they came to be seen by the global public as the true protectors of the Earth.

The Sustainable Development Discourse

While the major tenants of this discourse have been derived from several key influential works, three of the most influential have been: *Our Common Future*, the *Rio Declaration*, and *Agenda 21*.³⁶ These works best symbolized and represented what was embodied within the *sustainable development discourse*. Since about 1987, the sustainable development discourse has become the dominant global discourse for thinking about and discussing environmental protection.³⁷ Yet while the concept of *sustainable development* has a wide range of definitions, the one that is most frequently cited is from the Brundtland Commission report (also known as *Our Common Future*) which defines it as: “[D]evelopment that meets the needs of the present without

³⁶ While these three works will be the focus of this section, others were referenced in developing the broader contours of the sustainable development discourse. Those include: *The World Conservation Strategy* by the IUCN, WWF and UNEP (1980); *A Sand Country Almanac* by A. Leopold (1949); *The Population Bomb* by D. Brower & P. Ehrlich (1968); *Scarcity and Growth* by H. Barnett and C. Morse (1963); *Our Stolen Future* by D. Dumanoski et al. (1996).

³⁷ Torgerson 1995; as found in Dryzek 2005, p. 145.

compromising the ability of future generations to meet their own needs”.³⁸ The sustainable development concept was packaged in *Our Common Future* as a concept that represented the “possibility for a new era of economic growth, one that must be based on policies that sustain and expand the environmental resource base”.³⁹ Supporting this approach were such economic principles as interdependence, modernization, and free trade to promote economic growth. The rationale was that the aforementioned could be done sustainably while simultaneously facilitating poverty reduction.⁴⁰ The latter being seen as one of the key causes of environmental degradation. The language of *Our Common Future* was constructed in this way to target a mass audience, from both the developed and developing world, as well as the institutions they were members or clients of (including the United Nations Conference on Trade and Development, the Group of 77, the World Bank, the International Monetary Fund and General Agreement on Trade and Tariffs).⁴¹ By doing so the agenda would serve to mold the policy direction of all participant states towards an economically-inclined environmentalism. Many influential international actors began to coalesce around this set of norms described by Bernstein (2001) as “liberal environmentalism”.

The commission’s report elaborated on this definition of sustainable development throughout, however, the important point to be made is that just in this basic definition

³⁸ WCED 1987, p. 43.

³⁹ Ibid, p. 1.

⁴⁰ See Bernstein 2001 for an expanded discussion.

⁴¹ Bernstein 2001.

the break with the conception of sustainability presented by the preservation discourse is clear. As opposed to emphasizing limits to growth in the name of environmental protection, the sustainable development discourse proposes that there are potentially no limits to growth as long as that growth is managed effectively, and is based on relevant socio-economic goals. A key component of effective management here is the leveraging of emergent technologies, which would allow actors to do more with less (i.e. less energy consumption and material inputs being needed). This fundamental idea that growth could be continued indefinitely as long as the right policies were adopted was quite distinct from the preservation discourse. For the latter, growth had limits, and as such, needed to be rolled back. There was no compromising on this point, for organic to that line of thinking was an unyielding faith in technology to resolve human problems, which the preservation discourse did not agree with. Standing at the core of this distinction between the preservation discourse and the sustainable development discourse is the key philosophical commitment to the role of mankind on the Earth. For those within the preservation discourse, humans were not at the center but rather stood as one part in a complex system of life. For those in the sustainable development discourse, humans were at the center and thus the needs of humans were prioritized above all else.

These sentiments were repeated throughout the Rio Declaration—another monumental document that stood at the center of the sustainable development discourse. This declaration clearly broke from traditions of the preservation discourse seen in the Stockholm Conference, as it prioritized the principles of economic growth, free trade, privatization of the commons, and the use of market-based instruments, in

conceptualizing environmental protection.⁴² This is perhaps most visible in Principle 12 of the declaration, which states:

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.⁴³

Principles 3, 4, and 5 reflect a commitment to development as a core component of environmental protection, while principle 11 reflects a precedence given to development.⁴⁴ Principles 15 – 17 promote market-based instruments as solutions as well as elements of cost-effectiveness in determining the merits of environmental protection measures.⁴⁵ Porras (1994) insists that the declaration reflected “to the extent any international instrument can do so – the current consensus of values and priorities in environment and development”.⁴⁶

While Agenda 21 reads much like a preservation discourse document—in its calls for reduced consumption, restoration of biodiversity, and social equity—it falls into the sustainable development discourse because its approach to achieving these targets are

⁴² Bernstein 2001.

⁴³ Rio Declaration, Principle 12.

⁴⁴ Bernstein 2001.

⁴⁵ Ibid.

⁴⁶ Porras 1994, p. 20, as found in Bernstein 2001, p. 97.

premised on the integration of market based solutions towards resolving environmental problems. For example, it states that:

Economic policies of individual countries and international economic relations both have great relevance to sustainable development. The reactivation and acceleration of development requires both a dynamic and a supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements.⁴⁷

Adding that:

The international economy should provide a supportive international climate for achieving environment and development goals by: Promoting sustainable development through trade....[by establishing] [a]n open, equitable, secure, non-discriminatory and predictable multilateral trading system that is consistent with the goals of sustainable development and leads to the optimal distribution of global production in accordance with comparative advantage....To promote and support policies, domestic and international, that make economic growth and environmental protection mutually supportive...[and] halt and reverse protectionism in order to bring about further liberalization and expansion of world trade.⁴⁸

Thus, it is seen that in order to accommodate this reconceptualization of environmental protection, new governance practices would need to be developed and implemented. In contrast to the authoritative state imposition of environmentally mandated protocols of the preservation discourse, the sustainable development discourse called for a mix of command-and-control regulation with a strong role for markets. It also required a broader role for non-state actors such as international financial

⁴⁷ Agenda 21, p. 4.

⁴⁸ Ibid, p. 4-7.

institutions, NGOs and transnational corporations, however, the state was to remain the final arbiter.

Overall, the broadness of the sustainable development concept that emerged from these documents (amongst others), and its placing of humans at the center, made it extremely popular across political and social systems. It has been said that “[i]t’s vagueness, rather than condemning it to the trash heap of development concepts, made it the favored mantra of international environmental and development communities”.⁴⁹ The merits of such are beyond the scope of this dissertation but it is important to note that the broadness of the concept left it open to a broad spectrum of interpretation. Because of this, seams were opened that allowed actors across the political spectrum to adopt the concept and apply it to their purposes. The major tenants of this discourse reorganized the way a variety of influential actors related to the environment.⁵⁰ The core concepts that best represent this discursive position are described as follows:

- *Eco-growth*: This concept indicates that there are no absolute limits to growth if it can be managed properly.
- *Maximum Sustainable Yield*: This is an economic concept that was to be integrated into resource use calculations. It accounted for the maximum level to which a resource could be exploited before its availability to future generations was threatened.

⁴⁹ Bernstein 2001, p. 50.

⁵⁰ The works analyzed were: *Our Common Future* by the United Nations (1987); *Agenda 21* by the United Nations (1992); *State of the World* (amongst other documents) by the Worldwatch Institute (1984); *The Rio Declaration* by the United Nations (1992); the *World Development Report* by the World Bank (1992); *Environmental Economics and Sustainable Development* by the World Bank (1993); *Tropical Forests: A Call for Action* by the World Resources Institute (1985).

- *Polluter Pays Principle:* This is an articulation of an environmental legal principle that places the onus of paying for damage caused by poor environmental practices on the polluting firm, not the government or such. This concept essentially serves as a means by which to justify avoidance of international regulations that could potentially alter the normal functioning of markets.⁵¹ The premise is that by implementing such a practice, the costs of environmental degradation would be reflected in pricing, and thus passed on to consumers. Higher prices would then result in decreased consumption of those goods that caused the most environmental damage - or at least this is how the principle worked conceptually.
- *Precautionary Principle:* This concept dictates that in the absence of scientific consensus the introduction of a new product, or process, whose ultimate effects on the environment are disputed or unknown, should be resisted. At least until more evidence is collected. However, the collection of evidence is the onus of the actor attempting to introduce said product or process and not governments or regulators.

These concepts led to certain practices actors engaged in to align their identity with the discourse. First and foremost, while they promoted state-led approaches, they favored public-private partnerships. In such partnerships, states either partnered with non-state actors (namely industry) or created incentive structures to elicit certain favorable actions from targeted actors. In this a clear transition is seen between the

⁵¹ See McNeill et al. 2001 & Bernstein 2001 for an expanded argument.

preservation discourse and sustainable development, where the latter moved away from a call to authoritative action on the part of the state. Rather, it looked to transition a portion of state power away toward more market-based incentive structures. It also transitioned the idea of environmentalism toward a systems approach wherein environment and development came to be seen as inextricably linked. Thus, any measure taken relating to the environment had to consider the impact this action had on development as well. This discourse portended to a renewed relationship with technology in promoting states and non-state actors to seek out investment in production technologies that could facilitate greater economic growth at less environmental costs. Additionally, that matters of environment and development be taken up by the major multi-lateral financial and trade organizations. For example, and as mentioned previously, the commitment made during the Rio Conference to channel money pledged for development and environmental purposes through a World Bank institution called the *Global Environment Facility* (GEF).⁵² As a result, the GEF developed to provide grants for projects related to sustainability across environmental sectors. According to Zoe Young (2002):

Through its effective control of the GEF, the World Bank has been able to bring its economistic vision of development into what was previously UN territory of global environmental protection.⁵³

Therefore, funneling money through the GEF essentially guaranteed that whatever finances were pledged for environmental protection would be consistent with the

⁵² Shortly after the 1992 Rio Summit the GEF would nominally become independent of the World Bank system however, the World Bank remained “institutional parent and trustee of GEF funds” (Young 2002, p. 7).

⁵³ Young 2002, p. 9.

economic norms supported by the World Bank. Thus, in the GEF, there is a clear movement away from the sustainable development envisaged by the preservation minded ENGOs and closer toward the economic, corporate vision of the term. Beyond just the GEF, other multi-lateral organizations such as the General Agreement on Tariffs and Trade (GATT) and the UN Conference on Trade and Development (UNCTAD) came to play much the same role.

It was the popularity of these positions across networks that forced ENGOs and industry to reformulate their positions. Thus, the emergence of this discourse opened up a new political terrain where private actors could become more actively engaged in the development of policy, and moreover in governing. Furthermore, as the sustainable discourse was broad and generic in form, it opened up an opportunity to shape the behavior of those operating within the construct of this discourse for those that could define it best. For it was through its definition that rules could be formulated. For some though, the concepts and positions developed by this discourse did not go far enough. For those actors, most of whom were associated with industry, there was a need to separate themselves from the idea of state-imposed restrictions. As these restrictions were seen as distorting markets, and thus preventing truly sustainable development. From this position a final competing discourse was developed.

The Environmental Economism Discourse

The environmental economism discourse essentially shares the philosophical belief with sustainable development that human needs are at the center of the Earth's value system. However, it adds that competition through markets is the essential tool for

finding solutions to all problems—including political and environmental ones.⁵⁴ This assessment is based on the belief that the pricing mechanism is better equipped to deal with issues relating to scarcity than governments.⁵⁵ The logic is essentially that in an anarchical system, market incentives work better than standards enforced by governments.⁵⁶ Governments operating at the interstate level, through institutions, lack the regulatory capacity to enforce environmental protection measures effectively. The diversity of interests arrayed against top-down environmental regulations is simply too great to allow for the type of comprehensive system of regulation necessary to enforce meaningful environmental regulations. Therefore, as a result of these inefficiencies markets are more adept at regulating the environment. Due to them being “more likely to even out costs and benefits and provide economic incentives for reluctant parties”.⁵⁷

The major tenants of this discourse have been derived from what many consider to be the most influential works: *Changing Course*, *A Poverty of Reason* and *Beyond Interdependence*. I will discuss them here in turn. *Changing Course* was an outgrowth of the World Business Council for Sustainable Development (WBCSD). This organization was created in 1995 as a CEO-led international advocacy organization dedicated to *sustainable development*, but in a form that suited the WBCSD’s corporate clients.⁵⁸ *Changing Course*, written by one of the key architects of the organization itself

⁵⁴ Dryzek 2005, pp. 162-179.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Bernstein 2001, p. 79

⁵⁸ Najam 1999.

(Stephan Schmidheiny), laid out the principles of the organization, and by extension, a way of thinking apart from the more traditional sustainable development discourse discussed earlier. Supporting this transition was a clear movement away from a socially-based language to an economic one. It developed such conceptual terms as “natural capital”, “eco-efficiencies”, “environmental costs”, “environmental markets”, “market distortions”, etc., in reference to the environment and the exploitation of it. This instead of the socially based language used previously such as “stewardship”, “intergenerational equity”, “eco-growth”, “precautionary principle”, “earth system management”, etc.⁵⁹ The language of environmental economism presents its audience with the underlying message that the *costs* of environmental degradation are best dealt with by factoring them into production, investment, and trade calculations. By doing so, markets replace human will and volition in the name of efficiency. In other words, the foundational premise of the discourse shifted from humanity’s pursuit of its collective interest in preserving its home, to the more efficient pursuit of individual self-interest regulated through markets.

The popularity and influence of this work amongst industry is a direct result of the economically liberal language it developed to talk about the environment. For example, the works primary assertion is that:

The cornerstone of sustainable development is a system of open, competitive markets in which prices are made to reflect the costs of environmental as well as other resources,” stemming from the belief that “[m]arket econom[ies] may ruin the environment and ultimately itself if prices are not allowed to tell the ecological truth.⁶⁰

⁵⁹ MacNeill et al. 1991; Schmidheiny 1992; Beckerman 2003.

⁶⁰ Schmidheiny 1992, p. 14. The second quote is a direct quote cited in *Changing Course* made by Ernst U. von Weizacker in that same year.

Continuing on that, “open markets can motivate people toward sustainable development”.⁶¹ To do so, the “full cost pricing” must be considered and economic instruments must be allowed to work. Such a conceptualization of sustainability played well with the industry network, who oftentimes found the burden of government regulatory schemes overly restrictive and prohibitively expensive. As such, the piece represents not just the WBCSD, but the origins of the environmental economism discourse itself. It does so in two key ways: 1) it ‘speaks the language of business’; and 2) it was designed to serve as the “collective voice of a cross-sectoral and global body...[that] offers companies greater weight in the sustainable development debate”.⁶²

Much the same forms of thinking and prescriptive practices can be found in *Beyond Interdependence*, as summed up nicely in the following statement from the text:

A fundamental recasting of the system is required to do the job.... There are virtually no means in place to ensure that the consequences of a proposed decision are fed back implicitly or explicitly into the criteria that govern that decision before it is made. The consequences are not reflected in the price paid for the good or service in question, or in its label, marketing, or advertising. Without this feedback, individuals, corporations, and governments systematically undervalue the environmental consequences of their decisions, leading to overconsumption of resource capital and degradation of the environment.... The most important incentives are those signaled through market prices... government interventions in the market often distort the market in ways that actively encourage public and private decisions that preordain unsustainable development.⁶³

⁶¹ Schmidheiny 1992, p. 15.

⁶² WBCSD 1997, *The Value of Membership*.

⁶³ MacNeill et al. 1991, pp. 31-32.

Such language, and the practices recommended, is based on a general distaste for government intervention and regulation, which was interpreted as grossly inefficient. The environmental economism discourse favored self-policing and a reliance on market forces to lead to positive environmental outcomes. As those forces were seen as proving more efficient and effective.

The final work to be discussed took the discourse a step further in that it sought to discredit the very idea of sustainable development. In *A Poverty of Reason*, written by Oxford economist Wilfred Beckerman, Beckerman tests the core claims of sustainable development (i.e. that (1) the world will deplete its natural resource base barring major structural changes; (2) that human activity is shifting the world 'out of balance'; and (3) that it is the moral responsibility of current generations preserve the environment for future ones. Using economic models, along with other scientific methodologies, as well as examining the moral arguments from a position of theoretical and applied ethics, Beckerman finds that the sustainable development concept lacks both a scientific and moral foundation. He claims that poverty is the cause of environmental harm, not development. Thus the solution lies in better defined property rights, and greater freedoms and economic opportunities provided by democracy and open market systems. Such findings contributed to both the scientific and moral validations for environmental economism and established for industry a foundation from which to counter moral arguments from those in the environmental network.

The major tenants of this discourse reorganized the way many actors identified themselves in relation to the environment. Its key distinction from the other discourses is the transition from a belief in the necessity of transitioning away from

government/human-led initiatives to pure markets. The sustainable development discourse opened the possibility for integrating the private sector into the policymaking function, but only giving it a secondary role. For those within the sustainable development discourse, as well as those within the preservation discourse, governments were responsible for ensuring the preservation of the Earth. In the environmental economism discourse that responsibility is left to markets. These markets are assumed to recognize value that will encourage conservation/protective environmental practices. Proceeding in such a way removes faith in governments, seen as inefficient and politically limited in scope, and places that faith in undistorted markets. The major tenants of this discourse, derived from these influential works can best be described as follows:⁶⁴

- *Eco-efficiency*: Represents the idea that corporations can prevent pollution through the usage of resources more efficiently.
- *Natural Capital*: Represents the idea that natural resources are to be considered ‘capital,’ or an asset to be owned, traded and/or used for economic gain through some market exchange.
- *Environmental Markets*: Represents the idea of an exchange market existing for environmental resources and services that is guided by the pricing mechanism.
- *Product Stewardship*: Represents the idea that whomever creates a product is responsible for its environmental effect throughout its lifecycle. Thus, promoting

⁶⁴ The works analyzed were: *Changing Course* by the Business Council on Sustainable Development (1992); *Beyond Interdependence* by J. MacNeill and T. Yakushiji (1991); *A Poverty of Reason* by W. Beckerman (2002).

individual responsibility over collective responsibility. The latter requiring a strong regulative governance structure while the former requires individual accountability with the market serving as the core regulatory or punishment mechanism.

- *Environmental Market Distortion:* Represents the idea that government intervention in environmental markets lead to distortions that sustain and promote unsustainable behavior. If the pricing mechanism is allowed to work unimpeded, the environment can be managed form efficiently and effectively.

These concepts led to certain practices actors engaged in to align their identity with the discourse. First and foremost, it required a re-shifting of governance from inefficient command-and-control techniques (i.e. government imposed) to self-regulation through open, competitive markets. As such, it required the removal of distorting subsidies (caused by environmental regulations) that prevented the full functioning of the pricing mechanism. Further, this would require the removal of trade barriers to promote openness, long-term business-to-business partnerships, and a harmonization of economic instruments among trade partners. It would also require the adaptation of markets to reflect the cost of natural capital, which by extension would require the standardization of both national and international accounting practices to reflect environmental damage and the depreciating value of natural resources. This would mean that there would be a heavier reliance on private sector finance for environmental protection projects, as opposed to developed states financing projects in the developing world (as was

recommended by the alternative discourses).⁶⁵ Such an approach would also require an infusion of technologies and long-term investment, on the part of industry, to build partnerships toward environmental protection. Finally, it would require more well-defined property rights in order to avoid the problems of the commons, in other words, a privatization of the commons.⁶⁶ For a comparative summary of the distinct discourses see Table 3.

Conclusion

This chapter has served to provide context for the case studies that follow. The developments within both the forests and fisheries sector parallel the political events described here, and the discourses that emerged within each. The discursive maps developed in this chapter will be applied to the case studies that follow. Content analysis was conducted against these maps, and the language and practices laid out in these maps should be taken into consideration when references are made to each discourse.

⁶⁵ Bernstein 2001, p. 94.

⁶⁶ The problem of the commons was best represented by Garrett Hardin in his 1968 article “The Tragedy of the Commons,” which found that absent a clear regulatory structure individual users of a common, acting self-interestedly, will deplete the resource to the detriment of the common good. For those operating within the construct of the environmental economism discourse, the answer was in providing clear usage rights through privatization. Thus avoiding the inefficiencies of intergovernmental regulatory structures.

Table 3: A Comparative Look at the Distinct Discourses

	Preservation Discourse	Sustainable Development Discourse	Environmental Economics Discourse
Position on the Relationship between Society and the Environment	Earth-Centered Approach: Humankind serves as stewards over the environment. It is not theirs to exploit, it is theirs to protect and sustain for themselves and the generations to come.	Human Centered Approach: Humankind is at the center and nature's purpose is to support and sustain humankind in their various pursuits.	Market Centered Approach: Free markets can provide solutions to human problems by organizing competing self-interests.
Associated Practices	<ul style="list-style-type: none"> • Stewardship, or managing the environment for future generations. • Sacrifice self-interests in the name of the moral call to protect Mother Earth. • Ethical approach premised on acknowledging limits. 	<ul style="list-style-type: none"> • Intergenerational Equity: Assess actions in a way that considers future generations. • Meet the needs of humanity through increased productivity, done sustainably. • Science as the solution to meeting needs without sacrificing consumptive lifestyle. 	<ul style="list-style-type: none"> • Markets supercede moral/ethical argumentation. • Pursuit of self-interest unrestricted markets will better serve future generations than human interventions based on faulty moral argumentation. • Privatization of public goods.
Position on the Relationship between the Economy and the Environment	Ecological Modernization: Restructuring the global economy on more environmentally conscious lines with a priority to halting rapacious consumption habits which are leading to resource exhaustion.	Eco-growth: No absolute limits to growth is managed sustainably.	Environmental Markets: The exchange of environmental services based on economic valuations will lead to eco-efficiency . Government intervention has a distorting effect.
Associated Practices	<ul style="list-style-type: none"> • Transition from growth-track economy toward equilibrium state. • Decrease resource use in present by raising costs through penalty or taxation, no more treating of the environment as a free resource pool. • Economic system must reduce stress on natural system. 	<ul style="list-style-type: none"> • Integrated Life-Cycle Management, or the sound and efficient management of waste and pollutants will prevent continued degradation of environmental resources. • Integrating multilateral financial and trade institutions into environmental and ecological problem-solving measures. • Industry recognition and buy-in into the value of the sustainable development concept. 	<ul style="list-style-type: none"> • A system of open, competitive markets in which prices are made to reflect the costs of environmental degradation. • Market distorting measures replaced by economic instruments to create new markets to protect natural resources.. • Movement toward full cost pricing, where the cost of production includes the quantifiable cost of environmental degradation.
Position on the Relationship between Politics and the Environment	Government intervention to limit resource exploitation (even if that inhibits economic growth), taper population growth, protecting the commons, and calculating in environmental costs on all transactions; whether social, political or economic.	State-led approach , but with greater responsibility given to private actors and markets.	Market-led approach: Structural transition to a market-based approach with minimal government regulatory oversight. An unfettered pricing system that will eliminate distortions and mediate environmental degradation through the market. Overall, effectiveness through market-inspired efficiency
Associated Practices	<ul style="list-style-type: none"> • Top-down approach to government, based in authoritative international and domestic law prohibiting environmentally damaging practices. • Strong international law. • Controlled access to commons, which are to be preserved for the common benefit of humankind. 	<ul style="list-style-type: none"> • Governments establish broad environmental goals and enforce environmental laws, while leaving sufficient political space for non-state actors and markets to play a regulatory role. • Expanded Public-Private Partnerships. • Governments facilitating and encouraging inventiveness, competitiveness, and voluntary initiatives for stimulating more efficient and effective options for private industry/corporations. 	<ul style="list-style-type: none"> • Shifting governance from inefficient command-and-control techniques (or government imposed) to self-regulation and greater reliance on economic instruments. • Voluntary harmonization of environmental protection through mostly private sector initiatives. • More well-defined private property rights to avoid the problem of the commons, i.e. privatization of the commons.

**CHAPTER V: THE EMERGENCE OF PRIVATE GOVERNANCE AND
COMPETING NETWORKS IN THE FORESTRY SECTOR**

Sustainable Development – An Empty Signifier

Before discussing the specifics of the case, it would be appropriate to present a discussion of the fundamental theoretical premises of the dissertation as they apply to the case under investigation. That is, namely, that the manipulation of empty signifiers can lead actors into positions of private authority. As was discussed in Chapter 4, after the failures of the 1992 Rio Summit a political opportunity structure presented itself to private actors by way of the emergence of the sustainable development discourse. This discourse opened up the ideational possibility of private actors using markets as means by which to shape the behavior of other actors within targeted political sectors. Yet, since the concept of sustainable development was amorphous and broad, those actors that could shape the evolution of this concept could place themselves in positions of authority.

Operating within this historical context (i.e. the failed 1992 Rio Summit), the idea of promoting ‘sustainable management’ in the forestry sector through private certification took off. Many state and non-state actors began to see private certification (i.e. private rule-making) as a critical tool for solving environmental problems. However, the allure of the idea of ‘sustainable forestry management’ within the forestry sector rested on its vagueness. There was, and still is, no consensus definition on what ‘sustainable forestry management’ means, nor what it looks like on the ground. Yet, there has been significant pressure placed on forestry actors by consumer groups and other political actors to

promote ‘sustainable forestry’.⁶⁷ This is because ‘sustainability’ is an empty signifier. It embodies an impossible ideal of guaranteeing the protection of the environment while also meeting human needs over the long term. This is a paradox. Irreversible ecological degradation is the inevitable outcome of any effort aimed at continuing to meet the increasing demands of humanity, considering rising populations coupled with increased standards of living. Exhaustion of natural resources and the pollution of the environment are unavoidable. This is not to say that catastrophic collapse is inevitable, yet the idea of being environmentally conscious and sustaining eco-systems while still attempting to meet the increasing demands of an exponentially expanding population is an oxymoron. The irresolvable contradiction that is contained with the concept of sustainable development, or sustainable management, thus makes it an open system of signification, or one whose meaning can never be settled. As such, it lends itself to political contestation through discourse. For it leaves undetermined both the level of forest loss that is acceptable, and the purposes for which that loss is acceptable. Are modern habits of consumption and accumulation acceptable toward justifying ecological loss? If so, at what level? How much collateral damage to biodiversity is acceptable? What actors are authorized to impart this loss and degradation to the environment? Furthermore, what is the optimal means of ensuring that this emergent definition of ‘sustainability’ is implemented in practice? These questions go unanswered until the discourse is formulated to make these actions meaningful, in a way that makes ‘sense’ to relevant actors, as to what ‘sustainability’ actually means and looks like in practice.

⁶⁷ Vogt et al. 2000.

This process has also imparted upon the meaning of sustainable forestry a whole series of social values, derived internationally, that shape the meaning of private governance (which in this case the focus is on private certification). Broadly, it determines whose values are to be privileged when thinking about certification. As such, this open system of signification leaves open the possibility for a strategic actor to shape the contours of this discourse by providing widely acceptable answers to these open questions. Doing so by defining the criteria within which sustainably managed forests would be judged as ‘sustainable’. What would be the key indicators that would go into determining sustainable management? How would this process work on the ground? In defining this, these actors become rule-makers. They would become authoritative not because of any material capability or standing, nor because of any individual attribute, but rather because of their ability to shape the discourse in a way that placed them in a socially advantageous position, or subject position, from where they could exercise private authority.

Successfully defining ‘sustainable forest management’ would generate a nodal point around which other actors could converge. The contours and discursive position of this nodal point would shape the way actors identified with not just the forests, but with themselves and others. Herein is where strategic actors can position themselves centrally, by shaping the meaning of such an empty signifier. By controlling this meaning actors can become authoritative and, moreover, effective in wielding authority.⁶⁸ For it is the process by which they shape the discursive domain that other actors begin to judge and

⁶⁸ While the FSC avoids the use of the term “sustainable management,” they have substituted it with the term “well-managed forests.” However the diagnosis is the same as both are equally vague, considering the lack of clear and precise definitions and guidelines for what a well-managed forest looks like.

identify themselves, and others, based on select criteria. In setting criteria for what qualified as a sustainably managed forest, the FSC essentially set rules that were then followed by not just the actor being certified, but by a vast array of ENGOs and industry actors across their respective networks. The FSC thus served in a central role by establishing what behavior was acceptable, and what was not. The FSC became the standard-bearer, and as a result, other actors had to compare and defend their positions in relation to the FSC in order to gain legitimacy.

Framed as such, we see a more socially dynamic process taking place beyond just a dyadic relation between the private governor and the governed. Private authority here includes not just rule-setting and following, but more extensively, standard setting across the political sector under examination. The FSC created rules not just to be followed by those under certification proceedings, but also by ENGO and industrial actors not directly involved in the proceedings. For example, ENGOs were expected to cease and desist from boycotting and protesting, as a new form of compromised regulation was emerging – led by the FSC. Industry was expected to begin to take seriously ecological considerations as a compromised position had finally been reached, spearheaded by the FSC. In response to the FSC central position, ENGOs reformulated their positions on prosecuting environmental causes, and industry actors developed competitor programs to challenge the FSC. However, all were bound to acknowledge their positions in relation to the FSC. In this we see private authority being exercised in a much broader scope. The articulations that composed the *principles and criteria* developed by the FSC, as the core of their private regulatory scheme, would allow them to rule beyond just those under certification proceedings.

Chapter Outline

In order to detail this process within the forestry sector this chapter will proceed by first providing a historical overview that places the actors within context. It will then examine the use of distinct discourses by a variety of actors and how the use of each led to distinct social positioning. The focus will be on how the Forest Stewardship Council emerged as the foremost private actor in the realm of forestry certification through its ability to shape the contours of what sustainable forest management meant and looked like. The next chapter (Chapter 6) will provide a more in-depth comparative empirical look at the particulars of the programs discussed in this chapter, as well as where they stand in relation to the FSC. As discussed in a diverse literature, ENGOs and industry both adapted their key positions in response to the emergence of the FSC.⁶⁹ The empirics evidencing such will be examined in-depth in the following chapter.

Understanding Emergence – Historical Overview of the Forestry Sector

While humans have been exploiting forests since the beginning of our history, it is only in the last several decades that this is coming to be interpreted as a problem. This is the result of a convergence of several factors, which lie beyond the scope of this dissertation to discuss comprehensively. However, the three most prominent will be discussed in turn. *One*, after the second world war there was a growing demand for, and consumption of, wood products associated with post-war reconstruction. *Two*, there was an intensification of logging and management (enabled by rapidly advancing

⁶⁹ FERN 2001; Humphreys 1996; Gale 1998; Poore 2003; Cashore et al 2004; Auld 2014.

technologies) that facilitated widespread land clearance and treatment operations that were highly destructive to the environment. For example, logging, road building, and plowing were significantly expanded through the advancements in heavy machinery. As was the spread of industrial tree plantations that were developed on land cleared by this heavy machinery. Also, the increased use of pesticides, herbicides, and arboricides emerged because of chemical innovations. Finally, *three*, there occurred a decline in the ability of governments to enforce forestry regulations.⁷⁰

The convergence of these forces enabled humankind to exploit forests at a rate that was incommensurate with the natural rate of forest renewal. So much so that in the 1970s calls for action to protect forests became an issue of global significance. There were two significant developments during this period that raised awareness over forest loss.⁷¹ The first was the United Nations Food and Agriculture Organization's (FAO) formation of a global tropical-forest-monitoring project in 1978. The declared objective of this project was "to assist the world community to formulate appropriate measures to avoid the potentially disastrous effects of the depletion and degradation of tropical forest cover," and so it was designed to "assess the response of terrestrial ecosystems to environmental stress".⁷² In spite of the efforts to remain neutral the FAO project was squarely in the domain of the preservation discourse. It was clear through its findings that it was intended to raise alarms that forests were: (a) being felled at an alarmingly

⁷⁰ Synnott 2005, p.4.

⁷¹ Auld 2014.

⁷² FAO 1981, p. 2.

high rate; (b) that this was unsustainable; and (c) that the health of the Earth was in jeopardy as a result.⁷³ These reports not only raised awareness and understanding on the matter, but they also brought about a sense of urgency to take action.⁷⁴ One report declared that, “[t]he extent of the tropical moist forest which is being deliberately managed at an operational scale for the sustainable production of timber is, on a world scale, negligible”.⁷⁵

The second was the release of a report entitled the *World Conservation Strategy* by The United Nations Environment Program (UNEP). This report challenged management practices of forests and recommended solutions.⁷⁶ The *World Conservation Strategy* recommended that international action be taken to force the enactment of international laws to protect forests, as well as provide assistance in executing the mandates of those laws.⁷⁷ It was during this period that the preservation discourse took solid form by intermixing the philosophy of the green movement with the practical applicability of governance and then applying it at the global level (via the UN). The discourse began to take hold as these ENGOs attended major international conferences and began to network with diplomats, state bureaucrats, as well as like-minded NGOs.⁷⁸ They played a critical role in discovery of the facts and in orchestrating the policy

⁷³ FAO 1981.

⁷⁴ Poore 2003.

⁷⁵ As found in Poore et al. 1989.

⁷⁶ Auld 2014.

⁷⁷ FAO 1980, 1981.

⁷⁸ Humphreys 1996; Poore 2003; Auld 2014.

recommendations that emanated from those findings, which tended toward protection of the environment through international law – no matter what economic sacrifices were required. The preservation discourse emanating from these works developed into a nodal point around which environmental actors, and newly emergent global governance authorities, could make meaning and develop their identity around. These actors saw themselves as protectors of a fragile environment that if left undefended threatened the future of mankind. The impact of these reports was particularly compelling because they included extensive field inspections that were global in scope. This made it impossible for any organization to claim that wood products being utilized were coming from sustainably managed forests.

It was around this preservation discourse that a movement followed, and began to bring international attention to the plight of tropical forests. As the preservation discourse prioritized the promotion of an international regulatory system, developed by state governments, it focused the efforts of its adherents to developing an intergovernmental plan to place restrictions on forest usage around the world. In 1983 the FAO created action programs like the Tropical Forestry Action Plan (TFAP). The specifics of the plan were published in 1985 in collaboration with the World Resources Institute, World Bank and UN Development Programme (UNDP). TFAP was designed to assist developing countries meet their food and energy needs while protecting plants and select animal species.⁷⁹ It claimed that its program was aimed at “conserving the resource base for agriculture, at integrating forestry into agricultural systems, and, in

⁷⁹ Humphreys 1996.

general, at a more rational use of land”.⁸⁰ This approach adopted the expansive view that considered not just forests themselves, but also their connection to poverty, poor agricultural productivity, and unbalanced land ownership.⁸¹ Such approaches added social considerations as a core to protecting and sustaining the environment – what would come to be another key marker of the preservation discourse—the connection of sustainability with social considerations.

As the idea of a global forest initiative gained steam, states developed the International Tropical Timber Agreement (ITTA). This agreement was negotiated in 1985, in Geneva, with the support of the United Nations Conference on Trade and Development (UNCTAD); and entered into force in 1985. The primary objective promoted in this agreement was “national policies aimed at sustainable utilization and conservation of tropical forests and their genetic resources, and at maintaining the ecological balance in the regions concerned”.⁸² Two important points about this agreement were that one, it did not rely on economic indicators to measure or determine what was to be considered environmental “equilibrium” (i.e. no price regulation to control stocks or other economic measures to control supply).⁸³ Two, the meetings to develop the agreement were open to ENGOs that came together to seek ways toward conservation of tropical forests.⁸⁴ These ENGOs then brought these issues to their

⁸⁰ Humphreys 1996, p. 33.

⁸¹ Shabecoff 1985, as found in Auld 2014, p. 63.

⁸² Ibid, p. 57.

⁸³ Auld 2014, p. 64.

⁸⁴ Ibid.

constituencies and international attention came to be focused on the plight of forests that were being lost at what seemed an unsustainable rate. This, along with increased media attention, generated a great momentum for forest preservation. To such an extent that by the early 1990s, a forest convention was being negotiated by the G-7. Several other proposals were being circulated across international institutions where state governments convened.⁸⁵ The discourse that was used to articulate forest preservation was that of the preservation discourse. It was focused on top-down regulation over use of the environment, which restricted access to general forest use—including ceasing all cutting in tropical forests, promoting a reconsideration of current levels of production and consumption, and interweaving social considerations with environmental ones.

However, despite the great anticipation of progress, and outside support for a state-led solution, states muddled through the process of pushing through reforms. An effort to expand the ITTA to include all timber trade sparked widespread debate and controversy. Consumer countries were unwilling to limit their productive capacities to the extent required by the proposed expansion. On the other side, producer countries feared onerous restrictions on the full spectrum of their marketable timber.⁸⁶ Additionally, these policies remained highly contested within the free-trade framework (i.e. GATT and other transnational free trade agreements). This free-trade framework came to predominate the global political-economic context of the period. As states faltered, ENGOs lost faith in the ability of the TFAP and the ITTA to halt aggressive

⁸⁵ For example, World Resource Institute proposals for conservation of tropical forests, along with several proposals emanating from independent reviews conducted by TFAP directed groups. (Auld 2014).

⁸⁶ See Poore 2003, p. 69.

deforestation. Nonetheless, firmly entrenched in the practices promoted through the preservation discourse, ENGOs remained focused on using law and sanction to ban the misuse of tropical timber, and its resourcing from unsustainable sources. However, complete loss of faith in intergovernmental processes was sealed when, despite great anticipation, no international binding agreement came out of the 1992 Rio Summit. States proved unwilling to take the necessary initiative to sacrifice development opportunities in the name of conservation. According to Radoslov Dimitrov (2004), the institutions devised during the Rio Summit, such as the Intergovernmental Panel on Forests, or its successor, the Intergovernmental Forum on Forests, were constructed to purposely obstruct any mechanism that could effectively manage forests. Additionally, as discussed in Pattberg (2007), the moderate consensus that resulted from the summit only translated into half-hearted agreements.

On the public end, developed states did not want to bear the burden of financing conservation efforts, sharing technology, nor being more active in the redistribution of global wealth measures. On the other side, developing states feared any potential threat to their sovereignty that may come from a global binding resolution, as well as the potential for such to hinder their ability to develop.⁸⁷ On the private end, ENGO-proposed preservation initiatives were unacceptable to industrialists, who then lobbied governments against these measures that would restrict economic productivity.⁸⁸ While industry did not resist the idea of sustainable management of environmental resources,

⁸⁷ Poore 2003.

⁸⁸ Dimitrov 2006.

they refused to accept forced imposition of regulations by way of international law. Yet, in spite of the lack of progress, what was clear from these events was that there was indeed interest in a global mechanism to prevent continued destruction of the world's forests. But also clear was that the solution was not going to come from states.

The Environmental Network

After a forest survey conducted by the International Institute for Environment and Development was released in the late 1980s—reporting that less than 1 percent of the world's tropical forests were being managed sustainably—a sense of urgency emerged amongst ENGOs.⁸⁹ Duncan Poore stated, with regards to the presentation of these findings at the International Seminar on Sustainable Utilization and Conservation of Tropical Forests:

Participants could have heard a pin drop when slides were shown of the area of forest under demonstrated sustainable management for timber production as compared with the total area of tropical forest! But no delegate disputed the findings.⁹⁰

He claims that, “the seed was sown. There was a changed perception of the scale of the problem; a sense of urgency was generated”.⁹¹ A World Wildlife Fund (WWF) official went so far as to claim that prior to the report government and industry officials claimed

⁸⁹ Poore 2003.

⁹⁰ Ibid, p. 61.

⁹¹ Ibid, p. 62.

forests were well managed and that ENGOs were being unreasonable in not accepting that reality.⁹² However, after the report this theory was disproven and the narrative changed.⁹³

It was during this period that elements of the sustainable development discourse began to gain traction with ENGOs, and that a more solid network began to form. As governments praised the merits of the report, yet did little to implement any meaningful form of the concept toward forest conservation, ENGOs picked up the mantle. The realization emerged that the general malaise of governments would require them to adopt an alternative approach to governance that could bypass state authority. The language of sustainable development became a starting point, as it provided a fertile ground for reaching out to the very actors ENGOs wanted states to regulate – industry. It was this common cause that brought ENGOs together into a more expansive and cohesive network, oftentimes electing one spokesperson to speak on the behalf of all ENGOs at important international gatherings.⁹⁴ A WWF official recalled observing after an International Tropical Timber Organization (ITTO) meeting that:

[There] were like fifty observers from ENGOs at each meeting, and they were networking and exchanging views, sitting in lobbies waiting for things to happen and coming up with all sorts of ideas...I think ITTO, whether it intended to or not, played a role as a kind of forum where lots of people came together....⁹⁵

⁹² 2002 interview conducted with WWF international official by Graeme Auld, and presented in his 2014 work on p. 66.

⁹³ Auld 2014, p. 65.

⁹⁴ Gale 1998, p. 142.

⁹⁵ 2007 interview conducted with WWF international official by Graeme Auld, and presented in his 2014 work on p. 71.

Due to these frequent interactions with one another through participation in global forest meetings (such as the ITTO and TFAP processes discussed earlier), they began to evolve their position from firmly in the grasp of the preservation discourse, to a compromised position with a general acceptance of the sustainable development concept (i.e. greater responsibility given to private actors, the belief in integrating market/economic incentives, not demanding limits to growth but just better management of it, etc.). The idea of sustainable development gained a general buy-in from states and industrial actors—because of its vagueness—and thus whoever defined it would be able to shape outcomes through management of the discourse surrounding it.

As ENGOs began their efforts to try to define the contours of forest protection through the sustainable development discourse however, they struggled to find a middle ground. Early attempts at compromising the language of preservation, in order to reach a common ground with industry, proved unfruitful. For example, when FERN, Friends of the Earth, and several other ENGOs came together to form the World Rainforest Movement (WRM), which was designed to work with the World Bank and other international financial institutions to conserve forests through market incentives, their declarations displayed an unwillingness to compromise on core preservation beliefs:

Forests, both temperate and tropical, are an integral part of the life support systems of the planet, performing numerous ecological and social functions that are essential for the continuation of life as we know it on earth. Those functions include: regulating climate at both the regional and global level; providing habitat for the majority of species on earth; providing a homeland and spiritual basis for millions of forest peoples' maintaining and conserving soils; regulating hydrological cycles and ensuring water supplies .⁹⁶

⁹⁶ Penang Declaration; www.wrm.org, accessed on 12/16/2016.

Continuing that:

The current social and economic policies and practices that lead to deforestation throughout the world in the name of development are directly responsible for the annihilation of the earth's forests, bringing poverty and misery to millions and threatening global ecosystems with collapse. Such policies and practices include: plantations, both for industry and for export crops; ranching schemes; dam projects; commercial logging; colonization schemes; mining and industry; the dispossession of peasants and indigenous peoples; roads; pollution; tourism.⁹⁷

From this position they demanded that the UN and national governments construct international legal regulations banning the trade in timber claiming that:

National boundaries have become so porous that traditional distinctions between local, national, and international issues have become blurred. Policies formerly considered to be exclusively matters of 'national concern' now have an impact on the ecological bases of other nation's development and survival.⁹⁸

Greenpeace (GP) and the Rainforest Action Network (RAN) used alternative means to bring attention to critical issues using preservation discourse practices such as boycotts, lobbying governments, executing spectacular stunts to bring media attention to issues of environmental degradation. They launched a protest and boycott campaign in the late 1980s and into the 1990s against pulp and paper companies they claimed were poorly managing forest resources, as well as leaking toxic pollutants through their practices.⁹⁹

Greenpeace claimed that:

⁹⁷Penang Declaration; www.wrm.org, accessed on 12/16/2016.

⁹⁸ ENGOs supported this claim made in the Brundtland Commission report *Our Common Future* (1987), as stated in Gale 1998.

⁹⁹ Harrison 2002.

GP is a comparatively small organization fighting giants – whether they be governments or multinational corporations. GP can never match their resources...[but] we cannot afford to become part of the any established order of things – we must preserve our cutting edge as a campaigning organization.¹⁰⁰

Also during this time period, Friends of the Earth began a protest and boycott campaign against tropical timber importers, and the Rainforest Action Network began an international campaign against Burger King to cancel contracts with Central American beef suppliers for their forest clearing practices. These collective actions, amongst many others on the part of ENGOs, alluded to a reluctance to compromise their preservation values for those contained within the sustainable development discourse.

The Industry Network

The industry network consisted of a large number of diverse companies from different countries, including concessionaires, logging companies, processors (domestic and international), shippers, overseas processors, importers, wholesalers and retailers.¹⁰¹ The awareness of the threat that existed to industry by an environmental movement entrenched within a preservation discourse is witnessed in statements coming out of the ITTO meetings, such as that made by forest industry representative Alle Stoit claiming that:

¹⁰⁰ Greenpeace Annual Report 1994.

¹⁰¹ Gale 1998.

Trade makes self-generated economic contributions. There are rewards for all at every stage of trade from forest to consumer. If only one link in the chain fails to see rewards the business activity ceases.¹⁰²

In defense of their position the industry network believed and argued that rapid forest regeneration negated claims of irreversible ecological damage coming from their actions. One industry representative summed up this position in a statement claiming that “vegetations [*sic*] grow unbelievably fast: virgin forests, once cleared, will continuously fight to restore themselves”.¹⁰³ ENGOs did not agree, and took various measures (previously discussed) to prevent what they felt was the irresponsible and dangerous cutting of forests. Within this context, industry perceived a large volume of threats emanating from the environmental movement to its profitability—including the protection of large swathes of forest, increased government regulation and taxation, attempts at private regulation, as well as to attempts to tarnish brand image through protest or boycott. Industry saw the latter as particularly pernicious and denounced boycotts and protests as being counterproductive. They claimed that boycotts and protests would lead to declining economic values of rainforests and thus would incentivize further and faster conversion of forests to alternative land uses.¹⁰⁴ Such a position is visible in the representative statement made by one industry spokesperson who claimed that:

¹⁰² As found in Gale 1998, p. 118.

¹⁰³ Statement made on behalf of industry-by-industry representative J.R. de Beijer at a 1991 ITTO meeting, as found in Gale 1998, p. 119.

¹⁰⁴ Carbale 1995.

[Protests and boycotts] if successful would be counter-productive, and militate against the very thing they [environmentalists] are advocating – to preserve the forests. Mark my words, if in the event there is no market for our timber... there will be no good argument for us to protect and retain our forest...¹⁰⁵

Additionally, they argued that protests and boycotts were veiled forms of controlling trade that were counter to protocols of the GATT, claiming that protests and boycotts promoted the use of discriminatory practices and protectionist measures.¹⁰⁶

For industry, the solutions to issues of the environment lie in the free hand of the market. This position being exemplified within the environmental economism discourse emanating from the industry network, reflected in statements made by industry representatives such as:

As operators in the private sector we know that the free market – with its competitiveness, and its striving for efficiency and innovation – offers the best potential route towards maximizing the material benefits from forests and the reduction of waste.¹⁰⁷

Within this subject position, top-down attempts at regulation were viewed as ineffective and counterproductive; markets would serve as the preferred arbiter of environmental protection measures; and any efforts at impeding the efficiency of markets would only distort them, and lead to environmental degradation. For industry, operating within the

¹⁰⁵ Wong 1992, p. 4.

¹⁰⁶ Vogt et al. 2000, p. 33.

¹⁰⁷ Alle Stoit statement to ITTO council in 1992, as found in Gale 1998.

environmental economism discourse, any outside interference was seen as counter-productive.

The Emergence of Private Governance

This rift between political actors in the forestry sector (NGOs v. industry), with the state proving unreliable, opened a subject position from where an enterprising actor could occupy and serve as a bridge to bring these two sides together toward a more common position. As NGOs were fixated on preservation, and industry on markets, the critical component to linking these networks was through the construction of a discourse that could create this connection (or bridge). It was in this context that the sustainable development discourse took form within forestry. This discourse would have to link the normative concerns of the NGO movement to the instrumental concerns of industry.

The WWF was one of the first NGOs to attempt such a link. They published an extremely influential report titled, *Forests in Trouble: A Review of the Status of the World's Temperate Forests*, which attributed the problems of forests to poor forest management techniques.¹⁰⁸ In doing so, they promoted the idea that sustainable development was possible through better management practices on the part of industry. In the report they claimed that:

Once disturbed, tropical forests are slow to recover their original state. Repeated human interference can mean that they never recover at all. So tropical forests should be managed 'sustainably'... There are many forms of sustainable

¹⁰⁸ Dudley 1992.

management of tropical forests. The most ancient and well-developed are those of the forest peoples, many of whom have lived in tropical forests for millennia.

Additionally, they pressed the World Bank to adopt new guidelines for loans being approved to countries with vulnerable tropical forests in the name of protecting those forests, further linking liberal economics to forest preservation.¹⁰⁹

Other ENGOs in the network took notice of this shift toward markets. Although many refused to end boycotts and protests, they did shift the target of boycotts away from states and industrial producers to commercial retail stores.¹¹⁰ Knowing that commercial retailers were far more vulnerable to consumer sentiments than big industry resource providers, and that commercial retailers were highly influential with upstream resource providers, ENGOs staged several demonstrations in front of big box retailers of wood products. The intent was to express to a public, consuming audience their growing dissatisfaction with their sale of wood harvested from poorly managed forests and/or from unknown sources. The intent was to force these retailers to take remedial action and demand higher standards, and verification of such, from upstream suppliers.¹¹¹ The negative attention generated by these boycotts forced retailers and major corporate players to begin seeking out a way to protect their brands and markets. They intended to do so by developing a method for identifying proper systems of management and sustainability that could be utilized by resource harvesters. This provided an opening for

¹⁰⁹ Auld 2014, p. 67.

¹¹⁰ WWF-UK 1991.

¹¹¹ Bass et al. 2001, p. 23.

a resourceful private actor to work toward defining such a program. One that could be acceptable across networks, and useful to regulate the behavior of actors across the forestry sector via a private governance program.

Private governance in the environmental sector is in many ways rooted in the idea of certification.¹¹² Certification basically consists of the process by which a certificate or logo is awarded to an actor that successfully follows the rules that are established by the certification (or accrediting) body. This idea emerged as part of a proposal for a labelling system that was circulated throughout the early ITTO meetings, but that was ultimately rejected.¹¹³ It was rejected because there was no middle ground or nodal point around which actors involved – states, industry and ENGOs – could converge. Therefore, what was needed was a set of principles and criteria for certification whose language could gain widespread acceptance.

Efforts to Define this Emergent Political Space within the ENGO Network

Several enterprising ENGOs saw promise in adapting the failed ITTO concept of certification into a private governance program as the most practical way forward. However, achieving such a program would require a drastic shift in thinking, manifest through language. The first major initiative that linked forest conservation to trade came from Friends of the Earth (FoE) in 1987. It came in the form of a ‘Good Wood Guide’ and the ‘Seal of Approval’ program—both aimed at retailers. They were produced to

¹¹² Auld 2014.

¹¹³ Ibid, p. 72.

“see the timber industry...switch to using tropical hardwoods that have been grown sustainably” by listing hundreds of dealers and retailers and their level of involvement in tropical timbers.¹¹⁴ Retailers, manufacturers, suppliers and importers were all placed in one of three categories to determine their fealty to the sustainability of forests: 1) those “who are actively helping to save rainforests by obtaining timber from an ecologically benign source”; 2) those that were contributing to forest preservation but “may still be using some non-sustainably produced tropical timber”; and 3) “those that are contributing to the destruction of tropical rainforests”.¹¹⁵ The parameters for judging sustainability under this program were heavily restrictive, however, as the FoE was still operating along strong preservation discourse principles. As a result, the vast majority of those assessed by FoE fell into category number three—thus de-legitimizing the program amongst industry actors that found it far too restrictive. Therefore, while this was an attempt to work to help improve the management of forests by bringing in industry, it was in many ways perceived as a veiled protest. It was the reflection of an ENGO limited to its possibilities for action by the preservation discourse. Charging those that did not comply with the restrictive structure as being guilty of “eco-system destruction”, “biodiversity loss”, and considering any destruction of tropical rainforests as wholly unacceptable.¹¹⁶ In such form, it was too stringent to gain traction and acceptance with industry.

¹¹⁴ Synnott 2005, p. 4.

¹¹⁵ Friends of the Earth *Good Wood Guide* 1987.

¹¹⁶ Synnott 2005.

In 1991, the WWF made a monumental decision to break with tradition and reach out to industry in order to find a compromised solution to the problem of forest loss. It changed its labelling policy from one advocating government-backed labelling schemes, to one backing private sector schemes. This reflected the beginning of the transition from preservation to a sustainable development frame of thought amongst several key ENGOs. This transition reflected one where the belief that markets could in fact be leveraged to make sustainable change. While most ENGOs were still boycotting and protesting (as well as focusing efforts on generating government regulation) the WWF sought out a market solution. This showed a willingness on their part to compromise on preservation values in order to accommodate industries' environmental economism values. In 1991 it created a Buyers Group called the *1995+ Buyers Group*. This group sought to bring together companies committed to purchasing wood from "well-managed" sources.¹¹⁷ In the language of the originating documents, there were five main requirements for membership in this group: 1) supporting independent, 3rd party certifications over forest operations (conducted every 6-months); 2) commitment to purchase forest products only from well-managed forests; 3) purchase of wood fiber from certified sources; 4) identifying responsible senior management that will be accountable for certification outcomes; 5) demonstrate progress each successive certification assessment (again, conducted every 6 months).¹¹⁸ Yet, while several large industrial players bought into this scheme – including B&Q (the largest DIY retail chain in the UK) and the Timber Trade

¹¹⁷ Hansen & Panches 1998, p. 19.

¹¹⁸ Ibid, pp. 18-19.

Federation – it failed to get widespread acceptance because it was overly restrictive on industry. It required repetitive inquiries (every 6-months), all conducted by independent certifiers (at the cost of industry to pay for each certification); it required 100% of wood sources to be verified; accountability of senior management; and, finally, it required verified proof of constant and persistent improvement. While compromising with industry, it attempted to remain firmly on the side of preservation over economic exigencies.

In 1993, FoE followed in this mold and officially backed a program that was put forward by the UK Overseas Development Agency titled *Labelling Systems for the Promotion of Sustainably-Produced Tropical Timber*. However, because FoE backed the proposal, after having engaged in boycotts against tropical timber importers, industry rejected this proposal outright because it was interpreted as a boycott in disguise.¹¹⁹ Claiming that the program “was a veiled attempt to install...an incentive to encourage the current campaign of boycott against the import of tropical timber products”.¹²⁰

In 1995, the Rainforest Alliance Network (RAN) created the *Smartwood* program in hopes of forging a bond between ENGOs and industries with strong commitments to environmental and social-community issues.¹²¹ Recognizing the lack of “broadly accepted standards for particular tropical forest regions,” RAN developed a simple standards system based on watershed stabilization, sustained yield production and

¹¹⁹ Hansen & Panches 1998, p. 18-19.

¹²⁰ Humphreys 1996.

¹²¹ Smith & Maser, p. 84.

positive impact on the wellbeing of local people.¹²² RAN circulated a draft of its program titled *Criteria for Evaluating the Sustainability of Tropical Logging Operations* (which followed closely the ITTO Guidelines of 1990), and this evolved into the SmartWood criteria. SmartWood established what it considered a “holistic approach to forests as ecosystems with multiple values beyond the production of wood and fiber”.¹²³ It encompassed criteria for protecting biological diversity, considering such as essential for allowing an ecosystem to “respond to external influence, to recover after disturbances, and to maintain essential ecological processes”.¹²⁴ But it also acknowledged that,

Consumption of forest products, investment and employment in the forest sector, forest-based recreations and tourism, and other social and cultural forest values illustrate the many benefits forests provide.¹²⁵

This reflects a realization on the part of the groups that made up RAN that a compromise was necessary in order to effect the practices of industry. Witnessed through the standard for membership becoming simply the adoption of a philosophy, based on key criteria and indicators, that was considerate of industrial demands.¹²⁶ Yet while the program proved successful in recruiting some major industrial actors, it was designed to recognize only those industrial firms that held to the highest of standards set by Smartwood. Therefore, by design, it was an exclusive club which made it self-limiting.

¹²² Ussach 1990, as found in Synnott 2005, p. 12.

¹²³ RAN Smartwood Program – Executive Summary, found at www.rainforest-alliance.org.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Smith & Maser, p. 87.

It was within this context that an enterprising, eco-conscious group of woodworkers saw an opportunity to have an impact by creating a compromised system of rules that would be acceptable to both the ENGO and industry networks. They knew that to succeed in this emergent political space they would need to develop a language that was acceptable to both sides, without being overly indulgent of either. They formed what came to be called the Woodworkers' Alliance for Rainforest Protection (WARP). The group was composed of business oriented, yet environmentally conscious woodworkers that were concerned about the practices of the industries that resourced their own materials used to make wood products. As a way forward, they sought a middle path that did not disrupt business but rather forced it to conduct itself more responsibly. This group would eventually emerge as the Forest Stewardship Council (FSC).

The Emergence of FSC as a Network Connector

The FSC had its founding conference in 1990, which was attended by a mixed group of woodworkers, environmentalists, foresters, scientists, importers and dealers of wood products. At this meeting, the group presented proposals for an independent, international forestry monitoring agency and agreed to complete several tasks: draw up criteria for sustainable forestry, develop mechanisms to monitor the production of timber, develop a certification system, and propose an organizational and operation structure for the FSC.¹²⁷

¹²⁷ Synnott 2005, p.11.

At the first official meeting of the Certification Working Group, two forest certifiers were invited to present information on their existing programs – the Rainforest Alliance and Scientific Certification Systems (SCS). The Rainforest Alliance coming firmly from the preservation discourse/ENGO network and the SCS was an industry-backed group. This is an indicator that the FSC was seeking out a middle position from where they could resonate to the networks represented by each of these certifiers. The meeting that followed was dominated by a discussion on the contents of an FSC charter. The intent was to develop a charter that “all certification groups could subscribe and adhere”.¹²⁸ A final report was generated from the meeting that proclaimed that an organization was forming that would serve as:

An umbrella certification watchdog/standards organization, tentatively called the Forest Stewardship Council...that would allow participation by signatories...in the development of global principles for the long-term stewardship and sustainable use of forestlands worldwide.¹²⁹

Also agreed to at the meeting was that the initiative would certify all forests around the globe, not exclusively tropical forests. Furthermore, the concept of a label as a marketing tool, and of market demand for improving forest management were included.¹³⁰

The interim board of the FSC began work on the *Principles and Criteria* that would reflect, and solidify this middle position. At a meeting in 1991 they agreed to

¹²⁸ Synnott 2005, p. 13-14.

¹²⁹ Simeone 1991, as found in Synnott, 2005 p. 14.

¹³⁰ Synnott, 2005 p. 14.

develop a Forest Stewardship Charter that included both global principles, as well as criteria for certification. All the organizations associated with the FSC would be checked against these. The charter developed through 1991-1992, as did a separate accreditation manual for third-party certifiers. These documents were circulated very widely, across actor networks, and drew hundreds of comments. Many of these comments became integrated into a document that ultimately grew to twenty-two pages.¹³¹ As a working draft developed the FSC printed 5000 copies for distribution, requesting additional comments and feedback from actors across both networks.¹³² International Labor Organizations provided crucial remarks that allowed the FSC to elicit support from both trade unions and indigenous peoples from several countries. These extensive consultations served two critical purposes: 1) to insure the idea of the FSC could receive substantial support from a multitude of interests worldwide; and 2) to give others a sense of participation and ownership of the FSC project.¹³³

After eight drafts and a national consultation process that sent the draft across the globe for additional input – a finalized document was submitted in 1993. To establish a compromised, inter-network position (considering the heavily contested topics discussed above) the FSC *Principles and Criteria* were developed to be broad and inclusive, i.e. vague enough to be interpretive. Of this document the following commentary was made:

¹³¹ Synnott, 2005 p. 14.

¹³² Ibid, p. 19.

¹³³ Ibid, p. 18-21.

Forest Stewardship must be defined equally by environmental, economic and social considerations...Forest Stewardship Principles and Criteria must apply equally to boreal, temperate and tropical forests...Forest Stewardship can and should be defined by global principles, but can only be defined locally in terms of ecosystem-specific standards...The FSC P&C should apply equally to plantations and natural forests...[and to] small and large scale forest operations.¹³⁴

Under such broad auspices, the FSC rapidly became a formal organization. The organization put forward broadly developed definitions for plantations, as well as for consideration for use of genetically modified organisms (GMOs).¹³⁵ As these positions went to the members for approval, all but principle 10, regarding plantations, was endorsed by 1994, and principle 10 was finally endorsed by 1996. The FSC also decided to limit certification labeling to products that were only 100% sustainable—in other words no mixed/percentage products would be exempted. This measure was highly disputed by industry actors, as mixed materials allowed much greater latitude, and the FSC ultimately compromised to allow its certification program to cover mixed-materials. The same went for GMOs. While GMOs were initially banned by the FSC *Principles and Criteria*, once industry protested the ban, the FSC adapted the language to allow for certain exceptions and partial bans.

With regards to the constitution of the organization, the FSC went to great lengths to ensure all interests were equally represented. Care was taken in selecting representatives to ensure the group consisted of a reasonable balance of interests between tropical, temperate and boreal regions, as well as between social, environmental and

¹³⁴ Hannes Mantyranta 2002, as found in Synnott 2005, p. 16.

¹³⁵ Ibid.

economic interests from both the developed and developing worlds.¹³⁶ Yet, it was not long after this initial meeting that a strong difference of opinion began to emerge. However, the important point is that “[p]eople had gone from arguing about whether [certification] should happen to how it should be [organized]”.¹³⁷ The FSC stood at the center of this debate because it had strategically positioned itself at the center of the sustainable development discourse – as applied to forests (see Figure 6). This can be witnessed through the extensive consultations conducted, across networks (as just discussed), to find the appropriate language for the principles and criteria that stood at the core of the organization. In coming to define what sustainable management of forests ‘looked-like,’ through its principles and criteria, the FSC shaped the behavior of not just the industrial actors that would accept governance (via FSC rules), but also of ENGOs whom now had to identify and defend their own positions relative to the FSC.¹³⁸

The Major Issues and FSCs Middle-Position

Although the next chapter will present a more detailed comparative analysis of the competing certification programs in the forestry sector, I introduce here some of the core issues surrounding certification. Within this frame I will discuss the position the FSC took with regards to each of these issues and, where relevant, show how their position

¹³⁶ Synnott, 2005, p. 21.

¹³⁷ Knight 1993, as found in Auld 2014, p. 87.

¹³⁸ The argument that both ENGOs and industry reorganized their positions toward certification and sustainable forestry as a result of the FSC has been made by several scholars to include: Dudley et al. 1995; Cashore et al. 2002.; Counsell 2002; Synnott 2005; Green 2013; Auld 2014.

was presented in their *Principles and Criteria*. Additionally, I will broadly discuss the consensus position on each of these topics within both the ENGO and industry networks. The purpose being to present a general framework to make the next empirical chapter more easily digestible, as well as to, and more importantly, reinforce the point that the FSC strategically and purposively navigated toward a middle position in-between networks to gain leverage as an authority.

Foundation or Membership Organization?

A controversy arose over whether the FSC should be established as a foundation or a membership organization.¹³⁹ The former would prevent any particular interests from gaining undue influence, thus allowing the FSC to run itself as it felt was best suited to its organizational goals. While the latter would placate the varied interests involved that wanted a seat at the table—with industry being a part of that group. ENGOs felt that the only way the FSC could stay true to its mission of protecting forests was to stay a foundation—free from outside influence (although several ENGOs had members working on the inside of the FSC). While industry felt that without a seat at the table it would be difficult to accept the FSC on a widespread scale.

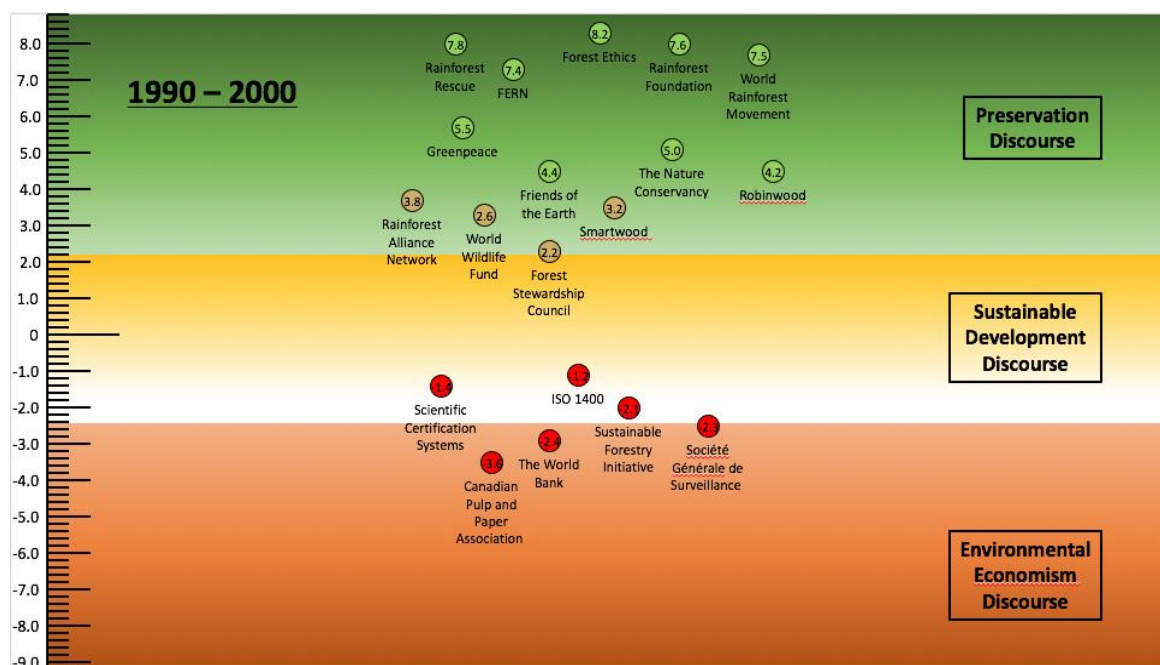
The FSC decided to structure itself as a membership organization that included an equal representative role for industry (alongside ENGOs and social organizations). This was done to try to maintain the fragile coalition it had worked so hard to build. This decision

¹³⁹ Synnott 2005, p. 24.

(to include industry) proved to be the most controversial decision made by the FSC.¹⁴⁰

While separate certification programs reached out to industry, the FSC went a step further in allowing industry to serve on a decision-making board where they had equal influence with other participants. This was a compromise no other ENGO-backed organization was willing to make, but reflected the FSC's tactical approach of constructing an organization with wide-appeal via its middle position.

Figure 6: Content Analysis Showing Existence of Networks



Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

¹⁴⁰ Synnott 2005, p. 15.

Certification or Accreditation?

Certification is the on-the-ground assessment carried out to determine whether or not sustainable management is taking place. Accreditation is the development of broad guidelines used to judge actors seeking certification, however, the job of assessing compliance with those established guidelines is contracted out to another entity. The FSC chose the latter, deciding not to carry out certifications on the ground themselves but rather contract this function out to other parties, and thus becoming an *accrediting* agency. Accreditation was adopted and applied to the FSC in 1992, as part of the Charter, in the following form: “The FSC is an organization which monitors, evaluates and provides official accreditation for such certification programs”.¹⁴¹ Thus, through the use of this articulation, the FSC established itself as an arbiter of sustainable management and certification. As an accrediting agency, it would serve as an umbrella organization that would dictate terms to those carrying out certification. From such a position the FSC would not only determine what was sustainable practice for foresters, but for the certifying agencies that were conducting the certification—many of which were backed or run by ENGOs. Accreditation, since this time, has remained a core component of the FSC program.

Cutting in old growth forests

Friends of the Earth was adamant that large scale logging operations in virgin forests should be ended without qualification, and such a position was reflected in its

¹⁴¹ Synnott 2005, p. 14.

Smartwood certification program. They argued that anything less would simply be unacceptable.¹⁴² Furthermore, they stated that any company “trading in or [buying] wood from these virgin forests – which still represent the bulk of surviving tropical woodlands – should not receive any endorsement or encouragement”.¹⁴³ This obviously reflected the preservation discourse thinking that sensitive ecological systems should take precedence over any economic exigency. However, this uncompromising position was unacceptable to industry as they relied on such practices for profitability. Industry claimed that cutting in old growths could be done in a sustainable manner to preserve the forest and its biodiversity.

The FSC positioned itself to allow cutting in old-growth forests but with severe restrictions. This restrictive compromise satisfied the ENGOs, whom felt that these restrictions were sufficient to prevent any cutting in old-growth forests. However, the compromise with industry was that the industrial forest manager was empowered to define what old-growth forests were through a broad concept deemed “High Conservation Value Forests” (HCVF).¹⁴⁴ HCVFs were defined by the FSC in broad terms as “containing concentrations of biodiversity...in threatened ecosystems...critical to local communities’ traditions”.¹⁴⁵ The forest manager then could assess the forest where cutting was taking place and determine whether or not it should be classified under

¹⁴² Schoon 1992, as found in Auld 2014, p. 78.

¹⁴³ Ibid.

¹⁴⁴ FSC High Conservation Value Forest Assessment Framework, found online at www.fsc.org.

¹⁴⁵ Ibid.

such criteria. This left open the possibility for cutting in old growths forests, but in a way that was limited enough, at least in its language, that was acceptable to both sides.

The Use of Tropical Timber

An overwhelming majority of ENGOs stood firmly against any cutting and/or use of tropical timber. Tropical timber was resourced from tropical rainforests which were considered highly valuable for their disposition in hosting extreme levels of biodiversity, their role in the climate change cycle, and the various other roles tropical forests play in the economic chain.¹⁴⁶ While recognizing this reality, and the position of the ENGO network, the FSC allowed for the use of tropical timber as long as it was “managed according to agreed principles for environmentally appropriate, social beneficial and economically viable forest stewardship”.¹⁴⁷ Offering “forest managers in the tropics financially competitive alternatives to poor practices...”.¹⁴⁸ Arguing that:

[T]o withdraw from applying FSC’s standards to logging in the tropics would not end further exploitation of tropical forests, but only sacrifice a tool to promote equitable consideration of social and environmental issues in forestry.¹⁴⁹

¹⁴⁶ As to biodiversity: tropical rainforests, although covering only 2% of the Earth’s surface, contain one-half to two-thirds of the earth’s species of plants and animals (www.rainforestconservation.org).

¹⁴⁷ www.ic.fsc.org – Certification of Topical Forests.

¹⁴⁸ Ibid.

¹⁴⁹ www.ic.fsc.org – Certification of Topical Forests.

In making this claim, the FSC was constructing the resistance to the continued cutting of tropical timber seem overly restrictive. However, in providing broad assurances that their principles would ensure “environmentally appropriate, socially beneficial and economically viable forest stewardship...through strong multi-stakeholder processes,” this pacified the primary resistance from ENGOs.¹⁵⁰

Size and Scale of Timber Operations

Another controversial issue that emerged during the development of the FSC was the question of scale. Would the FSC certify small-scale, community-managed forests or would they certify large-scale industry operations? The former reflected the will or desire of the more conservative ENGOs, and the latter projected that of industrial concerns. World Rainforest Movement, a conservative ENGO was quoted, in a letter circulated to other ENGOs, as saying:

[I]f, as we have been assured, the principal aim of the FSC and FSS is to discriminate in favour of small-scale community-based timber extraction using appropriate technology and exclude from the market timber provided by the present dominant form of large-scale highly mechanized logging, it seems bizarre in the extreme to certify people who promote and practice the kind of logging we are set against.¹⁵¹

WWF, a middle-ground ENGO, was quoted in a position paper as stating:

We agree with the analysis that it is likely that small-scale community-based forest management schemes are likely to be the initial candidates for certification...But provided the verification is carried out by an independent assessor, using very clear techniques of social and environmental impact, we

¹⁵⁰ www.ic.fsc.org – Certification of Tropical Forests.

¹⁵¹ World Rainforest Movement letter to ENGOs 1992, as found in Synnott 2005, p. 15.

see no reason why medium- or even large-sized producers should not be included.¹⁵²

The FSC decided to focus on large-scale, mechanized operations over small-scale community logging operations. Their justification was that this decision better met their intent to promote good forest management worldwide.¹⁵³ If the FSC was to become a globally recognized brand that could make a global impact, it had to target the global players. The idea of being part of an organization that wielded global authority appealed to ENGOs while the idea of a single international standard for certification—that was flexible—appealed to industry.

Tree Plantations

Another issue that stirred up great debate and controversy regarding the FSC was the potential for certifying plantations—particularly large-scale, commercial, or exotic plantations because of their documented negative effects. Although the ENGO community was vehemently opposed to the idea of certifying plantations because of their monocultures, and the land clearance and destruction of biodiversity they caused, the FSC knew that plantations were a critical asset to industry. ENGOs considered plantations off-limits because they were not forests, and thus were not eligible for certification. In order to address this issue strategically, the FSC adopted the articulation “planted forests” to describe plantations.¹⁵⁴ Planted forests came to be considered forests

¹⁵² WWF Position Paper 1992, as found in Synnott 2005, p. 15.

¹⁵³ Synnott 2005, p. 16.

¹⁵⁴ See FERN 2001; Counsell & Loraas 2002.

where seeds of native and/or foreign seedlings are planted to account for loss and where seeding are carried out for productive purposes.¹⁵⁵ According to a group of ENGOs, led by The World Rainforest Movement (WRM), the idea that plantations could be considered *planted forests* was absurd. For the WRM plantations destroyed surrounding forests, grasslands and wetlands, and dispossessed locals of their homelands. Therefore, they were not viable, nor could they be considered sustainable. Greenpeace was quoted on the matter stating that, “Greenpeace doesn’t like plantations. We have learnt to live with them for strategic advantage. We disagree with calling them planted forests because they are not forests”.¹⁵⁶

It is manifest here the strategy used by the FSC to develop a nodal point. It was one that could accommodate both sides, due to its elasticity. By calling plantations “planted forests” they would be able to certify them and accommodate industrial demands while also maintaining fidelity to the environmental movement that these “forests” would be managed sustainably. This linked the language of the two sides and placed the FSC in a middle-position as an arbiter over what a forest actually was/is. This forced the environmental movement to address this issue in relation to how the FSC had defined it.

Furthermore, with regards to plantations, principle 10 of the FSC Principles and Criteria came under attack by ENGOs. ENGOs such as the WRM, FoE, the Rainforest Foundation, amongst others, accused the FSC of framing principle 10 too vaguely to be

¹⁵⁵ www.ic.fsc.org.

¹⁵⁶ Purey-Cust 2003, p. 37.

precisely interpreted.¹⁵⁷ The principle states that plantations can provide an array of social/economic benefits along with satisfying the world's needs for forest products, but does not specify how to go about doing so. Thus, leaving it open-ended enough that essentially any plantation could abide by the principle. Again, this alludes to the open-ended and vague nature of the FSC language allowing for open interpretation on both ends. ENGOs could identify with the verbiage, as well as industry, without making commitments that may threaten identity. This placed the FSC in the middle of these two networks, and from this position the FSC forced other actors to position themselves relative to the FSC.

Protests and Boycotts

Another issue that was very controversial and heavily debated was that of protests and boycotts. Many ENGOs were still engaging in protests and boycotts of industry to prompt a change in practice. However, the industry groups involved in the discussion of the FSC were of the understanding that FSC, and those involved with it, understood the organization to stand as an alternative to boycotts and protests. In other words, the understanding that organizations that stood behind the FSC idea were foregoing the practice of protests and boycotts against industries involved in FSC certification.¹⁵⁸ The FSC took the side of industry and considered those working within its program to be willing to forego protests in boycotts under the premise that the FSC was a viable

¹⁵⁷ Lohmann 2003, p. 19.

¹⁵⁸ Synnott 2005, p. 17.

alternative. While the FSC was not able to prevent protests and boycotts from its member groups, its stance in opposition to these practices satisfied industry sufficiently to keep them an active part of the FSC program.

GMOs

While ENGOs were inflexible on acceptance of GMOs within certified forests, the FSC could not risk accepting GMOs. However, because GMO testing had proven potentially lucrative to industry, the FSC could not expect industry to accept a ban on the use or testing of GMO technologies. Thus, the FSC sought a compromised position where they prohibited the certification of any forest where GMO testing was being done, or where GMO engineered tree species were actively being grown. However, they did not go so far as to prevent an industrial actor that was actively engaged in GMO testing to receive a certification from FSC. Such actors could be generally certified, just not the forest projects where GMO testing was taking place. While ENGOs felt that any organization experimenting with it should be banned from any form of certification, the FSC knew such a stance was too rigid, and would threaten their global brands strength. Therefore, they carefully laid out the potential benefits and risks of GMO research and use—acknowledging that they held value—and left their position on the matter open until research could defend the use of GMOs.

Responses to the Emergence of the FSC in a Middle Position

The Response of ENGOs

While ENGOs such as Greenpeace, FoE, RAN and the WWF backed the FSC (to varying degrees), there was a great deal of controversy over the FSC and how it was constituted. This is best reflected in a document, created by Rettet de Regenwald (an ENGO based in Hamburg), and circulated amongst several key ENGOs, titled *The Forest Stewardship Council Aims Principles and Criteria: A Critical Examination Predicting its Failure*. The document can best be summed by one of its key statements that:

At best the FSC initiative is naïve, at worst it provides a framework for the timber industry to achieve a much desired ‘green veneer’ and defuse pressure to attack the real issues of illegal trade, indigenous peoples’ rights and over-consumption.¹⁵⁹

This was reflective of a more general sentiment that the participation of commercial interests that exploit timber, and/or sell exploited timber, was unacceptable for a standard-setting organization. Such commentary arising from these groups questioned the FSC’s motives, asking whether or not “the original mandate of FSC was to stop tropical deforestation?”¹⁶⁰ As the FSC moved forward on developing policies to achieve a middle-position, in order to accommodate the demands of ENGOs and industry, they received fierce criticism from several more ENGOs. None more pointed than that of Hannes Mantyranta of the Finnish Forest Association in 2002:

¹⁵⁹ Rettet den Regenwald 1993, as found in Synnott 2005, p. 22.

¹⁶⁰ Viana 2004, as found in Synnott 2005, p. 16.

Certification was supposed to prevent forest loss. It has failed to do so, as was known from the outset. Certification was supposed to restore the rights of indigenous peoples. It has failed to do so, because Western ENGOS do not appear to be genuinely committed to this aim. Certification was supposed to improve the quality of commercial forest management. It has failed to do so, at least in the eyes of some.... Certification was supposed to increase the competitiveness of timber. It has so far failed to do so ...¹⁶¹

Yet in spite of this opposition, in 1996 the FSC became fully operational as an accreditation body of forest certification. It worked diligently at building and maintaining consensus amongst its members while continuously striving to stay in accordance with internationally recognized guidelines designated by the ISO, ITTO, ILO and various national frameworks.¹⁶²

The Response of Industry

Under the aforementioned FSC guidelines, by 1998 the FSC came to certify over 12 million hectares of forest and expand to over 297 members.¹⁶³ It became the foremost authority on forest certification and all actors operating in this political space had to acknowledge the FSC position. The WWF came to stand-by the FSC as their certification body of choice, adopting the FSC principles and criteria of sustainable forest

¹⁶¹ Hannes Mantyranta 2002, as found in Synnott 2005, p. 16.

¹⁶² Synnott 2005.

¹⁶³ www.ic.fsc.org – 20 years of growth.

management as part of their 1995+ Buyers Group Program. The *Smartwood* program run by the Rainforest Alliance Network was also absorbed under the FSC umbrella—becoming an FSC certifier. *Smartwood* did however offer a set of more stringent criteria that if abided by could get those seeking certification both the FSC and RAN certification logos for their products. However, several industrial actors within the network felt that the FSC was dominated by ENGOs and represented a threat to future profitability.¹⁶⁴ Thus, in direct response to the FSC program industry actors attempted to develop competitor programs to the FSC.¹⁶⁵

Shortly after FSC certification operations began, the International Organization for Standardization developed the ISO 14000 Series on Environmental Management Systems with strong support from industry (especially paper and pulp companies). These standards were developed by the World Business Council on Sustainable Development (WBCSD) and were favored by industry because they gave companies discretion in setting their own targets, and furthermore, they were acceptable to the World Trade Organization.¹⁶⁶ Industry saw this program as a potential counterweight to the more stringent FSC.¹⁶⁷ The Canadian Standards Association and Australian Wood Industry pushed this approach but it was met with vehement opposition from the ENGO network. The latter claiming that this program was a veil to promoting weaker standards for

¹⁶⁴ FERN 2001.

¹⁶⁵ FERN 2001; Cashore 2004.

¹⁶⁶ Bass 2001.

¹⁶⁷ Vogt et al. 2000.

sustainable forest management.¹⁶⁸ This was a common claim made by the ENGO network regarding the programs developed by industry. However, specifically in response to the ISO 14001 initiative, WWF responded that they were “deeply concerned that certain sections of the international timber industry will try to use ISO’s good name to develop a ‘quasi-eco label’ as an alternative to independent certification”.¹⁶⁹ Ultimately, the ISO option failed, but it was not without serious effort by industry to make viable.

Around the same time, industry-backed Scientific Certification Systems (SCS) launched a forest conservation program that served to assess and certify forests. It created a minimum standard that had to be met through scientific verification only. Findings would be listed in a report card format and not all criteria had to be met to pass. It did not include social or cultural elements. Home Depot, and the US National Retail Hardware Association signed a partnership with an SCS subsidiary, operating under the same system, deemed *Green Cross Certification*, to examine environmental practices made from key suppliers.¹⁷⁰ Société générale de surveillance (SGS), another industry-backed program also announced a certification program.¹⁷¹ This was a for-profit company established for:

¹⁶⁸ Ibid.

¹⁶⁹ Printing World 1997, as found in Auld 2014, p. 88.

¹⁷⁰ Printing World 1997, as found in Auld 2014, p. 88.

¹⁷¹ Auld 2014, p. 76.

[I]nspection, testing and consulting capabilities and numerous services linked to the production, marketing and sales of consumer goods...to enable both suppliers and distributors to comply with...regulatory requirements.¹⁷²

The most prolific industry-backed program that developed, which experienced quite a bit more success than the others was the Pan European Forest Certification program (PEFC). This initiative was launched in 1999 with the backing of European forest landowners, but eventually gained global interest with the backing of the International Forest Industry Roundtable (IFIR) – a group consisting of a diverse set of industry associations from around the globe (to include the US, Canada, Chile, Australia, amongst others).

According to Humphreys (2006), these programs all arose in order to challenge FSC standards. As a result, ENGOs felt threatened that such parallel systems, if popularized, would lower standards to the point of marginalizing certification as a viable path forward.¹⁷³ Thus they came to believe that they were better off continuing support for the FSC—in spite of serious reservations—rather than leave the organization altogether. Some stake was better than none in certification.

Conclusion

The next chapter will take a deeper look at how these different programs compare on the core issues for two main purposes: 1) to show how the FSC came to define the standard of what sustainable forests looked like; 2) to show how other actors came to

¹⁷² www.sgs.com – About.

¹⁷³ Humphreys 2006, p. 131.

define themselves in relation to the FSC. This will shed light on the greater point trying to be made in this chapter that through strategic articulations, the FSC positioned itself in-between networks in order to generate sufficient private authority to govern. While the FSC had no real material power by which to govern, they were able to create a system of rules that were followed by actors that possessed far more material power. While there were indeed structural/material factors, as well as individual attributes possessed by the FSC, that facilitated their ability to govern through private authority, there were also broader social factors at play that were instrumental in facilitating this process.

The historical period discussed, leading up to the emergence of private governance, parallels the historical transition to network forms of governance. As there was a growing sentiment that markets could govern more efficiently in select areas than states (for a variety of reasons previously discussed in chapter 2), a political space was opened wherein private actors could establish themselves in positions of authority. As related to forests, this period emerged after the failure of the 1992 Rio Summit. It was after this period that ENGOs came together toward achieving collective goals, as did industry on the other side to meet the mutual threat posed by active ENGOs. This is where a group of eco-conscious woodworkers stepped in to bridge the gap. In creating the FSC they found a middle ground within the empty signifier that was sustainable development. The nascent discourse that emanated from this idea was an open system of meaning that meant everything to everyone, and thus it was a battle to close this meaning in a way that favored the actor that could successfully do so. It was here where this group of woodworkers sent drafts of proposed principles and criteria around the world to develop a language that could attract actors across networks. Therefore, they

incorporated the feedback they received to constructing a discourse that closed the signification of what “sustainable development” meant in relation to forestry. They did so by taking a middle position on the most controversial topics that separated the ENGO network from the industry network. They constructed high-minded principles and criteria, seemingly premised on preservation principles (including social, ecological, as well as economic components), but left the criteria for implementation (or practices) vague so that industry had sufficient leeway to avoid the more restrictive interpretations of such (as interpreted by the ENGO network).

The specific policy positions taken by both ENGOs and industrial actors in response to the FSC will be explored in more depth in the following chapter. However, we see through the evidence provided up to this point that the FSC had no material power to speak of by which to garner private authority. While it did possess some level of expertise, as well as moral credence, there were several other actors that possessed an equal amount, if not more of both. So why did the FSC become the standard-bearer of certification for forestry globally?

It did so through its strategic manipulation of language to socially position themselves in-between networks. The language of the FSC principles and criteria reflect a compromised middle position along all of the major points of contention between networks. In crafting this language the FSC sought the counsel of key parties across networks to find such a compromised position that could satisfy both sides. Knowing that the two sides were so far apart, the only solution was through vague language that appealed in varying ways to each side. By being vague and creating new, compromised meanings for different physical objects, (i.e. planted forests and HCVPs), they were able

to construct a middle position where both sides could justify themselves to constituents. Using the language of their own discourses, without threatening their identity.

In this process we see that the FSC did not generate moral credence through devotion to a cause, or to a certain set of core principals. Nor did they possess some novel expertise that made them invaluable. Rather, they were the most proficient at manipulating language to develop a compromised middle position that opposing networks could buy-into. Furthermore, the FSC promoted the practice of allowing industry to select the certifying body that would conduct on-the-ground certification assessments. As such, the on-the-ground certifying agency had great latitude in interpreting FSC principles and criteria on-the-ground. This practice allowed the more ecologically minded companies to select ENGO certifiers such as the RAN (under the Smartwood program) or FoE (under the Robinwood program), while the less ecologically minded could select industry backed schemes that were far less stringent in interpreting the FSC P&C, such as the PEFC, SCS and SGS.¹⁷⁴

It was this middle position that brought the FSC private authority. For it was only through this position as a network connector that the FSC could create rules, and enforce them, in any meaningful way. The authority stemmed from three sources: 1) their construction of a nodal point around which others converged and came to identify themselves; 2) giving actors across networks a sense of having a stake in the certification process; and 3) the ability to legitimately transfer identity across networks.

¹⁷⁴ FERN 2001, 2008; Counsell & Loraas 2002; World Rainforest Movement 2007; Auld 2014.

With regards to the first point, the FSC created a certification system that became the standard of practice by which all other actors came to relate themselves. Certification schemes were judged based off of their positions in relation to the FSC principles and criteria. While this authority is not explicit, it cannot be ignored for the FSC was able to impose restrictive rules on actors in the way their behavior came to be accepted, or not accepted. Because this is such an important component to the FSC's private authority, it will be the focus of the next chapter. The next chapter will look at FSC policies more closely, and show how specific policy positions dictated that of other actors operating within the forestry space.

With regards to the second point, the FSC made itself too valuable to both sides to be forsaken—in spite of serious disagreements. Greenpeace, FoE, WWF, the Rainforest Alliance Network, amongst others, saw the FSC as critical to the future of sustainable management and thus, despite sharp differences over policy with the FSC, refused to withdraw from the organization despite petitions from other ENGO actors.¹⁷⁵ Industry, despite developing a slew of alternatives, realized that none of those alternatives (outside of maybe the PEFC) could provide the benefits of the FSC.

Finally, with regards to the third point, through the creation of an eco-label the FSC was able to essentially transfer the moral legitimacy of the ENGOs (not their own moral legitimacy) to the products of the industrial actors they certified—in the form of a symbol. As the ENGOs had predicated themselves on building trust as protectors of the environment with society at large, yet were not willing to compromise on values enough

¹⁷⁵ WWF 1999, 2014; FERN 2001, 2008; Counsell & Loraas 2002; World Rainforest Movement 2007; Greenpeace 2008; Auld 2014.

to create a certification scheme that could gain widespread acceptance amongst industry, they needed the FSC. The FSC provided a bridge to industry without having to directly engage industry. The latter of which would tarnish their own image. Thus, through the FSC they could transfer their identity to industry while in turn get industry to reform their most destructive practices of forestry management. By doing such, ENGOs could maintain their identity as ‘protectors’ of the environment, as they were seen as getting industrial actors to modify their behaviors towards forestry and the environment. The FSC served as the buffer, or, in other words, the organization that could be blamed for lax enforcement in the case that industry was perceived as not living up to its side of the bargain.

CHAPTER VI: THE FSC AND THE EXERCISE OF PRIVATE AUTHORITY

Understanding Private Authority

To substantiate the claims made in the previous chapter, this chapter will take a closer look at the empirical evidence regarding several competing forestry certification programs (from both the ENGO and industry networks). An emphasis will be placed on practices, as practices are a core component of this dissertation's adoption of a thick interpretation of discourse. Practices structure politics by giving meaning to actions taken.¹ Actions, in being performed competently, "simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world".² But here I do not mean any random action, but rather those that are patterned, and that have become embedded within particular contexts. These forms of practice are called "anchoring practices".³ Anchoring practices structure social interactions and, through this process, reinforce specific behaviors through learning and/or training—as well as by giving meaning to the material world.⁴ It is through this process of establishing a dominant schema for action that anchoring practices symbolically represent the constitutive rules they embody. These symbolic rules supplement the overt rules.

¹ Adler and Pouliet 2011 [Kindle Edition].

² Ibid.

³ Ibid.

⁴ Ibid.

In the case under study it is argued that much of the FSCs private authority came from the practices it developed that evolved into anchoring practices. For it was these practices that came to define sustainable forest management, or what acceptable forest management came to look like. Through an extensive analysis of the literature on forestry eleven anchoring practices were identified which, arguably, came to define sustainable forestry management. The positions the major certification schemes held with relation to these practices would come to define sustainable forestry management. Therefore, the political struggle to define the field was in many ways embodied in shaping and defining these anchoring practices. For it was this process that gave meaning to sustainable development, by designating what variations of practice would and should be considered legitimate—and which would not. The eleven critical practices are as follows:

1. Certification type (First-party / Second-party / Third-party): First-party certification is an internal assessment by the organization seeking certification itself—in order to determine whether it is meeting the specified criteria. Second-party certification is an assessment by a customer or outside trade organization. Third-party certification is an assessment by a professional, outside certifying agency whose analysis is based on a set of accepted principles and standards.
2. Certification approach (Systems-based / Performance based): Systems based approaches certify that the actor being audited has developed and adopted a management system conducive to environmental monitoring and improvement over time. It often includes promises to work toward goals and showing progress at satisfying requirements. Thus, it is focused on process, not outcomes.

Performance based approaches on the other hand certify that the actor being audited is meeting the specific performance requirements agreed upon, or outcomes. It includes an ecological and social component.

3. Chain of custody (Yes / No): Within forestry, the chain of custody process involves the tracking of a unit of wood as it is harvested from a specified forest and moves along the supply and production chain. It focuses on the various distribution mechanisms and manufacturing processes to which the tree/wood is subjected while being transformed from a tree to a finished product. It essentially mandates that the certified ensure the product is being sustainably managed across the entire chain of custody.
4. Selectivity: A parameter that sets a limit on the percentage of the marketplace that is certifiable.⁵ Or, in other words, are standards set high enough so that only the best can be recognized? Or should they be low enough to accommodate a larger percentage of actors? The former reflects “high selectivity” and the latter reflects “low selectivity”.
5. Cutting in old growth forests (Allowed / Prohibited): Old growth forests are those that have existed for extended periods of time without regeneration. As such, they exhibit unique ecological features that include diverse tree structures, expansive bio-diversity, healthy soil profiles, etc. They are uniquely valuable to industry because they possess the most commercially valuable timber.

⁵ Vogt 2000.

6. The use of tropical timber (Use / Don't Use / Mix): Tropical timber usage naturally leads to rainforest deforestation. The effects of this process are well-known, and considered highly damaging to the Earth's greater eco-system.
7. Size and scale of timber operations (Small / Large / Both): Namely, this seeks to determine whether certification should be focused on small-scale community wood concerns, or large-scale industrial ones.
8. Tree plantations (Support / Reject): The cultivating of a tree plantation consists of clear-cutting land to plant a monoculture of new growth trees. This is a very controversial technique as it leads to extensive damage to surrounding biodiversity, water resources and soil, as well as to indigenous communities.
9. Protests and Boycotts (Acceptable / Not acceptable): This component seeks to determine whether or not protests and boycotts are acceptable forms of action to be taken in the case that the certified does not abide by the established rules.
10. Percentage-based claims (100% / mixed percentage acceptable): The issue here is whether or not a final product could be certified if component parts of it came from uncertified sources. Oftentimes the component parts of wood end-products are resourced from different wood sources.
11. Genetically Modified Organisms (Acceptable / Unacceptable): The issue here is whether or not it should be acceptable to genetically modify trees within forests (and/or plantations) to foster favorable traits. Favorable meaning here the traits that make the trees more profitable.

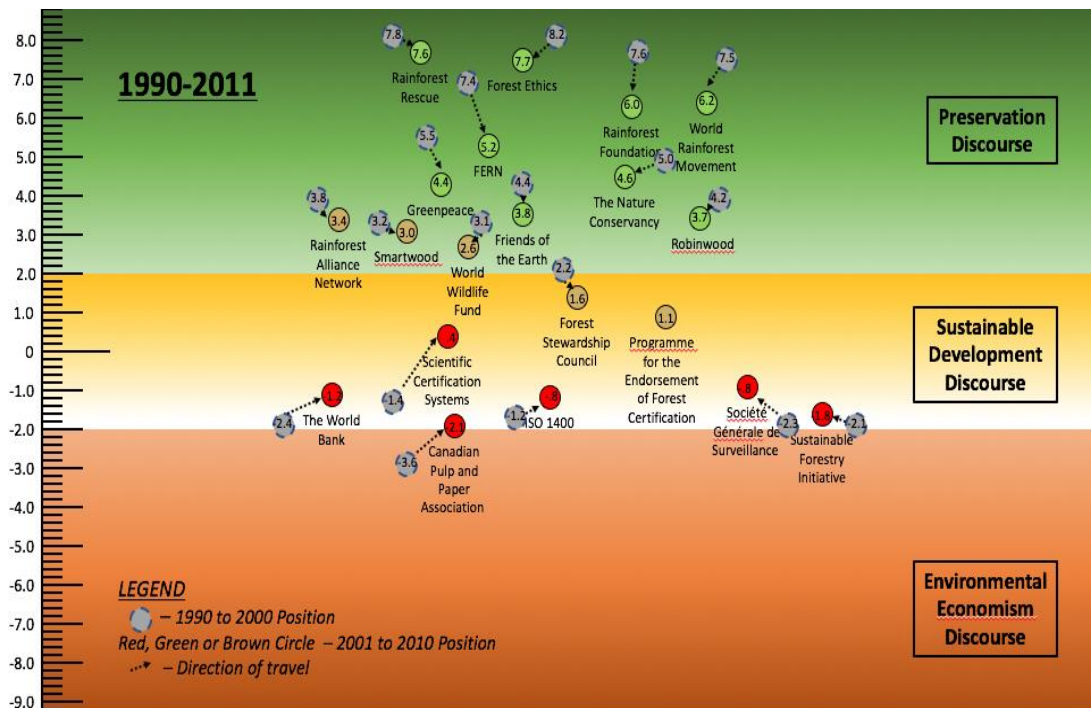
This chapter will proceed by first discussing the major private governance schemes constructed by the ENGO network, with a focus on their positions relating to these practices. These ENGO private governance schemes emerged prior to the development of the FSC, and early on, came to define what private governance was to look like. However, in that form, it was unacceptable to a majority of key industrial actors. Under these schemes only the most eco-conscious industrial actors, already practicing sound sustainable forestry management, were certified.⁶ The bulk of industrial actors interpreted the emerging criteria as overly restrictive and overly threatening profitability. As a result, none of these programs gained much traction. It was not until the FSC emerged and re-defined *sustainable forest management*, in a way that was amenable to both industry and ENGOs that a consensus emerged around sustainable forest management as defined by the FSC.

As it is language that gives birth to practice, before moving into an analysis of practice, it is important to first provide a frame with regard to language. Extensive content analysis was carried out looking at public documents and statements made by relevant actors – regarding forestry – during the period 1990 – 2000 (pre-emergence of FSC). It was also carried out for those same organizations during the period of 2001-2010. The results are graphically presented below (Figure 7). It becomes apparent that there was a general convergence in the overarching discourse closer toward a middle-position, carved out by the FSC. I argue that the language of the FSC program drew both sides closer to an acceptable position within the sustainable development discourse. It

⁶ Synnott 2005; Auld 2014.

was this position that gave meaning to practices and defined what was (and what was not) acceptable as part of the greater practice of sustainable forestry management. Examining this table in parallel with the historical developments discussed in the previous chapter (illuminated via process-tracing), it indicates that the emergence of the FSC was the key variable influencing such a convergence. For, as discussed in the literature, it was the emergence of the FSC that sprouted a majority of the competitor programs led by

Figure 7: Comparative Content Analysis Showing Convergence Toward FSC Position



Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

industry.⁷ Additionally, the major ENGO programs (namely *Smartwood*, *Robinwood* and the *1995+ Buyers Group*) eventually came to be absorbed under the FSC umbrella.

A turn to an analysis of the practices identified earlier will substantiate this claim. The ENGO private governance programs will be analyzed based on the twelve criteria discussed above. This will establish the initial shape of private governance programs and show the detailed practices of these early programs. I will then introduce the FSC program and follow that with an examination of industry-backed programs.

ENGO Network

WWF's 1995+ Group

As discussed in previous chapters, after the failures of the 1992 Rio 'Earth' Summit, ENGOs began to seek an alternative means for governing the environment. State-led methods were failing to protect forests and therefore they explored alternative options—private governance being the foremost of those options. One of the first programs to emerge was the WWF's 1995+ Group (formerly the 1995 Buyers Group). This group was firmly entrenched in the preservation discourse, exemplified in its mission statement:

WWF aspires to a future where humanity's global footprint stays within the Earth's ecological limits and the planet's natural resources are shared equitably. People everywhere can lead happy, healthy lives using their fair share of the Earth's resources, leaving space for wildlife and natural landscapes...[WWF] envisions allocation of a greater share of the world's food, energy, and materials to meet the needs of the poor. Rich nations and individuals will need to find

⁷ The argument that both ENGOs and industry reorganized their positions toward certification and sustainable forestry as a result of the FSC has been made by several scholars to include: Dudley et al. 1995; Cashore et al. 2002.; Counsell 2002; Synnott 2005; Green 2013; Auld 2014.

ways to live more lightly on the Earth. Emerging economies will need to find new models for sustainable growth that allows them to continue to improve the well-being of their citizens in ways that the planet can sustain.⁸

Their position with regards to certification as a form of private governance, is best exemplified in their public statement that:

Credible forest certification covers more than just logging practices – it accounts for the social and economic well-being of workers and local communities, transparency and inclusiveness in decision-making...Responsible forest management is a key concept of WWF’s vision for a future in which people live in harmony with nature.” They continue, “[h]owever, certification is not a universal remedy against the world’s forest crises – it cannot replace scientifically sound regulations and legislation.⁹

Within such a discursive position, the 1995+ Buyers group developed as a voluntary program aimed at creating a system to assess claims of *sustainable* practices. The certification was to take place via a performance-based approach that would be certified through a third-party. It quickly drew attention and gained the support of 100 companies despite its restriction and vague certification processes. Membership required that companies make a commitment to tracing the origins of all wood products sold by the companies involved (i.e. chain of custody) and to phase out the supply of all uncertified timber (no percentage based claims).¹⁰ It was a highly selective program intended to certify only the most eco-conscious purchasing companies. It was designed to recognize

⁸ WWF 2008.

⁹ WWF forest certification policy position [online]: www.panda.org.

¹⁰ WWF 1996.

trendsetters and to create a niche for those that exemplified eco-production.¹¹ In other words, it was not intended for mass certification. It prohibited the acceptance of tropical timber and timber emanating from plantations. It covered both small-scale and large-scale concerns. It prohibited GMOs, cutting in old growth forests, and saw international legal regulation as a pre-requisite for maintaining the health of global forests. While the WWF did not actively carry out protests and/or boycotts against members of the 1995 Buyers Group, they maintained the belief that boycotts and protests were to remain critical tools for protecting forests.

In 1998, however, the WWF adopted the FSC's principles and criteria as their baseline for certification. Nonetheless, to avoid the more controversial positions taken by the FSC, that were irreconcilable to the discursive social position held by the WWF, the WWF took more moderate/conservative positions along several of the key variables. First, as opposed to the FSC's focus on certifying larger sized industrial operations, the WWF focused on certifying smaller community-sized operations left behind by the FSC certification process. Small-scale community operations were viewed as less threatening to the environment than large-scale industrial operations. Furthermore, these operations had much greater attachment to the local area and were thus viewed as more attuned/sensitive to local circumstances. The WWF was far more concerned over issues regarding the preservation of forest integrity, over the rights of local communities with deep historical ties to the forests, as well as less ambitious in their production goals than the FSC. This allowed the WWF to remain active and supportive of the FSC's policies

¹¹ Gadov et al. 2000, p. 47.

while simultaneously distancing itself from the FSC's more accommodative policies (toward industry). The latter gave the FSC a reputation (amongst much of the ENGO network) of being 'overly-accommodative' of industry and the WWF sought to distance itself from these policies as a result.

Second, while opposing plantations early-on, post adoption of FSC standards, the WWF came to accept plantations as important "ecosystem services".¹² This was a difficult position for the WWF to justify, as plantations were seen as being responsible for extreme biodiversity loss and clearcutting of pristine forest. However, the WWF understood that the FSC needed to compromise with industry to validate its program, as well as to maintain support amongst the ENGO community. The WWF had been extremely influential in promoting the FSC, and invested a great deal in the FSC. Therefore, despite some pushback to the WWF's close relationship with the FSC from key partners and supporters, the WWF was willing to accept plantations for their ecosystem services—which included providing alternatives to cutting in old-growth forests, as well as conversion of these lands into non-wood producing areas such as pastures for cattle grazing.

Finally, while initially requiring that products be composed of 100% wood from certified sources, the WWF came to accept the percentage-based claims policy adopted by the FSC. However, they only accepted it as a viable road forward for the FSC, not as an official WWF policy. These exceptions allowed the WWF to justify its position to its audiences while maintaining its identity as an organization dedicated, above all else, to

¹² WWF 1996.

the preservation of the environment. Yet, in remaining restrictive on its acceptance of the policies just discussed, it limited its appeal to industry as a program worth pursuing.

Thus, it deferred to the FSC.

Smartwood (Rainforest Alliance)

The stated mission of the Rainforest Alliance Smartwood program is “to conserve biodiversity and ensure sustainable livelihoods by transforming land-use practices, business practices and consumer behavior,” and it guarantees that its label on products “are the result of practices carried out according to a specific set of criteria balancing ecological, economic and social considerations”.¹³ However, its position within the preservation discourse is most observable in how it defines sustainable approaches:

From the beginning, the Rainforest Alliance has recognized that the economic, social and physical well-being of individuals and communities is inextricably linked to environmental conditions, and that the eradication of poverty is closely connected to conservation. Around the world, more than 500 million of the world’s poorest people live in and around forested areas. For many of them, the most expedient — and sometimes only — way to eke out a living is through the sale of lumber or the clearing of their land for cattle grazing and other livestock. But in the long run, the land cannot support such short-sighted solutions, which is why the Rainforest Alliance works with farmers and foresters and hotel owners to use their land — and the water that flows through it — sustainably¹⁴.

This certification program was designed to provide independent, objective evaluation of forest management practices that do not destroy forest ecosystems using 6-9

¹³ www.rainforest-alliance.org.

¹⁴ Rainforest Alliance Annual Report 2005 [online]: www.rainforest-alliance.org.

criteria and 92 indicators.¹⁵ The small number of criteria but extensive indicators is indicative of a program that is precise in its certification criteria on key variables. It was seen, early on, more as a legality verification scheme than a standards program, as the goal was to ensure certified operations met not just Smartwood criteria, but legal codes—both internationally and domestically.¹⁶

Its early goals can be interpreted to exist with a firm grounding in preservation principles, as they included such criteria as “provid[ing] independent, objective evaluation of forest management practices, forest products, timber sources, and companies, enabling the public to identify products and practices that *do not destroy forests*”.¹⁷ As well as “[t]o use certification as an educational tool in order to improve the relationship between people and forests”.¹⁸ Yet the compromises necessary to transition to the sustainable development discourse are visible as well, in some of their early proclamations—even if only in a limited sense. Such as the proclaimed desire “[t]o change how forestry is practiced using certification as a practical, field oriented tool to resolve conflicts between communities and forests and [t]o promote credible natural resource managers in the eyes of the general public”.¹⁹ As well as “[t]o create an atmosphere that rewards certified operations with commercial incentives”.²⁰ Even so,

¹⁵ Rainforest Alliance Annual Report 2005 [online]: www.rainforest-alliance.org.

¹⁶ Auld 2014.

¹⁷ Rainforest Alliance Annual Report 2005 [online]: www.rainforest-alliance.org.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

they were not willing to go as far as to accept the practice of certifying plantations, nor did they accept cutting in old growth forests, or the use of tropical timber. In this form, the Smartwood program was highly selective and only certified those industries that served as examples set apart. It was not designed to be a widespread, global program that was attainable on a large scale. For such an approach would have challenged their identify as an ENGO committed to the preservation of the forests above all else.

After only modest successes early on, in 1995 Smartwood sought accreditation by the FSC. In doing so, Smartwood adopted the principles and criteria developed by the FSC, and came to accept the FSC as the global standard setter in sustainable forest management practices. After becoming accredited by the FSC, Smartwood adapted its policy on cutting in old growth forests and plantations by coming to accept “companies’ [own] internal assessments” as validation,” despite remaining outwardly opposed to both of those processes.²¹ Thus, even if indirectly, they softened their position toward industry. With such compromises, the Smartwood program proliferated rapidly and quickly became one of the foremost ENGO certifiers under the auspices of the FSC umbrella accreditation program.

Although Smartwood claims to be amenable to certifying Fortune 500 companies, they have focused their efforts (much like the WWF) on small-scale community forestry operations, as well as indigenous forestry producers. Smartwood does distinguish itself to its constituents from the FSC by providing a separate Rainforest Alliance/Smartwood logo to supplement the FSC logo. The awarding of this logo is more restrictive and can

²¹ www.rainforest-alliance.org.

be pointed to as a symbolic representation of an organization apart. Approaching the matter in this way served to protect their preservation principles in light of the FSCs more liberal policies.

Robin Wood

A more extreme example is the Robin Wood certification program. The Robin Wood organization began in the late 1980s as a splinter group from Greenpeace that saw the hierarchical structure and institutionalization of Greenpeace as a hindrance to environmental (or in this case forest) preservation. They wanted a more grassroots, participatory organization that was able to freely engage in more radical forms of resistance which included protests, boycotts, and spectacular stunts that brought media attention to environmentally damaging actions.²² Yet, as the sustainable development discourse began to gain traction they compromised in their willingness to conduct certification operations. They developed a Robin Wood certification program under the working premise that “forest[s] must be incorporated into the management of the human society” and that “present exploitation [of forests] by international corporations and the unplanned utilization by local populations need changes”.²³ Nonetheless, it showed itself willing to compromise with industry by making “economic development” a key element of forestry, although prioritized behind “global environmental protection, nature

²² Carter 2001, p. 155.

²³ Leith et al. 1993, p. 212.

protection and species preservation, and indigenous populations' rights and welfare".²⁴

Under such preservation premises, Robin Wood established itself as an extremely restrictive certification program. The program outright rejected plantations and cutting in old growth forests. They approved of boycotts and protests as valuable tools against perceived wrongdoing. They rejected the use of GMOs wholesale, and only accepted products with tight chain-of-custody verification (wherein inputs were 100% derived from certified groups). In this form, Robin Wood certification was limited to the small-scale community operations that could survive under such restrictive requirements for certification.

Yet, in 1997, Robin Wood adopted the FSC principles and criteria and became an official FSC-accredited certification group. However, unlike the others, Robin Wood remained firm in its position against plantations, percentage-based claims and use of tropical timber. This meant that it would remain focused on small-scale community operations, and that it would remain extremely selective. Nonetheless, its explicit support to the FSC system allowed for the transference of that preservation identity to those industries/products bearing the FSC logo.

Forest Stewardship Council

As previously mentioned, a majority of the industry-backed programs emerged in response to the FSC.²⁵ Industry found the FSC, even in its compromised form, overly

²⁴ Leith et al. 1993, p. 212.

²⁵ FERN 2001; Humphreys 1996; Poore 2003; Cashore et al 2004; Auld 2014.

restrictive and attempted to develop and support competitor programs that could challenge the FSC. It is important to note before moving forward, with regards to this point, that the FSC has been far more successful than these competing programs (with the exception of the PEFC).²⁶ This point is important because it lends credence to the notion that in order to understand private authority under the FSC it is critical to explain the role of social positioning. For understanding social positioning will assist in better framing explanations based on material/structural conditions and/or individual attribute(s). These industry-backed schemes are supported by materially powerful industries that also possess vast political influence. Take for example the PEFC. It operates with an average annual budget of US\$4.1 million.²⁷ While the FSC has various means of support, the bulk of its support comes from member organizations—of which a majority are ENGOs and social organizations. Its budget is less than half the PEFC budget, averaging around US\$1.8 million, yet the FSC is competitive with the PEFC in terms of forest area certified.²⁸ Thus, intuitively, it seems that there must be an additional component element that assists in explaining the success of the FSC beyond material resources. Additionally, teams of credible scientists work for both organizations. Thus, it is also difficult to attribute authority to the level of expertise held (or perceived to be held) by an organization. This then leads to the question of why the FSC has been so successful if industry, with all their political influence and money, could simply go to industry-backed

²⁶ The PEFC certifies more area than the FSC. However, as a scheme backed by the powerful material and political resources of industry, as well as by select European governments, this fact is not difficult to explain.

²⁷ www.pefc.org – Financial Statements.

²⁸ www.ic.fsc.org – Financial Reporting.

certification programs? I argue that social positioning, based in discursive practices, is the critical component to explaining the ability of the FSC to wield private authority.

FSC Practices

The appeal of the FSC lies in its middle position within the discourses. It is able to generate meaning for those that are part of the organization because its discourse holds wide appeal. But this appeal lies in its vagueness. To explain this, I will discuss the key positions held, and practices promoted, by the FSC and their appeal to different audiences. The most critical component that allows the FSC to serve as a network connector is its establishment as an *accrediting organization*. As such, they establish rules and standards but then contract out to others (whom they first accredit) the responsibility of certifying that those rules and standards are being enforced. The accrediting agency (in this case the FSC) does not audit actors being certified directly, but rather periodically audits the agencies they accredit to ensure they are in compliance. In this form the FSC subsumes a diverse array of certifiers—from both the ENGO and industry networks—under their umbrella. The overarching standards it sets are embodied in their 10 Principles and Criteria for Forest Management (P&C) (see Table 4). There are 56 criteria that define those principles, and between 29-262 indicators used to assess the principles on the ground.

As an accrediting agency the FSC controls discourse through its P&C. They establish very broad and vague guidelines that are designed to guide accredited certifiers in verifying that industry actors that are either certified, or seeking certification, abide by the P&C. This approach, however, allows the certifiers on the ground great latitude to

interpret the P&C. The FSC has commented on this practice by stating that it is “partly a question of strategy in order to give certification bodies freedom to develop the best possible system of certification, without unnecessary technical constraints being imposed by FSC”.²⁹ Furthermore, industry is given the opportunity by the FSC to select which certifier they want to execute the on-the-ground certification. The FSC simply sets the contours of the criteria for certification through the language of the P&C. Such an approach allows the FSC to speak the preservation discourse, formulate sustainable development practices, yet compromise with environmental economism by remaining vague in their definitions—primarily so industry backed certifiers can interpret the P&C with great latitude. For example, a feature that sets the FSC P&C apart from those of many other certification programs is the focus on the social aspects of forest management. Principle 3 is dedicated to the recognition of indigenous rights, while Principle 4 requires the long-term social and economic well-being of forest workers and local communities. The ambiguity of these principles would require clarification by means of clear general indicators to be effective. However, the FSC indicators for these principles are vague and leave great room for interpretation by certifiers.³⁰ In this way the FSC can allude to the social issues so important to sustainability, yet, through the ambiguity, appease industry by making verification of social components difficult to implement and decipher. This approach gives industry the

²⁹ FSC 2000.

³⁰ FERN 2001; Counsell & Loras 2002; Greenpeace 2008; Auld 2014; WWF 2014; www.fsc-watch.org.

ability to claim social consideration without having to fully implement it in any systematic or

Table 4. The Principles and Criteria of the Forest Stewardship Council

Principle 1: Compliance with laws and FSC Principles – to comply with all laws, regulations, treaties, conventions and agreements, together with all FSC Principles and Criteria.

Principle 2: Tenure and use rights and responsibilities – to define, document and legally establish long-term tenure and use rights.

Principle 3: Indigenous peoples' rights – to identify and uphold indigenous peoples' rights of ownership and use of land and resources.

Principle 4: Community relations and worker's rights – to maintain or enhance forest workers' and local communities' social and economic well-being.

Principle 5: Benefits from the forest – to maintain or enhance long term economic, social and environmental benefits from the forest.

Principle 6: Environmental impact – to maintain or restore the ecosystem, its biodiversity, resources and landscapes.

Principle 7: Management plan – to have a management plan, implemented, monitored and documented.

Principle 8: Monitoring and assessment – to demonstrate progress towards management objectives.

Principle 9: Maintenance of high conservation value forests – to maintain or enhance the attributes which define such forests.

Principle 10: Plantations – to plan and manage plantations in accordance with FSC Principles and Criteria.

comprehensive way. For example, Indicator 3.1.1 specifies that, “[a] systematic process is used to identify all indigenous peoples within the Management Unit or that may be

affected by management activities”.³¹ Yet, guidelines for such a systematic process are not provided. Rather, it is left up to the forest manager to determine. The same for principle 4, rather than “indigenous peoples” it requires that “local communities” be identified.³² In keeping these principles and indicators vague, assessment tools remain ambiguous and allow certifiers to ignore local values/exigencies.³³

The FSC does however set the bar relatively high in its language, and in doing so it is seen as holding narrow selectivity. This is reinforced by with the large number of indicators that accompany each principal. This practice resonates well with the ENGO network as the perceived restrictive standards should force industrial concerns to take significant adaptive action to achieve the premium of FSC certification. A comparative analysis of the language used by the FSC in its P&C does stand out amongst the competing industry alternatives. The FSC maintains strong social, ecological, and economic aspects, claiming each should be taken into account equally, and it also addresses core preservation discourse issues (such as biodiversity conservation, recognition of and respect for local peoples’ rights, workers’ rights, equal benefit sharing, use of pesticides and GMOs). It also includes protective measures for old growth forests and HCVF, it forbids the conversion of natural forests to plantations, and it forbids the use of GMOs (although it does provide exceptions). Yet, again, it is the ambiguity of the enforcement of these principles that provide industry the opportunity to adapt practice to

³¹ FSC 2014, p. 21.

³² Ibid.

³³ Vogt et al. 2000, p.127.

meet the perceived intent of the language. In doing so they can become identified as being eco-conscious, supported by the ENGO movement, and thus sustainable in their management practices—symbolically through the award of the eco-label, while not necessarily having to abide by such restrictive practices. For example, the FSC demands that certifiers use the existence of species to support claims of biodiversity preservation and ecosystem health. However, the means of proof are vague.³⁴ Furthermore, the FSC has no incentives or penalties system for poor performing certifying bodies. If certifying bodies do not carry out the certification to standard, they are allowed to continue without any clear mandate for improvement. The FSC does pull certificates but it does not punish poorly performing certifiers. They receive a request to correct the action but no substantive measures are taken, such as singling out, or identification of industrial actors that are considered “high risk” because of past violations, and limiting their certification as a result (a suggested reform presented to the FSC by various ENGO members).³⁵

Finally, the FSC has taken a middle position on certain core practices that industry finds critical to productivity but that ENGOs desire to prohibit. Even the language of prohibiting these practices is unacceptable to industry. The most critical of these practices include clearcutting in forests, the use of chemicals and pesticides, and plantations. The FSC allows limited clear-cutting under vague indicators. While the FSC strives to reduce the use of chemicals and pesticides, it does not prohibit them in any

³⁴ Vogt et al. 2000; www.ic.fsc.org – FSC P&C indicators.

³⁵ Vogt et al. 2000.

way. As previously discussed, it came to classify plantations as “planted forests,” pioneering a way to certify them.

In this approach, we see that while the FSC does in fact speak a language that alludes to a mechanism to conduct strict auditing of certification bodies, it may not necessarily do so in practice.³⁶ This puts the FSC in-between the competing networks. Strategically weaving a program that can cater to both networks without existing squarely in either one. The ability to maintain the support of the ENGOs is critical because it is the symbolic power that comes from these groups that industry seeks. This power is generated by ENGOs serving as symbols to consumers and politically-active citizens as protectors of the environment. Their approval can legitimate any organization as being environmentally responsible. However, having too close of a relationship with any perceived industrial actor, whose practices harm the environment can de-legitimize ENGO actors. Therefore, the FSC serves as a bridge. Speaking a language of preservation that appeals to the ENGOs, thus not challenging their identity, while promoting a range of practices derived from that language that give actors great latitude. This allows industry to accept that language of the FSC, as it does not threaten their identity as profit-oriented firms. In this we see that the FSC has no independent source of authority or power. Rather, its power is generated through position. As an network connector, they can transfer the symbolic power of the ENGOs to industry (vis-à-vis the FSC logo) and provide a seat at the table to ENGOs. Even so, the question still remains, what separates the FSC program, or what draws industry to the FSC, despite the existence

³⁶ As argued by FERN 2001; Counsell and Loras 2002; Greenpeace 2008; WWF 2014.

of competitor programs backed by industry? To explore this the chapter will now turn to examining industry-backed certification programs.

Industry Network

ISO 14000 Series on Environmental Management Systems

This program actively attempted to remove the moniker of “sustainable environmental management” and replace it with “performance standards approach”. The reason for this approach being that the former represented all that was incumbent in the sustainable development discourse, with the philosophical undertones of the preservation discourse. This concerned industry who did not feel the need to consider social matters in their business operations, and thus felt the certification schemes available were overly restrictive and intrusive. The latter (performance standards approach) restricted the concept of certification to only industry operations on the ground. Such an approach focused exclusively on production techniques, giving zero regard to ecology or social sustainability. This raised vehement opposition from the ENGOs, as they saw such systems based approaches as an attempt at eschewing the responsibilities of actors to closely consider the social and ecological ramifications of their actions. Acknowledging their tenuous position, particularly in light of the rapid growth of the FSC program, the ISO incorporated an optional commitment for industrial actors to make if they sought to be in line with the principles and criteria established by the FSC. Nonetheless the program remains voluntary and while it uses a third-party certifier, it is heavily reliant upon self-auditing. Self-auditing requires that the actor seeking certification simply fill

out a questionnaire and submit for ISO approval. It also maintains a wide selectivity range, inviting all industry to attempt its lower standards and seek certification.

Additionally, it does not maintain a chain of custody requirement. Therefore, industrial actors are only responsible for managing outputs, with zero stipulations on inputs.

Scientific Certification Systems

Scientific Certification Systems (SCS) is a for-profit organization whose stated purpose is to “spur the private and public sectors toward more environmentally sustainable policy, planning, product design, management systems, and production operations”.³⁷ To carry out this mission it created an environmental claims certification program, and an environmental report card, intended to measure environmental performance and release results. The measures were designed by setting minimum standards, or rules, that must be followed to receive certification. Upon receiving certification, the certified can adopt and display the SCS logo which indicates that the operation is “well managed”.³⁸ There is no mention of ‘sustainability’. The requirements to achieve the certification are verified through a second party. As discussed earlier, this means that they can be verified by any organization that is not the industry under certification or grading. It maintains zero chain of custody requirements, and therefore only requires the industrial actor to be accountable for its own singular operations—not that of any of its suppliers. Additionally, it maintains only 3-7 principles with anywhere

³⁷ www.scsglobalservices.com – Mission Statement.

³⁸ SCS 1995.

between 9-16 criteria for each, each criterion governed by 18-43 indicators. This is indicative of a very unrestrictive program, as it places minimal requirements on the actor seeking certification to facilitate compliance. This approach allows SCS to maintain a wide range of selectivity, essentially inviting all industry to attempt its lower standards and seek certification.

While the SCS retains this approach to this day, in 1996 it sought accreditation under the FSC. Since that time a majority of its certifications come under the FSC program.³⁹ Since 1996, SCS has certified over 4,000 companies internationally.⁴⁰ As an accredited certifier, the SCS is required to adopt the FSC P&C and apply it to the industrial actor requesting certification. The SCS is then given latitude to interpret the P&C on-the-ground and assess the operation being certified. As the SCS is a for-profit company, this can lead to a perceived conflict of interest. Their revenues are contingent upon gaining return business and establishing a solid reputation amongst industry. Thus their language must align closer to industry. In doing so, they are limited to practices that are amenable to industry.

However, as can be anticipated by such an approach, ENGOs have lodged several complaints with the FSC, against the SCS. They claim that SCS are not appropriately applying the FSC P&C.⁴¹ While the FSC has literally presented SCS with over 100 corrective action requests, there is little documentation that shows SCS in fact taking

³⁹ Vogt et al. 2000.

⁴⁰ www.scsglobalservices.com.

⁴¹ www.fsc-watch.org; Vogt et al. 2000; FERN 2001; Counsell & Loras 2002; Greenpeace 2008; Auld 2014.

action to address the issues.⁴² In a 2001 FSC accreditation report, in respect to one of SGS's Chain-of-Custody certificates, it was stated that:

[S]ignificant non-compliances by the certificate holder were not identified [by SCS]...[There was] unclear distinction between minor and major non-compliances and their relation to SCS's decision to issue a CoC certificate...[SCS's] Certification report doesn't include proper description of all shortcomings...[There has been] Insufficient monitoring of the use of the FSC Trademarks by certificate holder.⁴³

Yet, in spite of these seemingly serious accusations, the FSC did not demand the suspension of the certificate, nor place any sanction on SCS. A 2002 study conducted by the Rainforest Foundation found that the SCS standard did not even follow the structure of the FSC P&C.⁴⁴ Even in light of the seeming leniency of FSC in dealing with SCS, SCS has threatened to leave the FSC because it's "standards are headed for the sky and becoming untenable".⁴⁵ Threatening that the,

Forest Stewardship Council is a not-for-profit that views itself as a monopolist. They think they can pass whatever rules they want, but there are costs attributable to those rules, and eventually, there's going to be a day of reckoning.⁴⁶

Even so, the SCS continues to be one of the FSCs primary certifiers of industry and they have not left the FSC despite repeated threats resembling that stated above. In order to

⁴² Counsell & Loras 2002.

⁴³ FSC 2002.

⁴⁴ Trading in Credibility – The Myth of the FSC.

⁴⁵ Suckerman 2002.

⁴⁶ Ibid.

remain legitimate to industry, the SCS must present itself firmly within the lower tier of the sustainable development discourse but with heavy environmental economism undertones.

Programme for the Endorsement of Forest Certification

Programme for the Endorsement of Forest Certification (PEFC) was set-up by forestry interest groups as a direct response to the FSC.⁴⁷ These groups felt as if the FSC was controlled by uncompromising ENGOs and thus that FSC standards were compromised and unreasonable.⁴⁸ The main objective of the PEFC thus was:

Strengthening and improving the positive image of forestry and wood as a renewable raw material and giving assurance to customers and the general public that forests certified under the program are sustainably managed.⁴⁹

In order to do so it applies system based standards that do not have any substantive consideration of social or environmental thresholds. Their criteria and indicators are non-binding, and a majority of them are not performance based. They allow cutting in old growth forests and only exclude wood sources that are “illegal or unauthorized harvesting”.⁵⁰ This practice implies that they not only allow cutting in old growth forests, but also accept products and/or resources emanating from tropical timber, or from plantations of any sort. Finally, while they do maintain a chain of custody requirement,

⁴⁷ FERN 2001; Cashore 2004.

⁴⁸ FERN 2001.

⁴⁹ www.pefc.org.

⁵⁰ Waardenburg 2012.

they allow for uncertified/unverified wood percentages to end up in final certified products. Through an examination of their rules, they are unclear about how the certification process actually takes place and this ultimately leads to varied outcomes based on interpretations.

ENGOS, including WWF and Greenpeace, claim that the PEFC cannot guarantee well-managed forests and thus do not support it. After both a 2005 and 2008 assessment done by WWF, they concluded that PEFC does not provide sufficient guarantees for sustainable forestry. They claim that the PEFC does not sufficiently protect nature, nor indigenous rights, and are overrepresented by industrial interests. Additionally, they claim that the PEFC lacks transparency and are inconsistent in their application and enforcement of rules.

Sustainable Forestry Initiative

SFI was developed after it came to light that there were highly negative images held amongst consumers regarding the forest product industry's environmental performance. The SFI was thus established as a "proof of performance" program to help improve forest management and promote what the industry considered itself to be doing well in order to overcome the negative image. The SFI represents individuals and companies that are actively involved in intensive management of industrial forestry. It identifies twelve elements that must be addressed to be certified. These elements can be summarized under the five broader categories of: 1) broadening the practice of sustainable forestry; 2) protecting the water quality; 3) enhancing wildlife habitat; 4) minimizing the visual impact of harvesting; and 5) providing opportunities for public

outreach.⁵¹ In this form it is a systems-based approach whose members can choose between 1st, 2nd or 3rd party certification. However, only by choosing 3rd party certification can an entity be considered *certified*, but can still qualify for the label even if not fully certified. SFI does not take social aspects into consideration, nor does it contain a chain of custody component. Their standards are discretionary and the system-based measures can “be addressed in an office rather than in the field”.⁵² As such, members of SFI are required to submit annual progress reports but no outside certifier is used to determine performance based on pre-established criteria.

This flexibility provides a wide selectivity range, and thus invites industry to attempt its lower standards in seeking certification. It has articulated 4-6 principles, each with 10-14 criteria accompanied by 23-33 indicators. It allows clearcutting and conversion of natural forests to plantations. Therefore, it does not maintain or require any protections of high conservation value forests (HCVF). By extension then it certifies plantations, and places no restrictions on chemical or pesticide use. Finally, it has no restrictive policies toward GMOs. Cumulatively, this shows the lax policies on the part of the SFI that are designed to attract industry. As such, SFI has often drawn the ire and criticism of ENGOs. Led by the Rainforest Action Network, the ENGO network claims that SFI “does not protect forests or deliver credible assurances”.⁵³

⁵¹ Vogt 2000, p. 56.

⁵² FERN 2001.

⁵³ Lee 2009.

So Why the FSC Over Competitor Programs?

From its origins, ENGOs were major supporters of the FSC. However, this support was not extended indefinitely. The ENGO network maintained a close eye on the development of the FSC and its work being done toward forest conservation. Problems began early on as FSC certification of industrial producer Flor y Fauna in 1995 raised concerns, as well as the practices of certification granted to Leroy Gabon in 1996 and 1997 by an FSC sub-contracted certifier.⁵⁴ These claims were initiated and supported by Friends of the Earth and the Rainforest Action Network. Claims were made by both ENGOs, reflected in a joint statement claiming that the FSC “need[ed] more rigorous assessments...and far more strict application of its principles and criteria by the certifier”.⁵⁵ The problems lied in the FSC’s compromised position in-between networks, arrived at through the adjustment and manipulation of policy language, whose form served primarily to accommodate industry. In 2003, The World Rainforest Movement (WRM), supported by Friends of the Earth and Oxfam, challenged the FSC on its certification of plantations which were, according to these groups, being falsely classified as “planted forests”.⁵⁶ According to the WRM, such language reflected a falsehood. Planted forests connoted a living viable system that possessed biodiversity and was sustainable within the context of a larger ecosystem. However, according to WRM, this was an act of deception to the large-scale destruction of entire ecosystems (i.e., forests,

⁵⁴ Auld 2014, p. 91.

⁵⁵ Tickell 1997, as found in Auld 2014, p. 92.

⁵⁶ World Rainforest Movement 2003.

grasslands, and wetlands) and in dispossessing local people of their lands in the name of catering to industrial demands.⁵⁷ The latter was being driven by consumer demands fueling overconsumption by the developed world. This illustrates the broad tensions that existed between the FSC and the ENGO network on what was considered appropriate management practices.

One such issue that was a particularly poignant example of these tensions was that of the content requirement for certified woods. While the ENGO network wanted only 100% content to be required for certification, the FSC compromised their position toward a percentage based certification policy. The latter position favored by industry. This issue was such that Greenpeace and Friends of the Earth began boycott campaigns to prevent the sale of any product containing wood from old-growth products. Another such issue of concern, with which the FSC held a middle position, was that of certifier selection. As discussed previously, as an accreditor, the FSC did not actually undertake the task of conducting physical inspections for the purposes of certification. Rather, they sub-contracted certification to select organizations you were directed and instructed on certifying that the FSC principles and criteria were abided by. This afforded the FSC the possibility of expanding without having to expand their own capacity beyond their ability to control. One such example where this problem was manifest is the case of British Columbia in the late 1990s. Several British Columbian companies decided to contract the FSC to certify their industrial forest operations, an action ENGOs applauded and supported. However, the ENGOs were under the impression that the FSC would use a

⁵⁷ World Rainforest Movement 2003.

hand-selected certifier which in this case was the Silva Forest Foundation.⁵⁸ Silva had conducted a series of certifications that were highly touted by ENGOs and supported as a movement in the right direction for Canadian forestry. However, the FSC allowed industry actors to select from a list of sub-contracted certifiers to carry out the actual certifications. This led Western Forest Products (WFP) of British Columbia to select their own certifier to the chagrin of Greenpeace and the Rainforest Action Network—both of whom protested WFP despite their FSC certification.⁵⁹ Yet, despite their vehement disagreement with this FSC practice, Greenpeace and RAN both remained firmly part of the FSC organization. Under pressure, WFP committed to remaining in the FSC program but only under the condition that the FSC continue allowing clear-cutting in old growth forests (a practice that the ENGOs did not support). Furthermore, in order to accommodate the WFP, the FSC agreed to review principle 9, which stated that “primary forests, well-developed secondary forests and sites of major environmental significance shall be conserved”.⁶⁰

The FSC’s willingness to compromise with industry partly led to an emergence of global industry groups pushing key industrial actors for continued FSC certification. For example, the industrial group UK 1995 Plus pressed for British Columbian companies to seek FSC certification if they wanted to continue to sell wood products in UK stores.⁶¹

⁵⁸ McDermott 2003.

⁵⁹ Auld 2014, p. 94.

⁶⁰ FSC Principles and Criteria, 1994.

⁶¹ Hamilton 1998, as found in Auld 2014, p. 94.

The same calls by industry also emerged out of the US and other European countries, for wood producers to seek out FSC certification. This middle position antagonized both sides of the network but what remains telling is that the FSC certification program continued to expand. As Greenpeace and RAN continued their boycotts of WFP (despite FSC certification) WFP vice president Bill Dumont was quoted as saying that “[e]nvironmentalists demanded we get certified yet the minute we applied, they began to attack us”.⁶² Similarly, Richard Burbidge (CEO of a leading supplier to the UK home retail sector) stated:

We completely reject Greenpeace’s claims and we are surprised and disappointed that they have singled out the company for attack in this way...Western Forest Products is currently working with independent certifiers to define standards for FSC certification which it hopes to achieve next year...We have been at the forefront of British timber buyers encouraging the Canadian industry to embrace the FSC standards and this criticism from Greenpeace really is a ‘stab in the back’.⁶³

The sub-contracted certifier, contracted by FSC to certify WFP, also lodged a complaint against Greenpeace, essentially claiming that Greenpeace was misrepresenting themselves as supporters of the FSC by not following the FSC policy of avoiding boycotts.

Beyond the issue of cross-cutting in old-growth forests, the issue of biodiversity also put the ENGO network and industry at odds with one another and the FSC. So much so that ENGOs threatened their very support for the FSC. In one case, Friends of the

⁶² Hamilton 1998, as found in Auld 2014, p. 98.

⁶³ Richard Burbidge 1999, as found in Auld 2014, p. 98.

Earth explained that they sought to discourage overconsumption of timber products (reflecting a deep preservation discourse) and more efficient utilization of wood products altogether (using reclaimed wood and alternative sources before using old-growth wood).⁶⁴ Greenpeace explained its relationship to the FSC as such:

We in Greenpeace see ourselves as one of the NGOs, who are key stakeholders without a vested economic interest in the success of FSC certification. We have a clear mandate as a watchdog to keep the FSC system honest and credible within the scope of what we can do.⁶⁵

Greenpeace went so far as to meet annually to discuss whether engagement with the FSC system merited continued support but remained, and still remains, a supporter of the FSC. There were also issues with how the FSC conducted certification altogether. As an accreditor, ENGOs felt that the FSC needed a strong verification mechanism. However, they accused the FSCs mechanism as being highly randomized and typically only elicited when there were complaints filed against the certifiers.⁶⁶ The purpose of this practice was for several practical reasons, including budgeting and logistics, but also to defer the onus of responsibility for enacting standards on other organizations. Additionally, and controversially, the FSC allowed industry to select the FSC approved, sub-contracted certifier of their choice. So, essentially, the industrial actor was paying the certifier directly. This practice provided a financial incentive to ensure that the certificate was approved and thus reflected a compromise between the FSC and industry. As can be

⁶⁴ Friends of the Earth, “The Good Wood Guide” 1997.

⁶⁵ FSC 1999 Annual Report.

⁶⁶ Auld 2014.

imagined, a number of critics, and supporters, petitioned the FSC against this practice claiming that the direct financial relationship between the certification bodies and their clients was a major problem, and that this represented the FSC engaging in a “race to the bottom”.⁶⁷ ENGOs such as FERN and Greenpeace demanded an end to cutting corners and establishing a rating system for certification bodies so that all could track performance, as well as a mechanism for monitoring complaints and high-risk cases. Additionally, they called for greater transparency so that poor performance could not be hidden.⁶⁸ Yet, despite these reservations by ENGOs, they saw withdrawing support as simply untenable. Although there was great debate amongst ENGOs about withdrawing, no such action was taken by any of the major ENGOs. The consensus seemed to be that working within the FSC had more value than leaving/withdrawing support from the organization.⁶⁹

On the other side, in the industry network, the success of the FSC led a WFP executive to proclaim that:

[T]he most important aspect of certification is its acceptability in the market. Our European customers have made it clear that FSC is the most credible system at present. In the future they may come to accept other mechanisms, but for now FSC is the most acceptable.⁷⁰

⁶⁷ Joint Statement by FERN et al. 2008, p. 2.

⁶⁸ Ibid, p. 3.

⁶⁹ Ibid.

⁷⁰ Bill Dumont of WFP, as found in Auld 2014, p. 99.

What is interesting is that the very existence of the FSC compelled industry to take action, and ENGOs to position themselves relative to the FSC. Several alternatives to the FSC emerged, particularly those sponsored by industry groups. The PEFC had certified forestry operations in five European countries by 2000 and had come to certify upwards of 23.5 million hectares.⁷¹ The Sustainable Forestry Initiative (SFI) had expanded into Canada and had proliferated throughout the United States. Also taking place in Canada, several companies that were being pressured to act tried to create and support alternative programs as they saw the FSC as overly restrictive. They created a Canadian Standards Association (CSA), as well as lobby for an ISO solution (as mentioned earlier).

However, they ultimately settled on the FSC as the preferred solution. Some argue that this was because after lengthy discussions and failed attempts to challenge the FSC, the costs of the competitor programs were too high.⁷² However, the shifting costs were a result of FSC leverage through control of discourse. By defining what sustainable forestry looked like, and thus demanding competitor organizations attempt to mimic the FSC, this made the costs of these programs high. The materialist answer does not give consideration to this factor. It simply looks at costs. But the social process by which these costs were imposed on competitors is the result of the FSCs shaping this political space through its construction of the sustainable forestry management nodal point.

As industry-backed competitor programs began to emerge, ENGOs naturally began to double-down on the FSC project. Fearing that industry backed initiatives would

⁷¹ PEFC 2008.

⁷² See Auld 2014, p. 103.

leave them out of the standards-setting and enforcement process. Friends of the Earth and Greenpeace, for example, both began to promote the FSC as the only viable certification option. Both NGOs maintaining that the FSC enacted the highest social and environmental standards.⁷³ Additionally, Friends of the Earth and the WWF announced the FSC as the only reliable certifier in their Good Wood Guides, both of which were distributed amongst widespread buyers' groups.⁷⁴ Overdevest (2005) examined twenty-one reports comparing the FSC to competing schemes and found that in all but one of them the FSC was championed over others.⁷⁵ For a comparative look at certification standards between the FSC and competitor programs see Table 5.

Conclusion

The comparative analysis of the FSC to other programs across networks reveals that a key component of the organization's success was its ability to serve as a network connector. By using compromising language, and remaining generally vague, it was able to facilitate a series of practices that came to define what sustainable forest management looked like. In reviewing the eleven critical practices within the context of sustainable forest management, it becomes clear that the FSC was the pioneer in shaping how these practices would be employed toward sustainability. Those actors that strayed from the FSC definition were not able to have the success of the FSC, and were either incorporated

⁷³ Auld 2014, p. 106; Greenpeace Annual Statement 2000.

⁷⁴ WWF Good Wood Guide 2001; Friends of the Earth 2002.

⁷⁵ As found in Auld 2014, p. 106.

into the FSC program or operated at a much lower capacity than the FSC. Even the PEFC, that would come to surpass the size of the FSC, constructed its program to mirror that of the FSC—only with less restrictive P&C. The approach of the FSC became acceptable to both networks (ENGOS and industry) and, as a result, it proliferated across the globe—even if not without heavy contestation. By 1998, the FSC had come to certify over 10 million hectares worldwide, quadrupling that to 40 million by 2003. Its expansion continued and by 2006, it had 100 million hectares certified in over 79 countries. Additionally, the Smartwood program, the 1995+ Buyers Group, Robinwood, the SCS, and SGS, all came to adopt the FSC’s P&C—vastly extending the influence of the FSC globally. See Figure 8 for growth statistics in graphic form.

The FSCs success came from this social positioning of itself in-between the two networks. Without sufficient material capacity, and no support from states, the FSC relied upon this social position to elicit the support necessary. It elicited this support by serving as a point of transference for social identity from one side to the other. It was able to place itself in this position by constructing a language and a set of anchoring practices that became the standard bearer for all players involved, across networks. It not only constructed overt rules that those seeking certification had to follow, but it also constructed rules that those not seeking certification had to follow. ENGOS had to minimize protests and boycotts in order to be considered reasonable by a diverse global audience. They had to accept plantations as sustainable, as well as limited cutting in old growth forests and the use of chemicals and pesticides, as part of sustainable management as well to be seen as legitimate across networks. Supporting these positions or practices was at one time thought to be unthinkable. However, after the FSC program emerged,

Table 5. Comparative Certification Standards between FSC and Competitor Programs

	<u>1995 Buyers Group</u>	<u>Robinwood</u>	<u>Smartwood</u>	<u>FSC</u>	<u>ISO 14000</u>	<u>SCS</u>	<u>SFI</u>	<u>PEFC</u>
<u>Certification Type</u>	3rd-party	3rd-party	3rd-party	3rd-party	1st or 2nd party	2nd or 3rd party	1st or 2nd party	Third-party
<u>Certification Approach</u>	Performance	Performance	Performance	Performance	System	System	System	System
<u>Chain of Custody</u>	None	Strict	Strict	Strict	None	None	None	Yes, but uncertified wood accepted within chain.
<u>Selectivity</u>	Narrow	Narrow	Narrow	Narrow	Broad	Broad	Broad	Broad
<u>Cutting in Old Growth</u>	Zero tolerance	Zero tolerance	Zero tolerance	Indirectly acceptable in limited form – as a percentage of end product	Acceptable	Acceptable	Acceptable	Acceptable
<u>Use of Tropical Timber</u>	Don't use	Don't use	Initially, don't use. Indirectly came to accept post-FSC.	Mix; Some tropical timber acceptable through %-based claims	Acceptable	Acceptable	Acceptable	Acceptable
<u>Scale of Operations Certified</u>	Both large and small	Favors small	Favors small	Favors industrial	Favors industrial	Favors industrial	Favors industrial	Favors industrial
<u>Plantations</u>	Originally not acceptable, but changed position to acceptable after FSC.	Not Acceptable	Initially, not acceptable. Post-FSC, indirectly acceptable.	Acceptable, yet restrictive. No new conversion of natural forests.	Acceptable; allows conversion of natural forests.	Acceptable; allows conversion of natural forests.	Acceptable; allows conversion of natural forests.	Acceptable; allows conversion of natural forests.
<u>Protests/Boycotts</u>	Originally acceptable and productive. Changed to counterproductive post-FSC.	Acceptable and productive	Acceptable and productive	Acceptable, but considered counterproductive	No declared position found.	Unacceptable	Unacceptable	Unacceptable
<u>%-Based Claims</u>	Originally 100%. But accepted FSC position without resisting it.	Must be 100%	Must be 100%	Yes	Yes	Yes	Yes	Yes
<u>GMOS</u>	Prohibited	Prohibited	Prohibited	Prohibited. However, there are certain exceptions where presence is accepted under strict monitoring.	Accepted	Accepted	Accepted	Accepted
<u>Restrictiveness Score</u>	8.5	11	10	7.5	2.5	3.5	3.5	5.5

the ENGO network compromised and accepted (although not without resistant and skepticism) these positions as part of sustainable forest management.

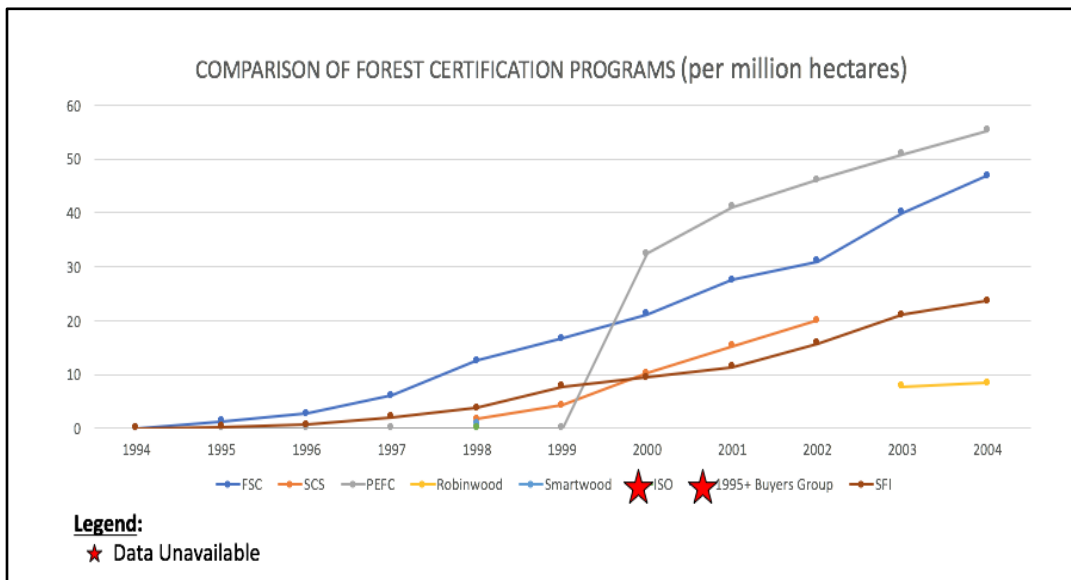
Industry programs on the other hand sprang up and tried to counter the FSC program but did not equal the FSC in success. Nonetheless, they adopted many of the principles of the FSC P&C and where they veered away from it, they were challenged by outside observers, primarily ENGOs. As previously mentioned, systems based approaches that had few indicators, had little to no social components, accepted cutting in old growth forests, clear-cutting, GMOs and virtually unrestricted use of chemicals and pesticides, failed to gain widespread support outside of the ENGO network. By adopting these practices industry-backed competitors were unable to gain sufficient legitimacy to garner the broad appeal of the FSC. Therefore, although these industry groups had the material support of powerful industries, they were unable to challenge the FSC for legitimacy, and thus remained smaller—with the exception of the PEFC (see Figure 8).⁷⁶

I have argued that in spite of the disadvantages faced by the FSC, the FSC has been able to wield private authority more widely than the others because of their social position between networks. This social position they carved out through the strategic manipulation of discourse, setting the standard for others to follow, and thus effectively governing their behaviors. ENGOs have remained in the FSC organization because of their ability to regulate the behavior of industry like no other organization that is not enmeshed in the industry network. Industry has remained open to the FSC for their

⁷⁶ The PEFC was able to rapidly expand after its founding in 1999 and ultimately grew larger than the FSC. However, the PEFC was created behind a consortium of industry actors and held lower standards than the FSC. Therefore, their backing by materially more powerful forces makes their growth unsurprising and is explainable through material/rational explanations.

ability to transfer power across the networks by embedding the preservation principles from the ENGO network onto industry via the symbolic logo. Therefore, it is critical to take social positioning of private governors into consideration when discussing private authority.

Figure 8: Comparison of Forest Certification Program Growth



Various Sources

CHAPTER VII: THE EMERGENCE OF PRIVATE GOVERNANCE AND COMPETING NETWORKS IN THE FISHERIES SECTOR

“Sustainable Fisheries Management” – An Empty Signifier

It is important to reiterate and clarify again the theoretical premises discussed in chapter 2, before moving to a discussion on the specifics of the fisheries sector. Namely with regards to the manipulation of empty signifiers leading actors into positions of private authority. Within the specific context of fisheries, as the idea of promoting ‘sustainable’ fisheries through private certification took off, many state and non-state actors began to see this as a critical tool for solving environmental problems. However, the allure of the idea of ‘sustainable fisheries management’ lie in its vagueness. There was, and still is, no consensus definition of what ‘sustainable fisheries management’ means, nor what it looks like in practice. Yet, there has been significant pressure placed on fisheries actors by consumer groups and other political actors to promote sustainable fisheries management.¹ This is because, as discussed in Chapter 5, ‘sustainability’ is an empty signifier. It embodies an impossible ideal of guaranteeing the conservation of fisheries while also meeting human needs over the long term. The paradox lies in that it leaves undetermined both the level of fisheries loss that is acceptable, and the purposes for which that loss is acceptable. The open system of signification created in this leaves open the possibility for a strategic actor to determine what sustainable management of fisheries means, and who should (or should not) benefit from the “sustainable management” of fisheries. Whoever comes to define these criteria defines the means by

¹ Vogt et al. 2000.

which sustainably managed fisheries would be judged. Controlling this definition brings with it a great deal of power. For it represents the creation of a nodal point around which other actors' interests and identities converge. The contours and discursive position of this nodal point would shape the way actors identified not just with fisheries, but also with how they identified themselves. Herein is where strategic actors can position themselves centrally, by shaping the meaning of such an empty signifier. By controlling this meaning actors (in this case the Marine Stewardship Council or MSC) can become authoritative and, moreover, effective in wielding authority.² For it is the process by which they shape the discursive domain that other actors begin to judge and identify themselves, and others, based on select criteria. In setting criteria for the what qualified as a sustainably managed fisheries, the MSC essentially set rules that were then followed by not just the actor being certified, but by a vast array of ENGOs and industry actors across their respective networks. The MSC served a central role in establishing what behavior was acceptable, and what was not. The MSC became the standard-bearer, and as a result, other actors had to compare and defend their positions as related to the MSC in order to gain legitimacy.

To explain this process this chapter will proceed by first providing a historical overview that places the actors within context. It will then examine the use of discourses by a variety of actors, and how that led to social positioning. The focus will be on how the MSC emerged as the foremost actor in the realm of fisheries certification through its ability to shape the direction of the sustainable development discourse within the context

² While the FSC avoids the use of the term “sustainable management,” they have substituted it with the term “well-managed forests.” However the diagnosis is the same as both are equally vague, considering the lack of clear and precise definitions and guidelines for what a well-managed forest looks like.

of its principles and criteria. The following chapter will provide a more in-depth empirical look at comparative programs and where they stand on issues relative to the MSC. As discussed in a diverse literature, ENGOs and industry both adapted their key positions in response to the emergence of the MSC.³ Thus, the empirics will be examined more in-depth in the next chapter.

Understanding Emergence – Historical Overview of the Fisheries Sector

During the post-WWII era, governance over the oceans migrated away from the “freedom-of-the-seas” doctrine to a system aimed more towards expanded territorial jurisdictions and improved efforts to coordinate ocean management amongst states.⁴ The “freedom-of-the-seas” doctrine essentially left oceans open to exploitation by fishing fleets from any country. However, as the joint forces of technological improvements (allowed fishing fleets to go further and fish more effectively) and increased consumer demand placed increasing pressure on valuable resources, States saw the need to lay extended claims to these resources. Leading this movement was the U.S. who sought to extend sovereignty over its continental shelves.⁵ Although this move can be mainly attributed to the desire to extend sovereignty and control over additional resources, it was in many ways also motivated by the desire to better conserve marine resources.⁶ During

³ Hemprecht 2005; Bonanno & Constance 2008; FSIG Group 2009; Ponte 2012; Auld 2014.

⁴ Auld 2014.

⁵ DeSombre 2000.

⁶ Ibid.

this period, outside of individual state action taken to protect resources, centralized management of the seas primarily fell to the Food and Agriculture Organization of the United Nations (FAO). However, the process remained highly decentralized, as there existed several key regional bodies that maintained management responsibilities. Due to the scattered nature of management interventions were mainly aimed at marine resource conservation that was established mainly by setting technology standards (e.g. establishing gear and net size restrictions, as well as restricting certain techniques considered particularly harmful).⁷ While such approaches served their immediate purpose of limiting the size of catches, they failed to take into account the increased volume of fishing. This increased volume was placing a great deal of pressure on marine resources as more nations ventured further into the oceans with these expanded fishing capabilities. The result was overfishing. In light of these developments States and key non-state actors began to take action.

The issues were brought to the attention of a global audience at the first, second, and third UN conferences on the Law of the Sea (held in 1958, 1960, and 1973 respectively). The first conference led to the negotiation of the Convention on Fishing and Conservation of the Living Resources of the High Seas. While nothing of substance materialized during the second, the third produced a draft framework for extending territorial sovereignty to 12-nautical miles and providing coastal states with a 200-mile exclusive economic zone (EEZ) wherein they had full control of fishing and mining

⁷ Auld 2014.

rights.⁸ These ultimately led to the signing of the UN Convention on the Law of the Sea (UNCLOS) in 1982, which came into force in 1994. UNCLOS, amongst many other things, required cooperative management of fish stocks outside of countries' EEZs that were considered to exist in what was deemed *the high seas*. The agreements made through the UNCLOS only partially addressed the problem however. While they clarified territorial rights they did not solve the management problems of transitory resources (i.e. fish). They essentially placed the responsibility of protecting fisheries in the high seas on coastal states and distant fishing nations—leaving the 'onus of protection problem' unresolved.⁹ The result being continued overfishing and fish stock degradation as State (un)willingness to regulate fishing activities could not keep pace with the expanding capabilities of fishing fleets.¹⁰

Outside of the UNCLOS process, the question of regulating fisheries also became part of the Rio 'Earth' Summit agenda in 1992. By the time of the summit, the FAO had recorded sixteen major fish species that had been overfished to the point of possible extinction.¹¹ The FAO was therefore tasked by the UN to develop a code of conduct for responsible fisheries in advance of the summit. As part of this process, it would also try to establish what *responsible fishing* meant, and the obligations that would come with this. The findings were reflected in Chapter 17 of the Rio Summit's Agenda 21, which

⁸ Auld 2014.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Mulvaney 1998.

called for greater cooperation on high seas fisheries regulation and improved management capacities of coastal regions under national regulatory schemes.¹²

While the summit fell short of resolving the issue with any finality, it did lead to a follow-on agreement in 1995 deemed the UN Fish Stocks Agreement. This was a multilateral agreement that established core principles that must be followed in managing migratory fish. These principles were rooted in a blending of preservation discourse sentiments, coupled with sustainable development language, evidenced by the mandate that the ‘precautionary principle’ be the guide. This principle meant that if any action that is suspected of potentially causing harm to the environment was taken by a state, if there is no settled scientific evidence stating otherwise, the burden of proof is on the state to show that no harm will be done before taking action. Of note is that a total of seventy-two ENGOs attended the Fish Stocks Agreement as observers, including Greenpeace, Friends of the Earth and the WWF, along with several industry groups. Also taking place around this period was the adoption of the FAO’s *Code of Conduct for Responsible Fisheries Practices*.¹³ These were broad guidelines for action that were intended to influence behavioral outcomes through norm creation, since the UN lacked enforcement mechanisms. Several ENGOs were part of these negotiations as well, pushing for the infusion of the preservation discourse language and principles into the document.¹⁴ This

¹² Auld 2014.

¹³ Caddy 1999.

¹⁴ Ibid.

approach by ENGOs can be witnessed in the opening statement of the document which says:

From ancient times, fishing has been a major source of food for humanity and a provider of employment and economic benefits to those engaged in this activity. The wealth of aquatic resources was assumed to be an unlimited gift of nature. However, with increased knowledge and the dynamic development of fisheries...this myth has faded in face of the realization that aquatic resources are not infinite and need to be properly managed.¹⁵

Nevertheless, the Fish Stocks Agreement covered only an estimated 10% of the world's fisheries, as the other 90% were caught within the EEZs of coastal states.

The FAO was responsible for two additional fisheries instruments as well. **One**, the *FAO Compliance Agreement* – adopted in 1993 and entering into force in 2003. This agreement required states to ensure vessels under their jurisdiction do not violate fishing conservation measures, and required record keeping on State approved fishing vessels.¹⁶ **Two**, an agreement which allowed states to oversee activities of foreign vessels within their EEZ and report any illegal behavior. Altogether, these agreements seem to evidence incremental improvements over international regulation over fisheries. However, this was not the case in practice, as the intent of the agreements could not hold up under scrutiny.¹⁷ A 1997 FAO report released found that 70% of the world's commercially

¹⁵ www.fao.org – Preface to the Code of Conduct of Responsible Fisheries.

¹⁶ Auld 2014.

¹⁷ Ibid.

important marine fish stocks were overexploited, fully exploited, depleted, or recovering from overexploitation.¹⁸

The Environmental Network

The roots of the ENGO movement in fisheries is in the anti-whaling movement. In 1972, at the United Nations Conference on the Human Environment (UNHCE), there was a proposed ten-year moratorium on commercial whaling to allow for stocks to recover.¹⁹ This proposal focused the attention of the international community on the plight of whales as symbolic of the larger problem of the degradation of the seas/oceans. The issue became gridlocked within international fora as developed, western States (led by the US) were pushing to make the moratorium formal. Yet the Japanese and Soviets were vehemently opposed as they accounted for approximately 83% of the whales being pulled from the ocean.²⁰ Paralleling these developments were reports emanating from the Convention on International Trade in Endangered Species (CITES) identifying many species of whales as being in danger of extinction. In light of these circumstances various ENGOs took up the cause of the whale specifically, but protection of the oceans more broadly. There was much cause toward the latter as several trawling methods destroyed fragile marine environments and there was a great deal of what was called ‘bycatch’ that was part of the whaling process.²¹ Greenpeace organized its first formal

¹⁸ FAO 1997 – State of World Fisheries Report (www.fao.org/fishery).

¹⁹ Stockholm Action Plan, Recommendation 33, UN Doc. A/CONF.49/14/Rev.1, 11 I.L.M. 1421 (1972).

²⁰ Pearlstine 1974, as found in Auld 2014, p. 180.

²¹ “Bycatch” refers to those marine species that are caught unintentionally while targeting species of certain sizes and weights.

anti-whaling campaign in 1975, combining with that a campaign against commercial hunting of baby harp seals. This campaign came after the Soviets and Japanese blocked efforts at formalizing the moratorium. Adopting this preservation language and the practices promoted by it were other ENGOS including the Sea Shepherd Conservation Society (SSCS)—formed in 1977. SSCS began mirroring the direct-action tactics used by Greenpeace, applying them to end seal pup hunting, as well as illegal whaling.²²

Beyond the UNHCE and CITES, the UN Commission on the Law of the Sea (UNCLOS) was being negotiated during this period. UNCLOS was focused on establishing rights over resources based on establishing lines of control for States over maritime spaces off their borders. It also debated broader conservation measures as well. States were being encouraged to develop means by which to co-manage stocks of marine life. Much like the UNHCE, the UNCLOS agreements stalemated between opposing constituencies of states. The developed states were concerned with the deep seabed mining rights component of the UNCLOS—where resources in the seabed would be considered the “common heritage of mankind,” indicating that deep seabed resources would be considered the right of no one and thus to be held in trust for future generations to benefit from collectively.²³ This dispute kept the entire agreement from moving forward and impeded progress on conservation protocols.²⁴

²² www.seashepherd.org – Our History.

²³ Vogler 1995.

²⁴ Auld 2014.

In response to these developments, the National Wildlife Federation, Friends of the Earth, and several other ENGOs took up the call as well through direct-action means—including boycotts, protests and/or name-and-shame tactics. From whaling the groups began to expand the scope of their campaigns moving into the 1980s to cover dolphins, turtles, and tuna. Groups such as Earth First and the Earth Island Institute led the charge for the protection of these species by attempting to construct an international legal regime that could regulate the behavior of States. These groups focused in on U.S. domestic legislation that made it illegal for foreign tuna fisheries to engage in practices that led to the unnecessary killing of dolphins (the Marine Mammal Protection Act) and attempted to internationalize it by suing foreign actors that did not abide by it.²⁵ These groups, operating within the emergent preservation discourse, saw direct action and international legal frameworks (where regulations could be imposed from above) as the preferred means for marine conservation efforts.

It was not wild capture fisheries however that spurred the move to private governance (through certification), but rather the growth of aquaculture—and the intensity of such practice which rose markedly in the 1980s.²⁶ Aquaculture is essentially the practice of farming fish and other marine life. It involves cultivating species under controlled conditions which brings with it a slew of environmental and social impacts. Foremost being the destruction of habitats perpetuated by the need to clear spaces for aquaculture pens. Additionally, feeding practices can place even heavier pressure on fish

²⁵ Auld 2014.

²⁶ Ibid.

stocks that are used as part of fish meal. Also, the issue of disease generated concern as the close confines of aquaculture provided breeding ground for disease. The latter of which could spread to wild stocks if farmed fish were to escape—which happened regularly. These rapid developments (along with the rapid increase of organics and wild fisheries issues) led to a growing international awareness amongst ENGOs that a coordinated global response was necessary. There emerged consensus that a mechanism was needed to differentiate aquaculture programs from one another, and this opened-up a political space for certification.²⁷ This brought together several key ENGOs (including Greenpeace, WWF and the Environmental Defense Fund) to work collaboratively on issues of protecting marine life and their habitats, and concluded with a presentation to the UN General Assembly on the unsustainable nature of current marine practices.²⁸ It was also followed by a series of press releases and awareness raising efforts by ENGOs.

Relating to wild capture, it was during this same period that Greenpeace initiated a global campaign against industrial fisheries, particularly those operating in the North Sea. The WWF initiated an *Endangered Seas Campaign* seeking to improve fisheries management and protect species. This WWF initiative closely resembled their work in the forestry sector in that it included an eco-label for distinguishing those industrial actors that practiced more sustainable forms of fishing. It also designated marine hot spots that it worked to turn into marine protected areas. WWF President Jim Leape was quoted as saying:

²⁷ Auld 2014.

²⁸ Stonich & Bailey 2000.

We are currently experiencing the greatest extinction of plants and animals since the Ice Age; forests are disappearing, fish stocks are plummeting, and evidence of global warming grows daily. These problems are man-made and therefore it is time for everyone, including corporations, to reverse this destruction.²⁹

However, as in forestry, the WWF acknowledged the emergence of a sustainable development discourse which compromised strict preservationist philosophy in acknowledging the economic exigencies of development and provision of goods to consumers. As such, the WWF sought out industrial fisheries willing to partner with them in order to create a market-based approach to sustainable fisheries management.

The Industry Network

In response to growing awareness of the degradation of select fish stocks and their habitats—perpetuated by the FAO and ENGOs—industry began to respond. They acknowledged, via seafood organizations of which they were a part, that something had to be done to ensure sustainability. In essence acknowledging the large part played by industrial fishing fleets in degrading those fish stocks—considering regular practice was to use 30-40 mile long drift nets that killed a vast range of species outside of the intended target.³⁰

Unilever was one of the first industrial actors to respond with regards to the long-term sustainability of their fishing practices. Driving this move was the UN Food and

²⁹ PR Newswire 1998, as found in Bonanno & Constance 2008, p. 192.

³⁰ Prewitt 1999.

Agriculture Organization (FAO) study (mentioned previously) that was released publicly. This study found that 44% of marine fish stock were being overly exploited, 16% overfished, and 6% completely depleted.³¹ In this report it was also stated that “while some 80 million tonnes of fish are landed each year, 20 million tonnes are thrown over the side of boats, dead”.³² Knowing that such findings would not only raise concern amongst consumers, but also amongst states and international institutions seeking to regulate marine fishing practices, they sought to head off these actions by creating an alternative program. However, seeking alternative forms of governance was not without precedent. The FAO had been working on a *Code of Conduct for Responsible Fisheries* since 1992. In 1994, a major industrial actor (Unilever) sought out scientific advice on the long-term impacts of overfishing and potential policy measures/practices that could make their operations more sustainable without sacrificing profitability. This created a political opportunity for an enterprising non-state actor to collaborate with a major industrial player to create a sustainable fisheries project

It was again developments in aquaculture however that played a greater role in accelerating the move toward private governance. In response to ENGO scrutiny and attacks, and movement that alluded to further state regulatory action, industry groups responded by forming the Global Aquaculture Alliance (GAA) in 1997. A spokesperson for the group was quoted as saying that the “militant attack from environmentalists has emerged as industry’s second biggest problem. The GAA has been formed to resolve this

³¹ Hemprecht 2005.

³² The Independent 1998, *UN launches battle to save the oceans*, as found in Hemprecht 2005, p. 108.

problem”.³³ The GAA teamed up with the National Fisheries Institute (NFI), which represented over 1,000 companies worldwide. This collective group was well-financed and set about adamantly rejecting accusations made the ENGO networks, claiming that they “do what environmental groups do, but in our own name”.³⁴ The first priority of the group was to develop a “code of practices” for operating.³⁵ The intent was to develop a systematic way of approaching marine resourcing that was based in science, and thus would serve to defend their reputation in the face of claims made by ENGOs of irresponsible practice.³⁶ In 1999, a GAA technical committee completed a standards manual that included core principles, and this would set the stage for an eco-labelling system. For an overview of the positioning of the actors within the distinct networks see Figure 9.

The Rift between Networks

The movement toward private governance solutions that was being spurred by developments in aquaculture, spilled over into wild fisheries. In 1998 Greenpeace released a report titled *Assessment of the World’s Fishing Fleet*, which found that during this period 1,654 new vessels were added to industrial fishing fleets, thus increasing fishing capacity by more than 20%.³⁷ Piggybacking on these findings WWF released an

³³ Rosenberry 1998, as found in Stonich & Bailey 2000, p. 8.

³⁴ Christensen 1997, as found in Auld 2014, p. 196.

³⁵ Bene 2005, p. 591.

³⁶ Auld 2014.

³⁷ Bonanno & Constance 2008.

assessment that these trends had not just negatively affected marine fishery populations to the point of possible extinction of several species, as well as coastal fishing communities, but also posed negative consequences for hundreds of thousands of jobs in industrialized countries.³⁸ Accordingly, the WWF stated that in order to “reverse this crisis, we must develop long term solutions that are environmentally necessary and then, through economic incentives, make them politically feasible”.³⁹ Shortly thereafter, Greenpeace began pressuring industry to label products with the precise location where fish had been caught, as well as pressuring states for a regulatory program imposed upon industry that regulated practice.⁴⁰ In retribution for those actors that did not comply with the labeling procedures suggested by Greenpeace, protests and/or boycott campaigns were threatened.⁴¹ Supplementing the work of Greenpeace were other ENGOs, such as Friends of the Earth and Friend of the Sea, who were echoing these calls for greater regulation of fisheries with a focus at the state/international level, but also experimenting with private governance type programs. The government-driven code of conduct was entirely voluntary, and even so, only 12 out of the 20 largest fishing nations had ratified it.⁴²

³⁸ Bonanno & Constance 2008..

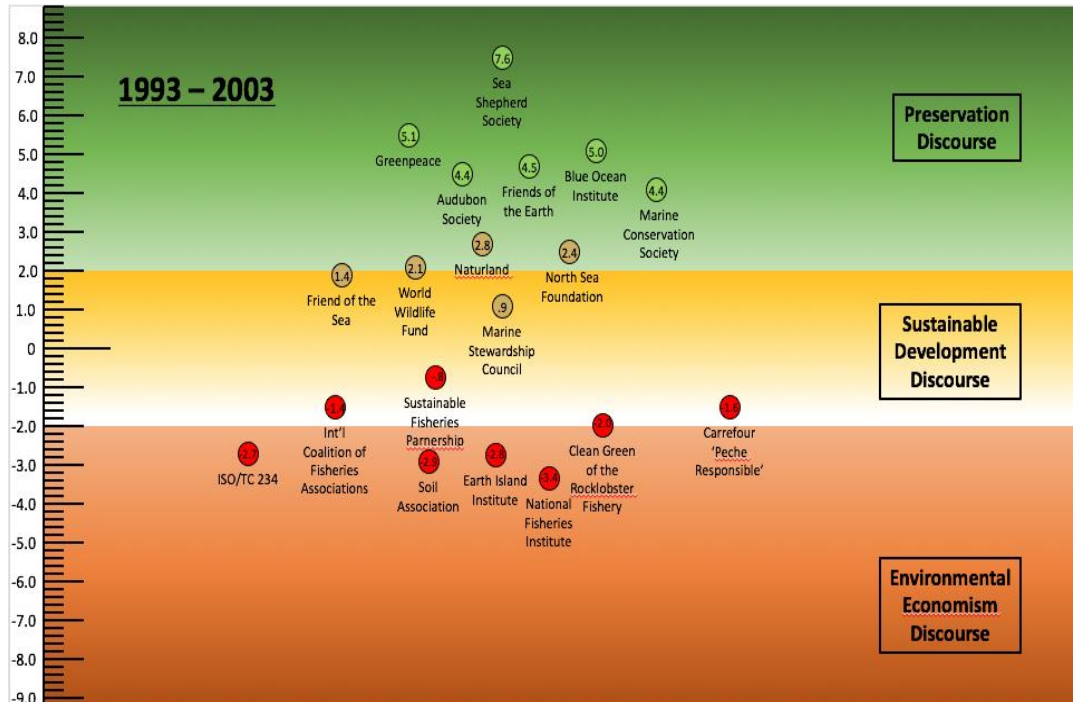
³⁹ WWF 1998.

⁴⁰ Hemprecht 2005.

⁴¹ Hemprecht 2005.

⁴² Ibid.

Figure 9. Content Analysis Exhibiting Networks in the Fisheries Sector



Figures derived from coding of annual reports/statements, financial reports, special reports, assessments, certification documents, as well as other web-accessible material provided by designated actors.

The GAA took on the mantle of countering ENGOs accusations. Representing thousands of industrial players, they adopted a non-confrontational approach to challenging the ENGOs' claims.⁴³ They called for careful scientific assessments of the impacts of all marine practices and released their findings in a widely-circulated report

⁴³ Stonich & Bailey 2000, p. 8.

which essentially claimed that while some industrial producers do avoidable damage, it is primarily small-scale producers and fisheries that lack educational and financial resources that bore the onus of responsibility.⁴⁴ For them, large-scale industrial producers have the technical and managerial know-how to operate sustainably. Therefore, the problems being identified by the ENGOs were “misguided”, since those creating the most damage and destruction (small-scale community operations) were the ones being protected by ENGOs.⁴⁵

The Emergence of Private Governance

In response to the growing public awareness of the negative impacts on fisheries that were resulting from industrial practices, and the lack of initiative being taken by governments to prevent these, a number of market-oriented certification schemes for fisheries arose. The basic concept behind these certification programs was to provide economic incentives to industrial fishery operations to adopt more *sustainable* fishing practices. One of the first industrial actors to respond to these developments was Unilever. Unilever was/is the world’s largest buyer of frozen fish, and as they began to worry about the negative effects such developments were having on their image, they began to seek out solutions. Starting in 1996 they sought out an amenable ENGO to help them protect their image with eco-conscious consumers. They felt that a partnership with a credible ENGO could shore up their legitimacy as an environmentally responsible

⁴⁴ Stonich & Bailey 2000, p. 8.

⁴⁵ Ibid.

actor.⁴⁶ They first sought out Greenpeace, but were advised against doing since Greenpeace was seen as being overly restrictive in its preservation philosophy, and militant in their approach.⁴⁷ Therefore, they consulted the WWF. The two met informally at a 1996 conference. This meeting was the foundation for the creation of the Marine Stewardship Council (MSC).⁴⁸

Unilever and WWF held several workshops to which there were a diversity of actors (including representatives from academia, industry, government and NGOs), across networks, invited. The purpose was to develop a program that was acceptable to both industry and ENGOs. Professor Jacqueline McGlade, former head of the European Environmental Agency, was hired by Unilever to assess how their practices were affecting fish stocks in the North Sea. She recalls of these meetings:

I was invited to the first planning meeting of a Marine Steward Ship Council. There was a broad range of people participating in this meeting: managers, conservationists, and scientists. We discussed a series of issues: What is the evidence of sustainable fishing? Why aren't we seeing any progress [on marine resource protection] in the North Sea? Is sustainable fishing about people management or is it about the ecosystem? What are examples of well-managed, sustainable fisheries? Who had the authority of saying these were sustainable fisheries? [Basically], we engaged in a discussion on underpinning an eco-label [for fish products] with science.⁴⁹

⁴⁶ Hemprecht 2005.

⁴⁷ Ibid.

⁴⁸ Auld 2014, p. 190.

⁴⁹ Interview with Prof. McGlade on June 7, 2005, as found in Hemprecht 2005, p. 113.

She admitted further that both managers at the WWF and Unilever were critical of the collaboration, feeling that the positions between the two sides were too far apart to enact meaningful collaboration.⁵⁰ Nonetheless, both fundamentally agreed that some collaborative action was necessary to ensure the long-term viability of global fish populations. WWF conceded that “the history of fisheries management is one of spectacular failures. By working together with progressive seafood companies, we can harness consumer power in support of conservation and make it easier for governments to act”.⁵¹ The shared sentiment of both WWF and Unilever was that the MSC could “provide powerful economic incentives for sustainable well-managed fishing” and thus “halt a catastrophic decline in the world’s fish stocks by harnessing consumer power”.⁵² The goal then was to “link market incentives to consumer preferences through a sustainable fisheries certification and eco-labeling program”.⁵³

Efforts to Define this Emergent Political Space

As private governance emerged as a potential reality within the wild fisheries sector, actors from within both networks worked to define this space. Each side knew that defining what sustainable fisheries management looked like would play a pivotal role in shaping practice within this political space for the indefinite future. Several ENGOS

⁵⁰ Interview with Prof. McGlade on June 7, 2005, as found in Hemprecht 2005, p. 113.

⁵¹ Bonanno & Constance 2008.

⁵² Joint Unilever-WWF statement as found in Llunggren 1996.

⁵³ Bonanno & Constance 2008, p. 193.

took action. A number of groups created *buyer guides* that rated fisheries based on respective indicators, based on the organization. These organizations included the Audubon society, the Marine Conservation Society and the Blue Ocean Institute. The ENGO network was loathe developing a certification program with standards because of the controversies inherent to marine practices, considering the lack of clear scientific evidence validating current practices. For example, with regards to aquaculture, a Friends of the Earth member was quoted as saying, “[c]ramming a migratory species, cooped in cages, fed on a high-energy diet of fast-diminishing resources is hardly in tune with nature”.⁵⁴ The question of whether capture fisheries could be certified organic was also brought into question as well, considering the uncertainty of their diets and what capture methods could be considered humane.

Industry, anticipating the emergence of the MSC, began to create competing certification schemes by the late 1990s. Having been made aware of the emerging MSC through the Unilever/WWF-led forums to assist the MSC in gaining traction, many decided to take action in order to avoid what they anticipated would be an onerous private regulatory scheme (considered onerous due to the heavy influence of the WWF, an ENGO).⁵⁵ The International Coalition of Fisheries (ICFA) was one such industry group, arguing that the MSC was both impractical and undermined already existent government restrictions intended to conserve marine life and habitats (which were sparse

⁵⁴ Interview with Rob Edwards in 2000, conducted by G. Auld, as found in Auld 2014, p. 200.

⁵⁵ Sutton 1996; Auld 2014.

and considered ineffective).⁵⁶ Another such group was the National Fisheries Institute (NFI), who in 1997 organized a coalition of seafood companies to launch a program aimed at guiding industry practices called *Principles for Responsible Fisheries*. From this campaign emerged a separate organization named the *Responsible Fisheries Institute*.

By 2000, the Global Aquaculture Alliance and the Responsible Fisheries Society, operating on the behalf of industry, developed a first party certification program that was open to all of industry, across marine sectors, to include aquaculture and wild fish capture as well.⁵⁷

The Emergence of MSC as a Network Connector

The MSC identified an issue that could likely gain traction from both networks to take on as its initial project—fish oil. Fish oil was used in a variety of products, including cosmetics and processed foods. While it was an important and profitable commodity it was not as prominent and important of a commodity as fish taken from the ocean for consumption. Thus, as the harvesting and use of fish oil was of secondary importance, and found to be placing a large strain on marine ecosystems, it was a strategic entry point for the MSC.⁵⁸ They began mandating that fish oil be derived only from sustainable sources—an act that was amenable to both sides. The ENGO network appreciated the efforts by industry to protect marine environments from further

⁵⁶ ICFA 1997.

⁵⁷ FAO 2000, as found in Auld 2014.

⁵⁸ Hemprecht 2005.

degradation, while industry saw fish oil as of only secondary importance—and thus worth the trade-off for gaining the legitimacy imbued upon it by the MSC. It was not long after the MSC awarded its first certification to Unilever that much of industry became interested. However, before officially seeking out certification, industry wanted clarification as to what the criteria for sustainable fishing, as defined by the MSC, would be. In response, the MSC held a worldwide series of workshops and consultations with the purpose being to:

[I]ntroduce the MSC initiative to diverse stakeholders around the world, seek inputs and feedback on the emerging draft principles and criteria for sustainable fishing, and solicit the involvement of all stakeholders in marine fisheries.⁵⁹

Starting in 1996, and ending two years later, the MSC held over fourteen workshops around the world in order to find a consensus position acceptable to all parties involved. The broad consensus coming from the workshops was that sustainable fishery should be based on:

- The maintenance of the integrity of ecosystems;
- The maintenance, and re-establishment of healthy populations of targeted species;
- The development and maintenance of effective fisheries management systems, taking into account all relevant biological, technological, economic, social, environmental and commercial aspects; and
- Compliance with relevant international, national and local laws and standards.⁶⁰

⁵⁹ Sutton 1996.

⁶⁰ Ibid.

However, paralleling this broad consensus was broad debate and controversy. The primary issues that remained of concern were related to the mechanisms that would be implemented to deal with the social component of fisheries management in developing countries.⁶¹ ENGOs worried that the MSC would favor industrial fishing operations over artisanal fisheries, as large industrial actors were the core participants in the MSC's development. One participant framed the challenge in a particularly prescient way stating that:

As the process of developing the MSC Principles and Criteria advances, boundaries will need to be drawn around what the MSC includes and what it excludes. This may mean that environmental and technical factors will be the main determining criteria for accreditation, while social factors may be pushed into the background.⁶²

Such thinking foregrounds the argument of the dissertation that private authority is derived from this position through its defining of what 'sustainable fisheries management' should be, and what it should look like. Furthermore, in a way that was acceptable to opposing networks. Or, in other words, creating a bridge by which the power of the opposing networks could be transferred across a node, or conduit. The MSC would generate no power on its own per se, rather, it would serve in a middle social position (or as a network connector), and transfer the moral power the ENGO network generated amongst a global, eco-conscious audience to industry. In return, industry would abide by the private regulatory structure generated by the MSC and thus, by

⁶¹ Auld 2014.

⁶² O'Riordan 1997, p. 11.

extension, serve the purposes of ENGOs who sought to adapt the behavior of industry to more eco-conscious practices.

In 2000, after three years of consultations, the MSC presented its final “principles and criteria” (or P&C). The three conditions of certification were: 1) that fishing operations had to be conducted in a manner that would not lead to overfishing or excessive depletion of exploited populations, and, for populations already designated as *depleted*, the fishery had to approach them in a manner that would lead to their recovery; 2) that fishing operations had to allow for the maintenance of the structure, productivity, function, and diversity of the ecosystem on which the fishery depended; and 3) the fishery was subject to an effective management system that respected local, national, and international law and standards (see Table 6 as a reference).⁶³

Table 6. Joint Statement of Intent for MSC

The Problem

Fish has never been more popular, nor more threatened. Worldwide consumer demand for fish is steadily rising, but scientists warn that fish stocks are in serious decline. In some areas, excessive fishing has driven staple species such as Atlantic cod commercially extinct. Nearly everywhere, fisheries that have sustained coastal communities for generations have suffered serious declines. Indiscriminate fishing practices kill and waste vast amounts of fish and other marine life annually.

A Global Solution

Two global organizations have committed to tackling this issue. WWF (the world’s largest non-profit conservation organization) wants a new approach to ensure more effective management of marine life. Unilever PLC/NV (a major buyer of frozen fish and manufacturer of many of the world’s best-known frozen-fish products under such brands as Iglo, Gorton’s and Birds Eye UK) is committed to long-term fish stock sustainability to ensure a future for its successful fish business.

Different motivations, but a shared objective: to ensure the long-term viability of global fish populations and the health of the marine ecosystems on which they depend.

⁶³ Bonanno & Constance 2008.

How Will This Partnership Work?

The end objective of the partnership between WWF and Unilever is to establish, through consultation, an independent Marine Stewardship Council (MSC) which will create market-led economic incentives for sustainable fishing.

The MW will be an independent, non-government membership body. It will establish a broad set of principles for sustainable fishing and set standards for individual fisheries. Only fisheries meeting these standards will be eligible for certification by independent, accredited certifying firms.

Products from certified fisheries will eventually be marked with an on-pack logo. This will allow consumers to select those fish products which come from a sustainable source.

Once established, the MSC will be independent of both industry and conservation organizations, and be governed by a board of directors made up of experts from a variety of backgrounds.

The MSC will be modelled on the successful Forest Stewardship Council (FSC), launched by WWF, other conservation groups and timber traders in 1993 to promote a market—led solution towards more sustainable forestry practices around the world.

TO create the MSC, WWF and Unilever will contribute matching funds into an extensive scoping exercise to explore how the FSC model can be adapted to meet the specific sustainability needs of global marine fisheries. This study. will be undertaken by a number of consultants, coordinated by an independent project manager.

It will result in a draft set of founding principles for the MSC.

These draft principles will be generated, by and circulated to a broad spectrum of experts in fisheries-including fishing and industry groups, conservationists, regulators and academics. An open series of national and regional consultations and workshops around. the. world will then be held to refine and strengthen the –principles and agree on a process. for international implementation.

WWF and Unilever are committed to supporting the process of agreeing to the principles and establishing the1 MSC within two years. They will actively seek the widest possible in involvement from other organizations in achieving these goals.

- *Signed by Dr Robin Pellew, on behalf of WWF and Antony Burgmans, on behalf of Unilever*

There were an additional four components that were added as part of this: 1) that the MSC establish and maintain an international standard for sustainable fisheries; 2) fisheries could indiscriminately apply for certification via MSC standards; 3) if a fishery was certified as meeting the MSC standard, the individual companies selling the fishery's

products had to obtain a chain-of-custody certificate; and 4) companies that wanted to use the MSC label had to enter into a logo-licensing agreement with the MSC.⁶⁴

Overall, the MSC was kept general and streamlined, not addressing any social issues directly despite claiming to “work for sustainable fisheries by promoting responsible, environmentally appropriate, *socially beneficial*...” practices.⁶⁵ The MSC was developed as an accrediting agency, just as the FSC was in the previous case. Therefore, like the FSC, the MSC would not carry out the certifying on the ground (or in the ocean) itself. Rather, it would accredit distinct certifiers who would then interpret the language of the P&C on the ground as it saw fit. The MSC thus kept the language broad so that they could be inclusive of both preservation, sustainable development, and environmental economism discourses, and those that practiced each.

By 2000, the MSC had become a global certification program garnering support from over sixty supporting organizations coming from both the ENGO and industry network. The National Audubon Society stated that the MSC “has the potential of significantly altering worldwide fishing practices in favor of more sustainable, less destructive fisheries”.⁶⁶ Major European, American, Asian and Australian food retailers signed on the MSC as well—including Safeway, Wal-Mart, Tesco, and Sainsbury’s, amongst others. It was claimed that the most important element of the MSC was “its

⁶⁴ Bonanno & Constance 2008.

⁶⁵ www.msc.org – Mission Statement.

⁶⁶ Letter by Dr. Carl Sifina, director of the National Audubon Society’s *Living Oceans Programme*, as found in Bonanno & Constance 2008, p. 196.

independence from both the environmental community and industry. Finding a way to harness market forces and consumer power in appropriate ways...”.⁶⁷

The Major Issues and MSCs Middle-Position

Although the next chapter will present a more detailed comparative analysis of the competing certification programs in the fisheries sector, I introduce here some of the core issues surrounding certification. Within this frame I will discuss the position the MSC took with regards to each of these issues and, where relevant, show how their position was presented in their principles and criteria. Additionally, I will broadly discuss the consensus position on each of these topics within both the ENGO and industry networks. The purpose being to present a general framework to set the scene for the next empirical chapter, as well as to reinforce the point that the MSC navigated toward a middle position in-between networks to gain leverage as an authority.

Membership or Closed Organization?

As it was the WWF that was the primary ENGO facilitating the establishment of the MSC—considering its affiliation with the FSC in the forestry sector—it was speculated that the MSC would also be established as a membership organization. The WWF had been an adamant believer in the merits of an open democratic structure for the FSC for various reasons.⁶⁸ Foremost amongst those being that it would prevent the

⁶⁷ Sutton 1996.

⁶⁸ Synnott 2005.

organization from capture by any particular interest, and that it would prevent the organization from becoming too insular. However, after encountering the variety of problems inherent in establishing consensus in policy orientation through their experiences with the FSC, the WWF supported Unilever in creating an organization that was closed to outside members. The MSC was thus a closed organization, with a decision-making board composed of nine members: a chair, three representatives of industry, four ex-government officials, and one representative from an ENGO. This decision drew the most comprehensive and aggressive criticism and proved the most controversial. ENGOs felt that despite having one representative on the MSC advisory board there existed a “democratic deficit” within the MSC that was difficult for ENGOs to accept.⁶⁹ ENGOs felt that without their ability to influence the organization from within, the organization was susceptible to corporate capture. However, the MSC argued against this position by claiming that open governance structures were “cumbersome, expensive to operate, and [left] the MSC open to potential capture by particular interest groups”.⁷⁰

Nonetheless, the MSC proved receptive and adaptable. In response to these complaints they created a technical advisory board (which would later become the *Stakeholder Council*) and added a seat for an ENGO representative. These technical advisory boards accepted external recommendations from all actors that it would take into consideration and then provide findings to the governing board, along with policy

⁶⁹ Auld 2014, p. 205.

⁷⁰ www.msc.org – Governance Review Commission.

recommendations on standards, chain of custody and eco-label licensing.⁷¹ Additionally, it agreed to defer the decision to accredit or de-accredit any certification organization to an external independent organization. Furthermore, it agreed to defer decisions relating to complaints and appeals to an organization that was fully independent of the MSC.⁷² Through these measures the MSC was able to include in its organization a “third party independent assessment, a robust standard, and an open and transparent stakeholder process”.⁷³ The latter two moves made the MSC the “only organization fully consistent with FAO guidelines on fishery and fish product ecolabeling”.⁷⁴

Through these actions we see that the MSC was actively seeking a middle ground between the two networks. It constructed itself as a closed organization despite vehement opposition from the ENGO network. Industry supported this move because it would allow the MSC to act decisively and definitively since policy decisions and standards now did not have to go through the laborious consensus building process inherent to open organizations. This gave industry confidence that the standards implemented would not shift after facing opposition from internal groups. The MSC stood by this position firmly until ENGO rhetoric turned toward suggesting that disassociation with the MSC was a real possibility. The compromise with the MSC private governance scheme was essentially that preservation practices such as protests and boycotts would be abandoned

⁷¹ Auld 2014, p. 205.

⁷² Bonanno & Constance 2008.

⁷³ Bonanno & Constance 2008, p. 212.

⁷⁴ MSC 2006 – Annual Report.

by ENGOs as long as they were able to influence the shape of policy. This compromise with industry challenged their legitimacy in the eyes of their supporters and they were forced to respond. Yet, the MSC, realizing that without the support of the ENGO network their authority would be marginalized, responded by compromising their position with the ENGO network. The compromise however, was marginal and calculated (to be discussed in detail in the following section). It showed conciliation and responsiveness to the ENGO network without any significant change to policy.

Certification or Accreditation?

As discussed previously, with regards to the FSC, certification is the on-the-ground assessment carried out to determine whether or not sustainable management is taking place. Accreditation provides assurance to the standard setter, interested parties, and the wider public, that certification bodies responsible for conducting sustainability assessments are competent to carry out such tasks—using the specific standards set by individual eco-labeling schemes.⁷⁵ Like the FSC, the MSC board decided not to carry out the certifications on the ground itself but rather to develop a standard for others to follow, thus becoming an *accrediting* agency. As an accrediting agency, the MSC would serve as an umbrella organization that would dictate terms to those carrying out certification. Therefore, through its rhetoric, the MSC could construct itself in terms of preservation principles (e.g. as protectors of the environment) without having to actually conduct the on-the-ground assessments that would validate such. This put the MSC in a

⁷⁵ FAO 2005.

position wherein they could broadly define what was sustainable practice for fisheries—able to generalize what practices were acceptable and which were not, while allowing certifiers significant latitude in interpreting how those general practices looked on the ground. Proceeding as such allowed the MSC to speak in terms of preservation and sustainable development principles while accommodating environmental economism practices. Accreditation, since this time, has remained a core component of the MSC.

Certification based on commitment or results?

The central issue here is whether or not a certificate should be awarded based on a commitment by the industrial actor to improve certain practices deemed “unsustainable,” or whether a certificate should be withheld until the actor actually implements/corrects the practice. The MSC adopted the position (nominally at least) that a fishery must meet certain conditions before being considered certifiable (contained within principles 1 and 2). This appeased the ENGO network which stood by the belief that commitments by industry were not always credible, and therefore, certification should only take place after certain core conditions were met. Such an approach however was perceived as onerous by industry. Therefore, the MSC proceeded by establishing the rule that an operation only had to be 80% compliant to receive certification.⁷⁶ Arriving at such a number was extremely difficult and subjective. Thus, through this language the MSC was able to appease the ENGO demand for commitment by industry, while leaving sufficient room for interpretation by certifiers to certify partially compliant operations. Critical ENGOs

⁷⁶ Sutton 1996.

protested this by claiming that this arbitrariness left open a loophole by which the certified could bypass critical regulations of their activities. Nonetheless, the MSC continued this practice and defended it by claiming that in cases where unacceptable practices were identified they would require the industrial actor to agree to rectify the situation.⁷⁷

Marine Protection

This issue surrounded the certification of industrial actors operating in protected conservation spaces. While industry desired to continue operations in protected spaces, ENGOs felt that protected spaces should remain ‘no-take’ zones. They argued that MSC certification was enabling continued degradation of these spaces under the façade of ‘sustainable fisheries management’. One prominent ENGO member was recorded as saying:

Why should industry, fishery management or politicians support the establishment of areas closed to fishing activities when they can say the activity concerned is certified sustainable, having no impact on biodiversity or on marine structure, function or integrity?⁷⁸

Additionally there was the issue of bycatch, or the level at which bycatch of other species should be considered in certification programs. Whereas ENGOs wanted to limit the amount of acceptable bycatch to low numbers before the possibility of certification as ‘sustainable’ was even considered, industry was not willing to accept solutions that

⁷⁷ MSC 2001.

⁷⁸ As found in Auld 2014, p. 205.

included limiting the size of nets and managing the size of webbing. The latter two were blamed as the primary cause of excessive bycatch. ENGOs worried that not considering bycatch deaths in certification schemes, or considering them as merely ‘minor issues’ would “[send] a message that [the MSC] will tolerate high levels of environmental damage and animal deaths”.⁷⁹ By 1995, it was determined that 27 million tons of fish, sea birds, seas turtles, marine mammals and other ocean life were killed or wasted as a result of bycatch, this amount equaled one-third of all the global catch.⁸⁰ Beyond the environmental damage and bycatch issue, the ENGOs also worried this would mislead consumers.

Size and Scale of Fisheries Operations

This issue relates to the conscious decision made by any aspiring certification organization on whether or not to focus certification efforts on large-scale industrial operations exclusively, or to include small-scale fisheries as part of the program. Including small-scale fisheries would require a separate principles and criteria because the cost of certifying operations to be in accordance with the P&C is prohibitive to smaller firms. However, allowing small-scale operations the opportunity to become certified is more in line with the social component of certification operations that appeal to ENGOs. Yet, for matters of scale and impact, large-scale industrial operations are far more valuable for the MSC for promoting the name brand and scaling operations. The

⁷⁹ Statements made by Cath Wallace, spokesperson for an ENGO representative organization, as found in Bonanno & Constance 2008, p. 205.

⁸⁰ SAMUDRA 1998.

MSC favored large-scale operations under the premise that doing so would provide a mechanism by which to scale operations quickly and establish itself in a predominant position as certifier of choice. However, there was a great deal of pushback against this decision, as ENGOs felt that the MSC was neglecting the needs of community-based/local fishing operations. While the industry network felt that the lack of resources held by small-scale fisheries, and the lack of know-how, made them the prime culprits of marine resource degradation. Compromising between these two positions the MSC favored large-scale operations but ultimately came to create a project to address the concerns of ENGOs called *guidelines for assessment of small-scale and data-deficient fisheries*. It was designed to develop a means for assessing fisheries that operate sustainably but that lack access to detailed scientific data.⁸¹

Chain of Custody

The chain of custody issue consisted of requiring certification seekers to have documentation of the sustainability of resource inputs across the supply chain. This was something that the ENGO network found essential to any certification program, as chain of custody guaranteed that downstream suppliers were held to sustainability standards as well. The industry network found this requirement overburdening, as they were forced to impose rules and regulations on their suppliers, as well as to expend resources on ensuring abundance on the part of the slew of suppliers they dealt with. However, industry understood that this component was critical to legitimacy and thus was compliant—to a

⁸¹ Bonanno & Constance 2008.

degree. Understanding these dynamics, the MSC demanded ‘boat to plate’ chain of custody certification. However, over time, they broadened the restrictions on chain of custody to make this requirement “more accessible to retailers and restaurants,” and, by extension, easier on industry.⁸²

Consultation Process

This criteria is mainly concerned with the existence of a consultation forum for interested parties that have a stake in the MSC certification process. The MSC originally structured itself as a closed organization but maintained a technical advisory panel that would hear, and consider, complaints and/or suggestions petitioned by outside organizations. Industry preferred this method because it prevented outside, critical actors from gaining what they perceived to be undue influence and burdening them with calls for corrective action. However, this was problematic to ENGOs because they felt this locked out their opinions and left the organization vulnerable to capture by special interest groups. To address this issue, understanding that support from the ENGO network was critical to its success and a core part of its private authority, it adapted its position. In 2002, it decided to form an independent dispute panel tasked with investigating criticisms regarding certifications. Later that same year, after a controversial decision made by the independent dispute panel, the MSC altered the method and included a formal objection process and “extensive stakeholder consultation”

⁸² Bonanno & Constance 2008, p. 211.

prior to a fishery certification.⁸³ This would ensure that “stakeholders would have the opportunity to raise concerns in advance of any decision being made”.⁸⁴

The Inclusion of Social Criteria

This measure was based on considering the impacts on local fishing communities of industrial fishing operations. The inclusion of this criteria could take place at two levels: 1) *macro*, where entire fisheries management systems are assessed for their impacts on coastal fishing communities; and 2) *micro*, where individual operators within a specific fishery, or company within a supply chain is assessed individually. At the macro-level such factors as the interests, rights, and general livelihood of indigenous peoples who depend on fish for food are considered. As well as those of local fishing communities whose main source of sustenance is fishing. At the micro-level, certification can be based on single operators of small communities and how their practices are effecting local fish populations.

The ENGO network was adamant that any “measure of sustainability should also include social criteria that reflect the livelihood interests of the majority in fishing communities,” and thus that “fisherpeople must be closely and largely involved in the process [of determining certification]”.⁸⁵ For industry, this argument presented by the ENGO network was premised on a faulty logic. For industry, the local fisher people

⁸³ MSC 2002 Report, as cited in Bonanno & Constance 2008, p. 206.

⁸⁴ Ibid.

⁸⁵ SAMUDRA report 1998.

were the ones using unsustainable methods and practices due to their lack of knowledge of modern scientific methods of fishing, as well as the lack of technology that enables more efficient forms of capture. As a result of this, industry felt it was local fishing communities that were contributing more to fish stock degradation than they, and thus that any initiative enabling these outdated methods was counterproductive.

The MSC ultimately included only a marginal consideration of social criteria in their program. While they recognized the need to observe and respect the long-term interests of people dependent on fishing for food, few socio-economic aspects are considered in the MSC plan. The sole principle the MSC considers, related to social impacts, can be interpreted as mandating that a framework for protecting legal and customary rights exist. But this does not include an assessment of the effectiveness of the framework through a measurement of effects. It only requires that the certified acknowledge that they have the long-term interests of those dependent of fish targeted by their fishery operations in mind. The MSC justified such a position by arguing that issues involving allocation of quotas and/or accessibility of marine resources to be beyond the scope of the program.⁸⁶ Such an approach inevitably led to a lack of support for the MSC program from local stakeholders, as well as from the ENGOs that supported their cause. These local communities felt that such an approach did not address, nor even consider, their concerns. Yet, the MSC maintained that such considerations were beyond their scope. This played well with industry, while remaining tolerable to ENGOs.

⁸⁶ SAMUDRA report 1998.

Protests and Boycotts

Another issue that was very controversial and heavily debated was that of protests and boycotts. Many ENGOs were still engaging in protests and boycotts of industry to prompt a change in practice. However, the industry groups involved in the discussion of the MSC were of the understanding that the MSC, and those involved with it, accepted that the organization was by design an alternative to boycotts and protests. So, in other words, the understanding was that ENGOs that accepted the MSC idea were renouncing the practice of protests and boycotts against industries involved in MSC certification.⁸⁷ The MSC reinforced this belief by actively working to prevent boycotts and protests by its members.

Responses to the Emergence of the MSC in a Middle Position

As the MSC program developed it began to gain a great deal of traction in marine management. By 2001, the MSC had more than a hundred major seafood buyers. By the end of 2006, 332 seafood products in 25 countries were brandishing the MSC logo and just fewer than 6% of the world's capture fisheries had become a part of the MSC project.⁸⁸ This overwhelming success came from retailers witnessing the benefits of certification programs, not just the MSC. The commitments of big-box retailers (such as

⁸⁷ Synnott 2005, p. 17.

⁸⁸ MSC Annual Report 2005/2006 (www.msc.org – Annual Reports).

Wal-Mart) to the program brought notoriety and attention to the program. However, not all of that was positive.

The Response of the ENGO Network

Two groups representing ENGOs—the Bridgespan Group and Wildhavens—released critical reports of MSC operations. The reports challenged the very legitimacy of the MSC. They found that, while having strong support for the MSC’s approach of using market incentives to develop sustainable fisheries, there were several problems with its methods which threatened its credibility with ENGOs. The reports concluded that the MSC had not achieved its “conservation promise,” and that there would be several recommended reforms necessary.⁸⁹ The most important being: 1) the process by which certification was carried out, to include quality of life assessments; 2) follow-up mechanisms to ensure that certified parties were following up on corrective actions that were required to be undertaken; and 3) general governance and leadership of the organization.⁹⁰ Furthermore, the reports suggested that the MSC remove the word ‘sustainable’ from its claims and replace it with ‘well-managed’. This move, it was thought, would better indicate implementation of best-management practices as opposed to methods proven to ensure sustainability. The latter was uncertain because there lacked scientific evidence to substantiate it. Also, it was suggested that there be more clear-cut

⁸⁹ Bonanno & Constance 2008, p. 208.

⁹⁰ Ibid.

metrics for assessing both the P&C and corrective actions, as well as a more balanced Stakeholder Council.⁹¹

In response to such accusations, ENGOs took action. Naturland (an ENGO program) developed sustainability standards designed to rival the MSC. Citing the MSC's lack of protection for local fishermen and communities. Stating that:

Through our work in many developing countries, we felt it would not be justified to certify a fishery which does not offer fair and decent working or living conditions for the fishermen employed in the fishery.⁹²

Greenpeace took issue with the design of the MSC program, citing the limited scope of the program and the weakness of its principles and criteria. Greenpeace felt that the limited scope of the socio-economic reach of the MSC program was in need of an overhaul. They specifically felt that:

Issues involving allocation of quotas and access to marine resources are considered by the MSC to be beyond the scope of the programme – these aspects, particularly, can lead to a lack of support for a certified fishery from local stakeholders who may feel that their concerns are not addressed.⁹³

Additionally, they felt that the while the MSC language was weak in critical areas, allowing the certifying organization overly broad latitude in determining compliance on the part of the industrial actor seeking certification was irresponsible. To counter these weaknesses Greenpeace developed an independent guide to sustainable seafood policy—

⁹¹ Bonanno & Constance 2008, p. 208.

⁹² Organic Consumers Association 2007 quote, cited in Auld 2014, p. 212.

⁹³ Greenpeace 2009(b).

stating that the long-term goal for their marine campaign is for “40% of the oceans to be designated as marine protected areas and the other 60% to have sustainable fisheries”.⁹⁴ They offered this up to retailers who were seeking to improve their purchasing practices in a way that would encourage greater sustainability—beyond the criteria already established by the MSC.

The National Fisheries Institute questioned several component parts of the MSC. *One*, they questioned the merits of eco-labeling. Previous eco-labeling schemes based around specific species (namely dolphin-safe tuna and shrimp) had arguably little impact on the protection of the species. *Two*, they questioned whether or not the MSC was not merely a “first-world” institution attempting to impose its methods on the global South.⁹⁵ *Three*, they saw the MSC model as inherently un-democratic, and thus providing a mechanism by which important decisions could be made—affecting vast populations—by only a small group of actors.

The Response of Industry

Many industrial actors also saw the MSC as overly burdensome, and, moreover, too beholden to their ENGO supporters. In response they developed independent policies and standards. Whole Foods developed an independent policy that they implemented to guide their purchasing practices in 2006. Through this policy program they aimed to reform the practices of their downstream suppliers. Friend of the Sea (FoS) also

⁹⁴ Greenpeace 2009(b).

⁹⁵ Bonanno & Constance 2008, p. 200.

developed to rival the MSC. Its program officially launched in 2006 in direct response to the MSC program, which was perceived overly costly and/or controversial.⁹⁶ There were statements made by fisheries managers stating such, for example, in a statement made by the British Columbian Salmon Marketing Council, they made clear that the reasons for selecting FoS was that they were more lenient on standards.⁹⁷ In order to counter the accusations of leniency, the FoS claimed to be implementing Greenpeace's own criteria for sustainable fisheries. However, Greenpeace did not endorse the program citing numerous shortcomings in its rules that undermined their credibility.⁹⁸

Conclusion

The next chapter will take a deeper look at how these different programs compare on the core issues for two main purposes: 1) to show how the MSC came to define the standard of what sustainable fisheries looked like; 2) to show how other actors came to define themselves in relation to the MSC. This will shed light on the greater point trying to be made in this chapter that—through strategic articulations, the MSC positioned itself in-between networks in order to generate the private authority necessary to govern privately. While the MSC had no real material power by which to govern, they were able to create a system of rules that were followed by materially more powerful actors. While there was indeed structural/material factors, as well as individual attributes possessed by

⁹⁶ Auld 2014, p. 214.

⁹⁷ Ibid.

⁹⁸ Ibid.

the MSC, that facilitated their ability to govern by wielding private authority, there are broader social factors at play which were instrumental in facilitating this process.

As was the case with the FSC, the MSC program emerged during a historical period wherein there was a broader transition toward networked forms of governance. As a result of this transition new forms of authority developed that could be leveraged through strategic articulations employed to define the contested political space that was *fisheries*. In the case of the MSC, it was defining what sustainable fisheries would ultimately look like. For it was the outcome of this debate that would essentially define this contested political space in lieu of the transfer of authority from public to private enterprise. Several competing organizations emerged in this space but it was the MSC that became the most pervasive, in spite of its materially inferior position to many of its competitors. As well as its morally inferior position to competitors that emerged within the ENGO network. Understanding these issues, the MSC strategically negotiated a position within the broader environmental discourse in-between the two networks. Beyond establishing a revolutionary management system that was unprecedented in its form within the fisheries sector, the MSC took middle positions on the most controversial issues. Petitioning actors across both the ENGO and industry network for their input so as to better understand where exactly the middle position was. Understanding this, they crafted a fisheries management system that was heavy in preservation discourse, but in practice was less restrictive than it seemed from the language. For example, mandating that the long-term safety of affected workers be taken into consideration but not developing a framework, nor assessment model, to show that those being certified were actually doing so. This takes the preservation sentiment of considering the social effects

of fisheries into consideration when deeming them sustainable, yet employing environmental economism practice that did not consider managing these effects as part of the responsibility of fisheries. Another example was articulating their program as one that certified fisheries as ‘sustainable’ alluded to a results-based program that maintained strong social, ecological, and economic components. However, in practice, the MSC only required 80% conformity to their program requirement, without independent assessment criteria. Furthermore, there was no requirement placed on those certified to show that progress was in fact being made toward rectifying shortcomings discovered during the certification process.

It was through this strategic manipulation of discourse that the MSC was able to socially position itself in-between networks, and ultimately connect them. The discourse of the MSC lie in the articulations of its principles and criteria, and the practices promoted through these. These reflected, as discussed throughout this chapter, a compromised middle position along all of the major points of contention between networks. In crafting this program in such a form, the MSC sought the counsel of key parties across networks to find such a compromised position that could satisfy both sides. Knowing that the two sides were so far apart, the only solution was through vague language that appealed in varying ways to each side. By being vague and creating new, compromised meanings for different physical objects and practices, they were able to construct a middle position where both sides could justify themselves to constituents. Using the language of their own discourses, without threatening their identity. In this process we see that the MSC did not generate moral credence through devotion to a cause, or to a certain set of core principals. Nor did they possess some novel expertise

that made them invaluable. Rather, they were the most proficient at manipulating language to develop a compromised middle position, that opposing networks could buy-into. It was from this middle position that they then were able to generate private authority that was rooted in the ability to transfer identity across networks, giving actors across networks a sense of having a stake in the certification process, and their construction of a nodal point around which others converged and came to identify themselves. The next chapter will further explore the position of the MSC through a comparative analysis of the contending programs, across networks.

CHAPTER VIII: THE MSC AND THE EXERCISE OF PRIVATE AUTHORITY

Understanding Private Authority

To substantiate the claims made in the previous chapter, this chapter will take a closer look empirically at several competing fisheries certification programs (from both the ENGO and industry networks). An emphasis will be placed on practices, as practices are a core component of this dissertation's adoption of a thick interpretation of discourse. As previously discussed (chapter 6), practices structure politics by giving meaning to actions taken.¹

In the case under study it is being argued that much of the MSCs private authority came from the practices it developed which evolved into anchoring practices. For it was these practices that came to define sustainable fisheries management, or what acceptable fisheries management came to look like. Through an extensive analysis of the literature on fisheries, eleven anchoring practices were identified which, arguably, came to define sustainable fisheries management. The positions the major certification schemes held with relation to these practices would come to define the practice as a whole. Therefore, the political struggle to define the field was in many ways embodied in shaping these anchoring practices, and in defining these practices, and giving meaning to them—most importantly those that would be considered legitimate and which would not. The eleven critical practices are as follows:

¹ Adler and Pouliet 2011 [Kindle Edition].

1. Certification type (First-party / Second-party / Third-party): First-party certification consists of an internal assessment by the organization itself to determine whether it is meeting certification criteria. Second-party is an assessment by a customer or outside trade organization, and third-party certification is an assessment by a professional, outside certifying agency whose analysis is based on a set of accepted principles and standards.
2. Certification approach (Systems-based / Performance based): Systems based approaches certify that the actor being audited has developed and adopted a management system conducive to environmental monitoring and improvement over time. It often includes promises to work toward goals and showing progress as satisfying requirements. Thus, it is focused on process and not outcomes. Performance based approaches certify that the actor being audited is meeting the specific performance requirements agreed upon, or in other words, outcomes. It includes an ecological and social component.
3. Chain of custody (Yes / No): The chain of custody includes the process of tracking fish as they are harvested from a specified marine area, through the various distribution mechanisms and manufacturing processes to which they are subjected while being transited from sea to plate. This criterion essentially requires actors to ensure that the product is being properly managed throughout its entire chain of custody.
4. Consultation body for interested parties to petition (Present / Not Present): This practice considers the organizational structure of a standard setting body and whether it includes a consultation forum for interested parties to raise issues and

have them addressed. Additionally, it looks at its procedural rules for standard setting activities in order to determine whether or not it contains a mechanism for the resolution of disputes or complaints.

5. Auditing and Inspection (Regular monitoring / self-monitoring / response if prompted via complaint): This criteria is premised on whether the certification procedures: 1) require certification bodies to regularly monitor certified fisheries and conduct regular audits to ensure continued abidance to standards, as well as to monitor progress; 2) only require notification from the certified body to any changes made to management structures after initial certification; or 3) only require monitoring in the case of a complaint lodged or major change to the organizations structure.
6. Target Stocks (Target species only / Related species as well (e.g. bycatch)): This involves whether or not a certification scheme involves placing contingent requirements on the certified based on sustainability that include just the target species in question, or all species impacted by fishing practices (including those that are fished out as part of bycatch). Additionally, does the certification program allow for the targeting of fish from depleted stocks?
7. Ecosystem impacts consideration (Effects on wider ecosystem considered / Only particular fish stock): Ecosystem impacts are covered under the general understanding that fishing must take place in a manner that mitigates potential impacts on the wider ecosystem. In other words, is the full ecological role of the stock taken into consideration, or just its individual level of sustainability? The former meaning the role of the fish within the larger ecosystem is taken into

consideration holistically, with the latter meaning whether the quantitative level of the stock (and whether that number indicates a threat to the population) is the only consideration.

8. Size and scale of fishery operations (Small / Large / Both): Namely, should certification be focused on small-scale community fisheries, or large-scale industrial fisheries?
9. Protests and Boycotts (Acceptable / Not acceptable): Are protests and boycotts acceptable as a form of action to be taken in the case that the certified does not abide by the established rules?
10. Eco-Label (Ecolabel / On-pack label / No label): Whether or not the program carries an eco-label (signifying having undergone a full certification assessment), which is an on-pack label indicating efforts at attempting to achieve an established standard.
11. Consideration of social component to certification (Yes / No): This criterion considers whether or not the certification program is structured to favor certifying industrial fishing operations or artisanal fisheries that sustain local communities. The latter are favored by ENGOs as they are considered to add to the fabric of the local community and consider local needs, along with workers' rights. The former are thought to deprive local communities of fish stocks and challenge traditional forms of living.

This chapter will proceed by first discussing the major private governance schemes constructed by the ENGO network, with a focus on their positions relating to

these practices. These ENGO private governance schemes emerged prior to the development of the MSC and came, in many ways, to define what private governance initially looked like.² However, in that form, it was unacceptable to most of the key industrial actors. Under these schemes only the most eco-conscious industrial actors, already practicing sound sustainable fisheries management, could possibly be certified.³ The bulk of industrial actors interpreted the emerging criteria as overly restrictive and threatening profitability. As a result, none of these programs gained much traction. It was not until the MSC emerged and re-defined sustainable fisheries management, in a way that was amenable to both industry and ENGOs, that a consensus emerged around sustainable fisheries management as defined by the MSC.

Several ENGO private governance schemes also emerged after the emergence of the MSC, in order to challenge what was considered lax standards and limited participatory mechanisms.⁴ Industry was all the while skeptical of the MSC as it represented an organization heavily influenced by an ENGO—the WWF. As a result, it was thought likely to require unreasonable demands on industry, such as buy-in from local fisherman, full chain-of-custody tracking, and frequent performance-based assessments. These requirements were considered by industry to be onerous burdens that threatened profitability at unacceptable levels. As a result, none of these programs gained much traction. It was not until the MSC developed a P&C that was acceptable to both sides

² Bonanno & Constance 2008; Ponte 2012; Auld 2014.

³ Auld 2014.

⁴ Greenpeace 2009b; FSIG 2009; www.friendofthesea.org - 2009 Press Release; Froese & Proelss 2012.

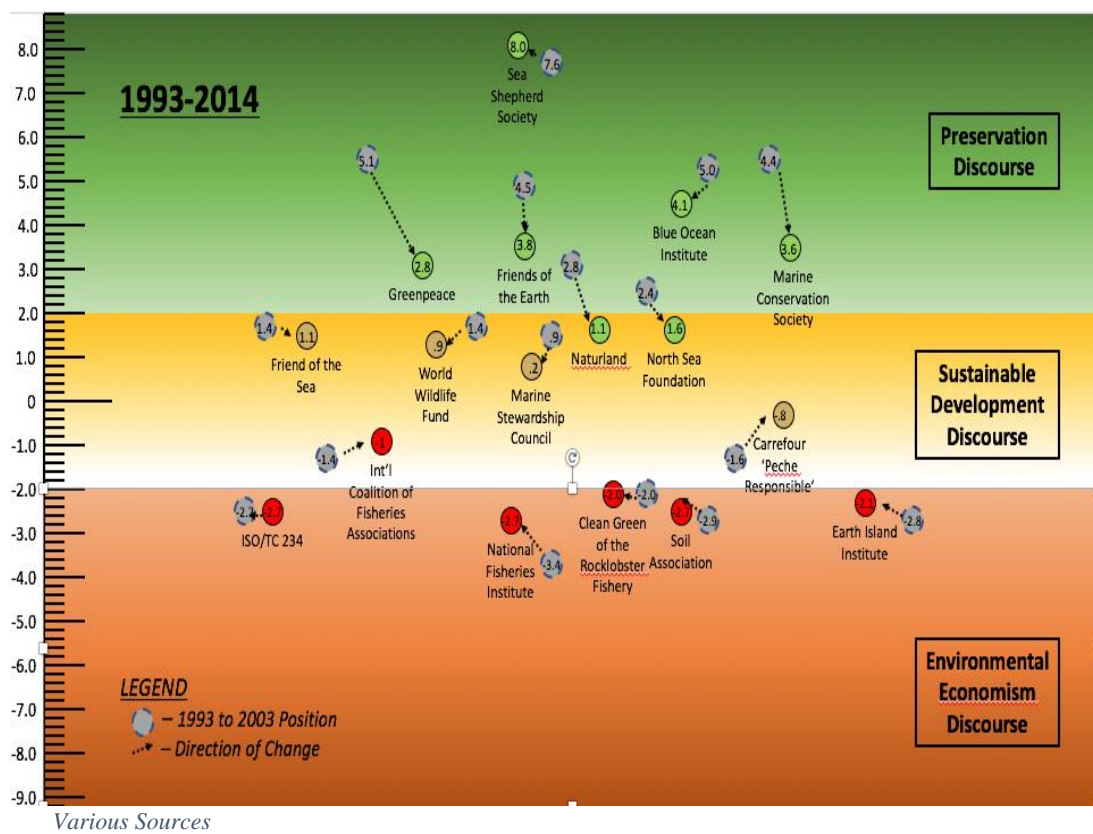
that they began to proliferate rapidly and become the most prevalent sustainable fisheries certification program. It was through this program that a consensus emerged around sustainable fisheries management, and where interests and identities converged around this concept, as defined by the MSC.

As it is language that gives birth to practice, before moving into an analysis of practice, it is important to first provide a frame with regard to language. Extensive content analysis was carried out looking at public documents and statements made by relevant actors—regarding fisheries—during the period 1993 – 2003 (pre-emergence of MSC). It was also carried out for those same organizations during the period of 2004 – 2014. The results are graphically presented in Figure 10. It becomes apparent that there was a general convergence in the overarching discourse closer toward a middle-position, carved out by the MSC. I argue that the language of the MSC program drew both sides closer to an acceptable position within the sustainable development discourse. It was this position that gave meaning to practices and defined what was (and what was not) acceptable as part of the greater practice of sustainable fisheries management. Examining this table in parallel with the historical developments discussed in the previous chapter (illuminated via process-tracing), it seems that the emergence of the MSC was the key variable influencing such a convergence. For, as discussed in the literature, it was the emergence of the MSC that sprouted a majority of the competitor programs led by industry.⁵ A turn to an analysis of the practices identified earlier will substantiate this claim. The ENGO private governance programs will be analyzed first—

⁵ The argument that both ENGOs and industry reorganized their positions toward certification and sustainable fisheries as a result of the MSC has been made by several scholars to include: Bonanno & Constance 2008; FSIG 2009; Ponte 2012; Auld 2014.

based on the nine criteria discussed above. This will establish the initial shape of private governance programs and show the detailed practices of these early programs. I will then introduce the MSC program and follow that with an examination of industry-backed programs.

Figure 10. Comparative Content Analysis Showing Convergence (MSC).



ENGO Network

Friend of the Sea

Friend of the Sea (FoS) is an independent non-profit ENGO (founded in 2006) that is dedicated to the “conservation of marine habitat by means of market incentives”.⁶ It provides information, mainly to consumers, through labeled products (eco-label) in supermarkets and through their website. It also provides information to industry at various meetings and conferences. The program is a voluntary, market-driven scheme that certifies fisheries worldwide (in both developed and developing countries) through a 3rd party certification program. It maintains a chain of custody requirement that states parties are to be audited on-site and maintain documentation on chain of custody for one year. Reports are run on all documents where possible. Beyond 3rd party certifications, the FoS also maintains a *Seafood Watch Guide* to inform consumers as to the sustainability of different industrial producers and notifies them of the quality of the choice they are making when selecting specific seafood.

FoS is governed by an advisory board made up of ENGOs and seafood consultants who establish certification criteria and also provide strategic advice. The standard-setting procedure is established by a 26-member Technical Committee that is open to any interested and related party to apply for membership on the committee. It is composed of representatives from a range of organizations that include ENGOs, research institutions, and the seafood industry. Standards are premised on the ‘precautionary principle’. The system did not originally include an active consultation process for

⁶ www.friendofthesea.org.

stakeholders. An objections procedure was available, post-certification, for stakeholders who disagreed with the certification decision. However, this required the objector to pay the costs of the objections committee to investigate and mediate the objection. In 2009, this changed, and a mechanism was introduced wherein objections could be raised prior to the certification decision.

With regards to the certification program, they have strong ecological, social, and economic components to them. Ecologically, while any fishery, targeting any species, can be assessed, and potentially approved, there must include a fish stock status determination of the species in order for certification to take place. The criterion is that “the fishery targets a stock which is not considered to be ‘overexploited’ according to the FAO”.⁷ Species that do not have such a state of exploitation determination (done by either the FAO, a Regional Fisheries Management Organization or national marine research agency) are considered data-deficient and cannot be certified. Additionally, the certified must have a fishing practice that does not include any bycatch species listed under the IUCN Redlist; does not discard more than 8% in weight of the total catch; and that fishing methods do not impact the seabed. FoS also assesses specific issues related to the operations consideration for the wider ecosystem. They assess impacts on the seabed; implementation of marine reserves; potential impacts on sensitive areas or habitats; threats to biodiversity, productivity and structure and function of the ecosystem; ETP species; predator-prey relationships; selectivity/bycatch; fuel efficiency and carbon

⁷ www.friendofthesea.org.

footprint; and waste management, all on a ‘pass/fail’ basis. Recertification is required every 3-5 years.

There is a strong social component to the FoS system—deemed ‘social sustainability’. This component includes requirements that human rights be respected, International Labor Organization conventions be respected, fair wages are paid, health and safety measures be applied, and that employees be provided access to adequate healthcare where possible. An additional layer placed on industrial actors seeking certification is a ‘carbon footprint requirement’. This requires that those being certified engage in ‘carbon footprint’ assessments no later than 12 months after certification, and purchase carbon offsets to account for carbon over 20% of annual production.

The FoS originally began as a ‘buyer’s guide’ program in 1997 called *Seafood Watch*. It assessed the impacts on marine ecosystems from fisheries and provided recommendations on which were the best to buy from based off of best practices ratings. This elicited criticism from industry (the National Fisheries Institute – a seafood industry trade group) due to its “confusing and contradictory” nature and seen as an irresponsible program that was not informed enough to judge industrial fisheries.⁸ However, in response to the private governance model in fisheries spearheaded by the MSC in 1999, the FSO quickly began to transition into a certification program and ultimately a full-on accreditation organization. They sought to compete with the MSC by providing a broader and more comprehensive alternative. Therefore, they included a more restrictive interpretation of what sustainable fisheries were to look like. Since the MSC did not

⁸ National Fisheries Institute 2008.

specifically define sustainable fisheries in language, it can be seen through the practices selected and the breadth of such. The FoS included a strong social component to their certification program—something the MSC program did not address directly through their program. They also held a more rigorous target stock requirement than the MSC, closing loopholes allowed by the MSC and having a more restrictive bycatch policy. They included a carbon footprint requirement as well—deeming it an essential part of any certification program considered to be sustainable. This requirement was something that the MSC program lacked altogether. Furthermore, they sought to certify a greater number of small-scale community fisheries, as well as fisheries in the southern states of the world. Both of which the MSC was accused of neglecting.⁹ Yet, and the important point is, the FoS program was built in response to the MSC. Whereas the FoS once only managed a buyers program, they develop an MSC-style program with more restrictive measures along key certification guidelines.

Naturland

Naturland is an independent certification organization that originally began as an organics standard-setting scheme in 1995, but ultimately developed into an ecolabelling certification program (also in response to the development of the MSC). Naturland relies on 3rd parties to conduct certification to their standards, and maintains a strict chain-of-custody tracking system. They also require annual recertification. Naturland does not

⁹ Ponte 2012.

have its own procedure for accrediting certification bodies, instead accepting any ISO 65 accredited certification body.

Naturland defines sustainability as “a holistic concept...including the ecological, social, and economical dimension of fisheries”.¹⁰ Further defining these dimensions as follows:

Ecological sustainability requires that not only the stock of target species, but also the other components of the ecosystem are maintained in their integrity. An additional aspect is safeguarding fish as a high- value food item, not impaired by environmental toxins or critical processing methods, additives etc. Social sustainability of a fishery means that the persons involved encounter fair working conditions, and that livelihood of the wider society is not negatively impacted. Economical sustainability demands that the marketing of fishery products facilitates stable links between the members of the value chain, characterized by mutual responsibility and commitment”.¹¹ Based on these guidelines, Naturland has developed internal standards that claim to represent “sustainable” practice, of which they define in terms of “ecological, social and economic sustainability”.¹²

What sets Naturland apart from other certification schemes is that beyond its general criteria for fisheries (see Table 7) it requires that each particular certification project be assessed by a team of experts (represented by scientists, fishing authorities, ENGOs and industry), based on local conditions. Therefore, specific criteria for each fishery are developed. Naturland then provides these criteria to the fishery and request they fill out a questionnaire. After this questionnaire is complete an independent investigation is conducted before the decision for certification is made. Audits are

¹⁰ www.naturland.de/en.

¹¹ Ibid.

¹² Ibid.

carried out annually based on performance. With regards to social standards, Naturland maintains a rigorous system where these standards are observed throughout the entire processing chain, guaranteeing fair and modern working conditions for all laborers. Social programs already enacted by the project include an adult education program, HIV awareness, HIV testing, health programs, lake safety, fair trading, a clean and safe drinking water program, a children's amusement program, an antimalarial program, sustainability awareness and a fish landing sites upgrading program. Naturland has an open consultation system with stakeholders involved through the expert group that determined the standards per project. Naturland publishes the inspection report and allows for transparency and feedback before a certification decision is made.

Table 7. Naturland General Criteria for Wild Capture Fisheries

Environmental criteria include the following requirements:

- Fisheries must be undertaken to maintain the integrity of ecosystems;
- The fishery must not lead to overfishing;
- Management must implement the standard requirements.

Social criteria include the following requirements:

- Fair working conditions for fishermen (e.g. adequate board and lodging; access to banking services; access to health care, schooling and transport possibilities).

Economic criteria include the following requirements:

- Fish prices must be transparent along the value chain.
-

Much as was the case for Friend of the Sea, Naturland began in 1995 as a standards setting scheme for organics. However, it's certification program for

fisheries emerged in 2005, in response to what it saw as a weak MSC program that lacked sufficiently restrictive criteria to certify programs as ‘sustainable’.¹³ While it mirrored the program to look much like the MSCs in form, it expanded upon the social mandate to protect workers, local communities, and at-risk segments of the population (women/children/etc.). Furthermore, it required adherence to customized restrictions based on local conditions rather than a generic criteria that could be broadly interpreted by certifying organizations. This gave local community fisheries, as well as those in southern (developing) countries greater consideration and accessibility to certification. In the process making certification more difficult for larger scale fisheries. Furthermore, there was an economic component which targeted pricing to ensure fair prices to the developing world.

Greenpeace

While Greenpeace does not maintain a certification program with associated eco-label, they provide an international list that rates fisheries from around the world. They single-out those that are deemed unsustainable on what they call their ‘Redlists’. They assess fisheries based on internal objectives in order to determine sustainability ratings.

They define sustainable as:

A sustainable fishery is one whose practices can be maintained indefinitely without reducing the targeted species’ ability to maintain its population at healthy levels, and without adversely impacting on other species within the ecosystem – including humans – by removing their food source, accidentally killing them, or damaging their physical environment.¹⁴

¹³ Organic Consumers Association 2007.

¹⁴ www.greenpeace.org.

Sustainability assessments are based on both primary and secondary information. Results are not published but are available upon request. However, guidelines are publicly listed, as are reasons for rating certain fisheries as unsustainable. Therefore, any fishery that makes the aforementioned 'redlist' is provided a roadmap by which to remove themselves from the list. Furthermore, those not supported have the opportunity to be informed as to the requirements for making the Greenpeace list. Thus, Greenpeace makes private rules that need to be followed in order to be placed on a sustainable list, and/or to avoid being targeted by placement on a 'redlist'. Therefore, they can be considered a private governance organization.

The focus of this listing effort by Greenpeace is to identify fisheries that are operating unsustainably in either their fishing practices and/or harvesting wild capture fish that are at risk or over-exploited. Greenpeace will conduct independent investigations to verify their claims and do not necessarily require the consent of the target of the investigation. They also include a strong social component to their criteria, asking if the operation has been associated with human rights abuses, poor workers' rights, fishing community access rights and certain gender and wage issues. Their assessments are performance-based with regards to management systems and they maintain a rigorous monitoring system ensuring continued compliance (or non-compliance) with the Greenpeace sustainability criteria. The latter of which includes a criterion for target stocks, ensuring that select species are not being overfished, as well as for broader ecosystem management. For those found to be operating beyond their definition of sustainability, Greenpeace often uses a slew of publicity tactics in order to

pressure offenders to take action, i.e. demonstrations, media articles and other activities that can garner public attention to their cause; beyond merely being placed on list.

Marine Stewardship Council

The MSC is an international, independent, non-profit accrediting organization that sets standards to be assessed by third party certifiers. The MSC program is completely voluntary and market-driven. Those certified successfully are then licensed to use the MSC sustainability eco-label on their products. The MSC also maintains a separate standard for chain of custody certification to ensure integrity of supply chains. It proclaims its vision to be seeing “the world’s oceans teeming with life, and seafood supplies safeguarded for this and future generations,” as well as to “use our ecolabel and fishery certification program to contribute to the health of the world’s oceans”.¹⁵

While the MSC does not provide a specific definition of ‘sustainability,’ they consider adherence to their standard as qualifying an operation ‘sustainable’. The standard is premised on three principles (see Table 8). Each principle is complimented by a series of criteria which essentially lay out the requisite practices that are part of maintaining the integrity of each principle. Principle 1 ensures that the industrial actor seeking certification is not targeting stock species categorized as *overfished* or *over-exploited* by the FAO. If so, they must show that they are actively taking measures to ensure stock recovery. If a *depleted* stock is being fished, then the actor cannot seek

¹⁵ www.msc.org.

Table 8. Three Guiding Principles of the MSC

Principle 1: A fishery must be conducted in a manner that does not lead to overfishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

Principle 2: Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends.

Principle 3: The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

certification. Principle 2 reflects the MSCs commitment to protecting the wider ecosystem by demanding the certifier take the broader health of the ecosystem into consideration beyond just the target species. By focusing on the ecosystem, the MSC covers the impacts of the entire catch operation, as well as the shipping from the vessel to the supplier. Principle 3 reflects the MSC commitment to performance-based, holistic management systems. Included in this system are relevant sanctions to deal with non-compliance. However, standards are implemented based on a scoring system which allows operations to achieve certification with a score of 80/100 or above. Meaning that non-compliance may be sanctioned by that does not necessarily mean non-certification.

The MSC defines sustainable fish stocks as fishing at a level that allows fishing to continue indefinitely by not overexploiting the resources.¹⁶ It measures such through an

¹⁶ www.msc.org.

internally generated assessment scheme deemed the Fisheries Assessment Methodology (FAM), which establishes reference points at which fish stocks are at risk of having their reproductive capacity impaired. If a stock is below the reference point it cannot be certifiable by the MSC. If it is above the reference point, but below what the MSC deems a “target reference point,” it must show that it has a plan to surpass that reference point.¹⁷ This is part of the MSC’s wider performance-based management strategy to force those seeking certification to show that they are addressing the impacts of their practices that are likely to have the ‘most serious’ consequences for the target stocks and the wider ecosystem it depends on. The required indicators include retained species, bycatch species, endangered, threatened and protected (ETP) species, and habitats and ecosystems. The MSC also requires that fisheries seeking certification follow local, national, and international laws and have management systems that are not only performance-based but also responsive to changing circumstances.

The MSC extends the concept of sustainable into considerations of the wider ecology. The standard sets requirements for habitat and non-target species protection at the level of avoiding “serious or irreversible harm”.¹⁸ Continuous improvement is generally not required however. This type of requirement, and the associated requirements for data collection and management aimed at preventing serious or irreversible harm, arguably does not reflect a commitment to continuous improvement on the part of the MSC. Nor

¹⁷ MSC 2002.

¹⁸ www.msc.org.

do they generally reflect progress in fisheries management.¹⁹ It has also been argued that the standard does not require sufficient proactive collection of data or impact assessments.²⁰ Additionally, as a result of the standard's practice of defining and operationalizing key terms and requirements, and of providing scoring guidance, it may be more difficult for the actor seeking certification to respond to advances in fisheries management guidance in a timely manner—at least comparatively to other schemes. But because certified fisheries are forced by the MSC to go beyond just having the right documents and systems in place for certification, and because they must demonstrate proof of application through regular on-the-ground audits, this puts the program ahead of others such as ISO certifications.

Despite these more rigorous fish stock and ecological considerations, the MSC surprisingly has an only marginal social component to their program. While they recognize the need to observe and respect the long-term interests of people dependent on fishing for food, few socio-economic aspects are considered in the MSC plan. The sole principle the MSC considers that is related to social impacts can be interpreted as mandating that a framework for protecting legal and customary rights exists. But this does not include an assessment of the effectiveness of the framework. Furthermore, issues involving allocation of quotas and access to marine resources are considered by the MSC to be beyond the scope of the program—invariably leading to a lack of support for a certified fishery from local stakeholders who tend to feel that their concerns are not

¹⁹ FSIG Report 2009.

²⁰ *Ibid.*

being sufficiently addressed. However, while not considered within its scope by the MSC, other sustainability and/or ethical certification systems, such as Friend of the Sea, Greenpeace, and Naturland, do include extensive socio-economic considerations.

The MSC does operate a rigorous chain of custody procedure that is premised on ensuring that the certified fish under their label are not intermixed with other non-certified fish that enter into circulation throughout the supply chain. All fish covered under the MSC scheme must be stored properly and come with detailed paperwork. The MSC certification is valid for 5-years and is subject to on-going auditing to ensure compliance. Related certification reports are subject to peer and stakeholder review and an objections procedure is available for those seeking to challenge findings. All materials are posted on the MSC website for review, reflecting the MSC declaration to operate under full transparency. Altogether, employing the aforementioned Fisheries Assessment Methodology (FAM), the MSC scores fisheries on a 100-point scale across 31 performance indicators. Those surpassing a score of 60 are considered sustainable, and thus certifiable. This practice is highly controversial and has drawn the ire of much of the ENGO community. The reason being that this 60 point requirement allows for practices considered 'unsustainable' to continue on—including the fishing of depleted stocks and endangered species.

Overall, the chain-of-custody requirements, as well as the documentation and testing required to prove compliance with performance indicators, makes the MSC program prohibitively expensive for small scale/community fisheries. Additionally, the MSC charges up to US\$20,000 to file a complaint related to final certification judgments. They also place constraints on the type of complaints that can be filed, making it doubly

expensive for smaller fisheries. Therefore, the bulk of MSC certified operations are large-scale industrial fisheries.

Through such an approach, it can be seen that while the MSC does in fact speak a language that alludes to a strict certification program, it may not necessarily do so in practice.²¹ This puts the MSC in-between the competing networks. Strategically weaving a program that can cater to both networks, without existing squarely in either one. The ability to maintain the support of the ENGOs is critical because it is the symbolic power that comes from these groups that industry seeks. This power is generated by ENGOs serving as symbols to consumers and politically-active citizens as protectors of the environment. Their approval can legitimate any organization as being environmentally responsible. However, having too close of a relationship with any perceived industrial actor whose practices harm the environment can de-legitimize ENGO actors. Therefore, the MSC serves as a bridge. Speaking a language of preservation that appeals to the ENGOs, thus not challenging their identity, while promoting a range of practices derived from that language that give actors great latitude. This allows industry to accept the language of the MSC program, as it does not threaten their identity and status as profit-oriented firms.

In this we see that the MSC has no independent source of authority or power. Rather, its power is generated through position. As a network connector, they can transfer the symbolic power of the ENGOs to industry (via the MSC logo) and provide a seat at the table to ENGOs.

²¹ As argued by FERN 2001; Counsell and Loras 2002; Greenpeace 2008; WWF 2014.

Even so, the question still remains, what separates the MSC program, or what draws industry to the MSC, despite the existence of competitor programs backed by industry? To explore this the chapter this dissertation now turns to examining industry-backed certification programs.

Industry Network

Clean Green of the Southern Rocklobster Fishery

This industry organization developed its own eco-label under the *Clean Green* scheme. The program sits at some point in-between an eco-label and a self-declaration scheme. The fishery owns the label but the standards are audited by an independent organization that does not have to satisfy any particular accreditation requirements.²² Thus, the product is considered a 2nd party certification scheme. The product certification standards do however contain environmental, social and animal welfare components. Additionally, individual lobsters branded with the Clean Green Trademark are traceable from point of harvest to the point of consumption. In other words, each individual lobster is tagged and traced through the supply chain (pot to plate). The program addresses sustainability of lobster stocks, bycatch and environmental interactions. Throughout the supply chain process, animal welfare is said to be taken into serious consideration, particularly that of rock lobster, seals, whales, and sea lions. Environmentally, the program removes environmentally unfriendly practices such as the use of plastic bait box straps, manages responsible disposal and recycling of marine wastes, and an examination

²² WWF 2009.

of the feasibility of including carbon and/or eco-footprint in to the Clean Green certification program. The social aspects of the program however, are limited to workplace and food safety. It does maintain an open system of participation through a consultation body for interested parties to petition or discuss any issues with the program.

Fundamentally, the program serves as an “industry vehicle to train and maintain industry operations at the world’s best practice standards”. Furthermore, according to a 2009 WWF analysis:

[T]he program allows industry to demonstrate to government, community environmental groups, consumers and the marketplace, that the industry is organized and mature enough to address its responsibilities and interests through an industry managed and independently audited, standards-based program.²³

It’s mission is to “have an industry culture that recognizes providing customer value as underpinning success”; “be an internationally recognized brand that is renowned for its quality, taste and value”; “employ new processes and practices which enhance the development of a profitable industry for all members”; and “generate sufficient profit to add value to the whole of the industry”.²⁴ Within such a capacity Clean Green of the Southern Rocklobster Fishery (CGoSRF) approaches its eco-label program from a systems-based approach—assessing that practices are in place but not assessing the feasibility, effectiveness, nor sustainability of such practices. As an industry group, the CGoSRF focuses its efforts at large-scale industrial actors whom it serves.

²³ WWF 2009.

²⁴ www.southernrocklobster.com/cleangreen/default.aspx; www.jas-anz.com.au/; www.sai-global.com.

As seen through its mission statement, the CGoSRF is firmly within the environmental economism realm of language and practice. Its program is aimed at improving environmental practice only insofar as that improves brand image and value for its clients, with the end-state goal being profitability. Its lack of an accreditation process to accredit the organizations doing the assessments makes the CGoSRF a generally weak scheme. It does not maintain rigid standards, nor does it have a persistent evaluation process to re-certify members. It mainly requires written confirmation from the certified that there has been no change to practice. Thus, while CGoSRF does consider ecological, social and economic impacts, the latter two are only considered nominally.

Carrefour Peche Responsable

In 1992 Carrefour initiated a certification scheme through what they called Carrefour Quality Lines (CQL). This program consisted of the identification of products on the basis of specific quality attributes and those identified were certified and marketed with labels acknowledging such. The CQL program covered various aspects of broad sustainability targets. Carrefour maintained that it included safety, environmental protection, and the socio-economic development of the regions wherein Carrefour operates. In 1997 Carrefour also introduced the *Carrefour Bio Line* for organic products. Products under this label were certified by ECOCERT, an independent certification body. Operating much like that of CGoSRF, this program does not accredit the certifiers. Rather, it selects its certification body based off of perceived expertise and then allows them to certify without Carrefour validating the findings. Thus, the program is a 2nd

party certification scheme. It's defacto certifier (ECOCERT) uses a systems based approach to make sure that systems are in place but does not assess results, nor follow-up on performance based indicators. In 2004, Carrefour extended this program to include fisheries through an initiative called *Responsible Fishing, or Peche Responsable*. This program guaranteed optimal traceability and stock management as well as respect for the ecosystem. The *Responsible Fishing* standard came to be based on their own innovative approach for organics deemed *Hazard Analysis and Critical Control Points (HACCP)*, which they then adapted to fisheries management. The program only targets the species that are identified and thus does not require bycatch criteria to be considered. While it does include bycatch criteria indirectly, through its practice mandates, it does not specifically contain bycatch requirements in its program.

The program is focused on providing a private specification on the means by which the fish was caught, stored, and transported to vendors. The purpose of the program is thus not to create a systematic approach to assuring that sustainable practices are developed, and become permanent, but rather to “raise other economic players’ and consumers’ awareness of improved standards”.²⁵ The goal is essentially to achieve commercial and economic success, while acknowledging and managing social and environmental responsibilities. The scope of the program is to guarantee the conservation of fish stocks and protecting the environment as well through controlled requirements and maximum traceability (although Carrefour does not require a chain-of-custody). The priorities are: “general act of CO2 emissions reductions through regulation

²⁵ WWF 2009.

of energy consumption”; “preserving biodiversity and natural resources through a policy of responsible sourcing”; “promoting responsible production methods and reducing waste”; “fostering methods of ‘sustainable consumption’”; and “promoting and developing environmentally friendlier products.”²⁶ The program also maintains a strong commitment to social considerations, but the focus is on workers’ rights rather than on fishing communities.

ISO/TC 234

This is an industry-backed program that claims to promote the sustainable development of the fisheries and aquaculture sectors; develop specifications for technical equipment adapted to the local environment; improve surveillance and management of marine resources; enable international agreement on sampling methods; improve the safety of employees and establish a common terminology.²⁷ Beyond its claims to sustainability, the program is designed to remove technical barriers to trade by creating a widely applicable standard that can be widely applied.²⁸ ISO is a voluntary, 3rd party certification program that seeks standardization across economic sectors. In this case, it is seeking to standardize practices across the fisheries sector. The approach is performance-based, as it seeks to certify against certain performance indicators that validate practices to standard. However, it does not require a chain of custody

²⁶ <http://www.carrefour.com> - Commitment to the Environment.

²⁷ www.iso.org.

²⁸ Ibid.

requirement, nor does it contain a robust social component to its standards—it only requires that employee safety be taken into consideration. As a standards program that does not require follow-up assessments, it is more accessible to small-scale fisheries than some of the other programs discussed, yet because of the technical specifications, it is often beyond the capacity of smaller, less-developed fisheries to meet the standards. The standards are developed around specific target species and there is no direct requirement with relation to bycatch. Certain practices that are designed to limit unnecessary bycatch are promoted as part of ‘better practice,’ but there are no direct, clear specifications with regards to bycatch. Such an approach is obviously favored by industry as it is far less restrictive and allows industry much greater latitude in following the broad standards established. The focus of the program is ensuring continued fish stock accessibility for industry, without undue risks to profitability. There is no allusion to preserving the environment for any purpose other than to ensure the continued exploitation of profitable fish stocks in perpetuity.

Much like in the forestry sector, the ISO TC 234 program actively attempted to remove the concept of ‘sustainable fisheries management’ from the standardizing process. Reason is that this idea represented to all that was incumbent in the sustainable discourse, with the philosophical undertones of the preservation discourse. Such language, and the practices it articulated, concerned an industry that did not feel the need to consider social or wider ecological matters in their business operations. Schemes that promoted these more conservative practices aimed at wider ecological protection were seen as overly restrictive and intrusive. They threatened profitability without sufficient hard evidence to back such claims. ISO performance-based standards were preferred

because they restricted the concept of certification to only industry operations on the ground. This led to a focus exclusively on production techniques while giving next to no regard for ecology or social sustainability. Such an approach raised vehement opposition from the ENGOs, as they saw such as an attempt to eschew the responsibilities of considering the social and ecological ramifications of their actions. Furthermore, the ISO program is heavily reliant upon self-auditing. Self-auditing requires that the actor seeking certification simply fill out a questionnaire and submit for ISO approval. It also maintains a wide selectivity range, inviting all industry to attempt its lower standards and seek certification. Under such a program, industrial actors are only responsible for managing outputs, with zero stipulations on inputs.

Sustainable Fisheries Partnership

The Sustainable Fisheries Partnership (SFP) was founded in 2006 as an independent, global, industry-backed NGO that provided strategic and technical guidance to seafood suppliers and producers. Its intention is to help link together industrial actors that are seeking to improve their practices so that their operations can be assessed as more sustainable. To do so they have developed a scoring system with guidelines for achieving certain scores. Fisheries adapt management systems according to SFP rules and then expose themselves to assessment by the SFP, and have their score posted publicly. The scoring system focuses on their interpretation of sustainable practice with includes a 'precautionary principle' approach and the sustainable use of the target stock under consideration. There is also reference to the 'state of the stock', i.e. whether it is overfished and the probability of recovery; and the 'ecosystem impacts' i.e. whether they

are assessed and if serious consequences are mitigated. They also report and score on bycatch. They have established standards for bycatch and score fisheries based on their accordance to those standards.

By providing information on the quality of the management of the fishery, the SFP is a system-based program. They do not require chain of custody requirements as part of their program. SFP's claim is simply to build up the private sector's capacity to make a difference by developing business standards amongst industry (and in some cases governments) so that they can facilitate the 'sustainable' sourcing of seafood. The partnerships they develop are managed to improve fishery policies so as to bring them closer to qualifying for full ecolabel certification. They have developed an online resource as well—*FishSource*—that allows the public to view scientific and technical information generated through assessments that help both seafood buyers and the public evaluate the sustainability of distinct fisheries; ones which are as of yet not certified. The assessments are conducted through a judgment of management quality, target stock status considerations, and much more. The scheme has a consultation/stakeholder input procedure wherein they openly receive questions and reports about the accuracy level of their lists. They will investigate these claims and, if proven true, will make the necessary corrections. A number of companies are using *FishSource* in their sourcing decisions to engage their supply chains in improvement projects, such as McDonalds, Wal-Mart and Foodvest.

The SFP does not attempt to specifically define sustainability but instead try to identify categories that are related to sustainable practice—thus leaving it to the consumer of the information to make the judgment on overall sustainability. SFP opens

the information gathering process to anyone that can be deemed an ‘expert,’ and has sufficient credentials to prove such. Thus, the veracity of the information may be somewhat questionable. The information is fully transparent and the stakeholder being assessed is given the opportunity to comment and/or contribute relevant information that may have not been included. The SFP then plug the accumulated information into a self-created metrics system that allows them to score fisheries, which retailers can then use for making purchases.

The SFP operates exclusively in the industry network. Its designed purpose is to provide a bridge for clients toward certification. More specifically, it provides those industrial actors that cannot manage the minimum standards of a mainstream program the opportunity to be graded against a less rigorous standard developed by the SFP. Beyond preparation, this graded system allows those same actors the opportunity to show improvements and gain validation as being sustainable, or at least working toward sustainability.

So Why the MSC Over Competitor Programs?

As the MSC program was developed through a collaboration between the WWF and industry, the MSC had preliminary support across networks. However, as it began to develop as a closed system that did not possess a strong mechanism for managing the social components of fisheries operations, it proved controversial amongst ENGOs. Several of which developed alternatives to the MSC, but all of which reflected the MSC form. Furthermore, as it gained traction with big box retailers and large supermarket

chains, and began to represent the gold standard amongst industry, there emerged push back from industry. Industry saw their restrictive bycatch standards, broad ecosystem care requirements, as well as strict chain of custody requirement as onerous. Thus, several industrial alternatives emerged that held far less restrictive standards.

On the part of ENGOs, there were calls across the network to reform the MSC. The previously discussed Bridgespan Group and Wildhavens reports, conducted and financed by several members of the ENGO network, were critical of the MSC on several points. These included accusations that the MSC maintained an overall “weak” assessment protocol, as well as a “weak” follow-up mechanism to ensure compliance with corrective actions, and with a governance structure that was mostly closed off to outside influence and input. Additionally, these reports interpreted the MSC as misappropriating the word sustainable, as their system was designed, in the opinion of the reports, ‘only to certify that “best-management” practices were in place.

With regards to the weak social component to the program, Greenpeace and Naturland took issue with the MSC program. Each developing counter programs to challenge the MSC, although Greenpeace did not officially pull support from the MSC program. They merely created a guide or list that identified fisheries that were considered “good” or “bad” in practicing sustainable fishing. The National Fisheries Institute argued that the MSC only favored the developed world and that their model was undemocratic.

On the part of industry, Friend of the Sea developed specifically to rival what industry perceived as overly restrictive criteria.²⁹ Carrefour developed its 'Peche Responsible' program in order to maintain more independent control of the meaning of sustainable practice than what was provided under the MSC option. The Sustainable Fisheries Partnership also developed in order to redefine what sustainable management looked like by developing industry-wide standards that could be agreed to.

In response to these contentions with the MSC program, the MSC adapted its program toward a middle position by engaging in incremental concessions to both sides. Industry was adamant that the MSC remain a closed organization, so as to prevent the unnecessary fluctuations to policy that would inevitably emerge if the organization were more democratic. Industry did not want to have to constantly adjust and re-adjust its management practices as a result of MSC instability. However, the MSC, understanding that the support of the ENGOs was crucial, compromised their position in order to keep ENGOs satisfied. The middle position is visible in that they refused to open the network for the purposes of placating industry, but they did make some conciliatory changes in response to ENGO criticism. With regard to the criticism by the ENGO network that its closed governance structure did not provide outsiders the opportunity to influence MSC policy, the MSC created a technical advisory board that fielded and considered outside recommendations. Additionally, they added an additional seat on their stakeholder council for an ENGO representative and agreed to defer decisions relating to complaints and appeals to an organization that was fully independent of the MSC. This action

²⁹ Mui 2008, as found in Auld 2014.

showed conciliation and responsiveness to the ENGO network on the part of the MSC, without any significant change to policy that would threaten support from industry.

Table 9. Comparative Certification Standards between MSC and Competitor Programs

	Naturland	GP - Redlist	Friend of the Sea	MSC	Sustainable Fisheries Partnership	Carrefour - Peche Responsible	Clean Green	ISO/TC 234
<u>Certification Type</u>	3rd-party	3rd-party	3rd-party	3rd-party	1st or 2nd party	2nd or 3rd party	2nd party	2nd or 3rd party
<u>Certification Approach</u>	Performance	Performance	Performance	Performance	System	System	System	Performance
<u>Chain of Custody</u>	Strict	Strict	Strict. Parties audited on-site and must maintain documentation of chain of custody for one year.	Strict	None	None	Loose, but are traced from sea to plate.	None
<u>Consultation Body to Petition</u>	Open. Stakeholders involved throughout.		Initially no. In 2009 (in response to MSC program) objections could be raised both pre and post inspection.	Originally closed Ultimately developed technical committee that would hear and adjudicate on petitions.	Open	Limited	Open	Closed
<u>Auditing and Inspection</u>	Carried out annually.	Annually.	Every 3-5 years post certification.	Every 3-5 years post certification.	None	None.	No systematic process to re-certify.	None.
<u>Target Stocks</u>	Target Stock & bycatch.	Target Stock & bycatch.	Target Stock & bycatch, additionally, closed what they saw as "loopholes" in the MSC program.	Target Stock & bycatch.	Target Stock & bycatch.	Target Stock	Target Stock & bycatch.	Target Stock
<u>Consideration of Wider Ecosystem Effects</u>	Yes. Ecological approach.	Yes. Ecological approach.	Yes. Extended to even consider carbon footprint as part of certification.	Yes. Sets requirements for habitat and non-target species protection Continuous improvement inot required	Yes. However, simply considers whether "serious consequences" to ecosystem were mitigated	Limited. Provide generic guidelines to reduce CO2 emissions and preserve biodiversity.	Limited. Program removes environmentally unfriendly practices such as recycling of marine wastes.	None
<u>Size/scale Fisheries Certified</u>	Requires adherence to customized restrictions based on local conditions, thus favoring local community fisheries.	Neutral	Sought to certify a greater number of small-scale fisheries.	Industrial fisheries. Prohibitively expensive for small-scale.	Favors industrial	Favors industrial	Large-scale industrial actors exclusively.	Large-scale industrial actors favored
<u>Protests/Boycotts</u>	Position unknown.	Acceptable, productive and integral part of tactics.	Acceptable and productive	Considered counterproductive	Unacceptable	Unacceptable	Unacceptable	Unacceptable
<u>Ecolabel</u>	Yes	No	Yes	Yes	No	Yes	In-between eco-label and a self-declaration	No
<u>Social Component</u>	Strong social component	Strong social component	Strong social component	Marginal. Only mandates that a social protections framework be in place, but provides no guidelines as to its content.	None	Limited to workers' safety and rights.	Limited to workplace and food safety for workers.	Limited to improving safety of workers
<u>Restrictiveness Score</u>	10	8.5	8.8	7.8	3	4.3	4.3	2

Conclusion

In conclusion, it becomes apparent that a key component of the MSC's success was its ability to serve as a network connector. By using compromising language, and remaining generally vague, it was able to facilitate a series of practices that came to define what sustainable fisheries management looked like. In reviewing the eleven critical practices within the context of sustainable fisheries management, it came to be defined as a third-party certification that implemented a system-based approach based on verified results. Exceptions were made by allowing industry to be certified with only an 80% compliance rate, as well as by closing off the governance structure of the MSC to outside interests that made the program less volatile, but also less democratic. The MSC also maintained loose restrictions on bycatch levels tolerated, as well as fishing in protected spaces. Nonetheless, the language of the P&C painted the MSC as an organization dedicated to preservation principles across ecological, social and economic spaces but the vagueness of the language allowed for environmental economism practices to be implemented to the satisfaction of industry—as witnessed by the prevalence of the MSC program across industry. Such an approach became acceptable to both networks, at least enough to maintain a diverse coalition and propel the MSC across the globe.

Within 5-years the MSC label was the most recurrently mentioned ecolabel by the major supermarket chains. Nearly every major supermarket that had chosen to post information about sustainable seafood on their website included details of MSC. Many of them also described what MSC is and what it does. By 2004 there were more than 200 MSC labelled products on sale in 17 countries. The MSCs success came from this social

positioning of itself in-between the two networks. Without sufficient material capacity, and no support from states, the MSC relied upon this social position to elicit the support necessary, from both networks, by serving as a point of transference of social identity from one side to the other. It was able to place itself in this position by constructing a language and a set of anchoring practices that became the standard-bearer for all players involved, across networks. It not only constructed overt rules that those seeking certification had to follow, but it also constructed rules that those not seeking certification had to follow as well. ENGOs had to minimize protests and boycotts in order to be considered reasonable. They had to accept less rigorous social standards and a closed governance system. As well as fishing in protected areas and an 80% pass rate that allowed industry a backdoor to continue unsustainable practices. Supporting these positions or practices was at one time thought to be unthinkable. However, after the MSC program emerged, the ENGO network compromised and accepted (although not without resistant and skepticism) these positions as part of sustainable fisheries management. Witnessed by the explicit, or implicit, support extended to the MSC. The industry programs that sprang up to counter the MSC program mirrored the general structure of the MSC but failed to become as pervasive as the MSC. As previously mentioned, systems based approaches that had few indicators, had little to no social components, accepted excessive bycatch, did not account for broader ecological considerations and that generally did not take ENGO concerns into wider consideration, failed to gain widespread support outside of the ENGO network. By adopting these practices these industry programs were unable to gain sufficient legitimacy to garner the broad appeal of the MSC, no matter what level of material resources were expended to

popularize it. Therefore, although these industry programs had the material support of powerful industries they were unable to challenge the MSC for legitimacy—and thus remained smaller.

I have argued that in spite of these material disadvantages, as well as lacking the legitimacy of other ENGOs firmly inside the ENGO network, the MSC has been able to wield private authority more widely than the others because of their social position in-between networks. This social position they carved out through the strategic manipulation of discourse, has set the standard for others to follow, effectively governing their behaviors. ENGOs have remained in the MSC organization because of the MSC's ability to regulate the behavior of industry like no other organization that is not enmeshed in the industry network. Industry has remained open to the MSC for their ability to transfer power across the networks by embedding the preservation principles from the ENGO network onto industry via their symbolic ecolabel. Therefore, again, it is critical to take social positioning of private governors into consideration when discussing private authority.

CHAPTER IX – CONCLUSION

The overarching aim of this dissertation has been to expand upon the knowledge of the social processes underlying private authority. The intent was to answer two questions: 1) How do private actors generate authority? 2) Why are some more prolific at doing so than others?

In pursuit of these questions this dissertation applied an innovative conceptual and analytical framework that combined the conceptual tools of social network theory with the methodological versatility of discourse analysis. The application of these tools to the cases selected in this dissertation revealed that through the strategic construction of discourses, actors can place themselves in subject positions from where they can shape the behavior of actors across networks. These subject positions were deemed *network connectors*.

As the State retrenched from select political sectors in order to allow market forces to play a more prominent role in solving political problems, new political spaces were opened up. These spaces were heavily contested as private actors moved in to shape the social formation of these sectors. It was the social formation of these structures that would dictate not just how actors pursued their interests, but how they formulated those interests. An actor that can fundamentally shape the way that this process plays out exercises authority. For it is them that make the implicit and explicit rules other actors follow. This dissertation demonstrated that the most successful actors in these spaces—in the environmental sector—were those that were able to place themselves in-between networks to serve as conduits, or connectors, of socially generated power. Both the FSC

and MSC, by coming to define what *sustainable management* was within their respective sectors, shaped the way other actors related to the forests and fisheries sectors. Even if other actors did not agree to abide by the rules developed by these organizations directly, they constructed their programs and identities in relation to the FSC or MSC. This process indicates that it is more than just material forces, but ideational forces playing out at the level of identity that influence the flow and aggregation of authority amongst private actors.

These findings are important because private actors are playing increasingly critical roles in global politics within realms that were once the exclusive domain of states. Within those spaces they are exercising private authority by creating regulatory structures followed by other actors. Beyond the novelty of this form of governance, and its potential implications for the future of global politics, it is important because it explains how materially weaker actors can exert authority (not just influence) over materially more powerful actors in contemporary global politics. This challenges traditional forms of thinking within International Relations that tends to define power in terms of material capabilities, or through instrumental utility calculations amongst rational actors, whom possess full information. Moreover, traditional forms of thinking about power and authority relationships tend to view weaker actors as only *influencing* more powerful actors, not acting *authoritatively* over them. While applying these forms of explanation to private authority has led to many illuminating and explanatory insights, I argue that they are limited to politics as it takes place within hierarchical orders. Because of the changing nature of global governance toward horizontally integrated networks, an expansion of thinking that includes the logics of networked politics (as

applied in this dissertation) is needed to broaden current understandings of private authority. This dissertation provided such an expansion.

This dissertation specifically looked at private authority within the context of environmental politics. It selected the forestry and fisheries sectors of the environment and focused on network connectors—the FSC and MSC. Yet, although it focused its analytical lens on these network connectors, it also considered the pattern of relations between several actors, across networks, that were operating within these political domains. Focusing on these particular actors, while considering several others in relation, provided focus to the analysis while still taking into account the effects of structure, power distribution, individual attributes, and social positioning, across networked actors. Such an approach was adopted because it provided a platform from where the theory could best be explained. More specifically, how two organizations (FSC/MSC), by achieving a central position between competing networks, via the construction of a nodal point (i.e. defining what sustainable management looked like), were able to leverage private authority over the greatest number of actors across networks. They were able to do so despite possessing less material power than industrial actors, and the certification programs they backed. As well as less ‘moral legitimacy’ than ENGOs that developed alternative, competitive certification programs. This dissertation thus found that despite lacking the individual attributes and power capabilities of equivalent actors across networks, they were able to proliferate their authority further.

The outlier in the forestry sector was the PEFC, which was able in fact to spread its authority further than that of the FSC. However, this finding only reinforces the aim

of this dissertation—to expand upon current understandings of private authority, as well as to identify areas for future research. The PEFC is an industry-backed organization with twice the budget of the FSC. Additionally, through their industrial connections, they were able to link into the network of state authority, by coordinating national schemes into a global system.¹ They have done so by adapting PEFC standards to meet just the minimum requirements designated by individual European states for industrial forestry actors do business. In doing so, although they are compromising their standards contingent upon national requirements, they are making themselves a more convenient, and thus appealing (in relation to the FSC) regulatory structure to both states and industry. This stands in opposition to the practice of the FSC of establishing one global standard that is uncompromised across national boundaries. As such, the PEFC has expanded significantly within Europe, North America, and Australia, while the FSC is preeminent elsewhere.² Such information reinforces the obvious effects of material power capabilities, and their ability to dictate political outcomes, as it was seen that the PEFC budget is more than double that of the FSC. However, it also shows that this is not the full story. It does so in two key ways: 1) outside of the PEFC, no other industry group (all better financed) was able to expand beyond the capacity of the FSC. Thus, the material/financing component, while it plays a part, does not explain all cases. 2) It

¹ Meidinger, E. 2006.

² FSC facts and figures 2016, as found at: <https://ic.fsc.org/preview.facts-figures-2016.a-5663.pdf>.
PEFC facts and figures 2016, as found at: <https://www.pefc.org/about-pefc/facts-a-figures>.

alludes to a potentially interesting point for future research—interactions between private networks and state networks (to be discussed).

The success of the FSC and MSC was found to be attributable to the creation of nodal points around which all other sectoral actors interests and identities converged. It was through this process that the FSC and MSC were able to regulate behavior across networks, by re-defining actor identity, as well as serving as bridges by which identity could be transferred. Such a finding expands upon current understandings of private authority. It shows that private authority must be considered within the context of network society. The flow of power and authority across networks no longer reflects that of closed, hierarchical and vertically integrated systems. Therefore, traditional forms adopting this frame need to be expanded upon, or updated if you will. As network society emerges as a new form of political order, it is opening up political spaces that were once the exclusive domain of states. These spaces, mainly unregulated, are highly contested. Traditional forms of thinking would predict that the materially more powerful actors would come to dominate these spaces, or those that could provide the greatest level of instrumental utility would become authoritative. However, through the two case studies presented in this dissertation such forms of thinking were proved incomplete. Neither the FSC nor the MSC were the most materially powerful private governor, and yet both became the central programs within their respective political sectors across the globe. Furthermore, not only were the FSC/MS less materially endowed, their programs were also more stringent than industrial competitor programs. In being more stringent than the industry-backed programs they were more costly to maintain. Therefore, in terms of expected utility calculations of instrumentality the FSC/MS are

less beneficial than many of the others. This then begs the question: why did they become more widespread?

The answer lies in the shifting dynamics brought about by the networking of society. Power is more distributed within network society. Its forms are expanded beyond just material distributions, and its logics are expand beyond just instrumental calculations. Rather, they come to include social forms of capital such as identity construction and transference. As the state withdrew from the environmental sector, private actors emerged that sought to define this heavily contested space. Yet, because they lacked the material capabilities required to impose their authority, they sought to construct this space in a way that placed them in a position of authority. The process by which they accomplished this, as well as the social forces harnessed to then maintain and expand this position, were the focus of this dissertation. Both the FSC and MSC proceeded on this course by first recognizing an opportunity to establish themselves in a social position from where they could translate social capital into authority.

Understanding that the sustainable development discourse was gaining traction across the environmental sector, they sought to define the fisheries and forests within this discursive context. To do so, they sought to define what ‘sustainable management’ of these sectors meant, and what it looked like in practice. By accomplishing this they could enforce discipline, and abidance to rules, by becoming the standard-bearer for sustainable management across competing networks. From this position, other actors developed programs and their identity relative to the FSC/MSC programs. Those that strayed too far from these programs either became absorbed by them, or failed to gain anything resembling equivalent traction. Making actors across networks essentially adopt the rules

of the FSC/MSC—whether directly as participants in certification, or as peripheral actors mimicking the rules embodied in sustainable management (dictated by the FSC/MSC) apart from these organizations. As shown in the case studies the programs that developed to compete with both the FSC/MSC were forced to try to mimic these programs or else face the loss of legitimacy.

This loss was not because the FSC/MSC was granted greater ‘moral legitimacy’. The FSC/MSC had less of such than the environmental competitor programs that emerged around them (yet proliferated further than these competitors). ENGO programs had the strictest standards and they were more trusted by consumers as they were perceived as true ‘protectors of the environment’. Nor was this loss because the FSC/MSC possessed greater material power than the competitor programs that came from the industry network. Yet, they proliferated further than almost all of their competitors. Furthermore, their strict standards made them less instrumentally valuable than competitor programs as well. Thus, in strictly rational terms, this begs the question of why rational actors would adopt the FSC/MSC programs at greater cost?

The explanation rests in what is another important contribution of this dissertation—the identification of network connectors as the most successful private governors.³ This is explained by social position. From such a position they generate authority in two key ways: One, they construct a discourse around which actors across networks can converge. This gives them the authority to establish what is considered acceptable (and not), and ultimately to construct rules that enforce these behavioral

³ ‘Successful’ here is defined as having the largest program.

requirements. Two, they can transfer symbolic power across networks. In the cases under examination in this dissertation, this symbolic power comes in the form of transferring the symbol of environmental NGOs as ‘protectors of the environment’ to industrial actors in the form of an eco-label. On the other side, it provides ENGOs symbolic power as they are seen as being effective at changing the behavior of industrial actors toward more ‘sustainable’ outcomes. Without network connectors such transfers of symbolic power would simply not be possible. The extensive organizational structures, specialized expertise, and overall capacity necessary to provide this function at scale is beyond the scope of individual actors within each of these separate networks. Moreover, the two sides of the network operate and communicate in distinct codes, thus making them incapable of establishing a permanent connection. Thus, any actor seizing these opportunities to play an essential role toward establishing and maintaining this connection are placed in subject positions wherein authority can be exercised most broadly.

These internetwork connectors not only serve as conduits of information, proving adaptable on both ends, but they also serve as bridges for the transfer of identity. By bridging the codes of the two opposing sides, they allow for the transference of identity. Constructing a common language for both sides to engage in and present themselves in an image that appeals to a wider audience. To emphasize these points, a look at the what are arguably the most prominent works explaining the proliferation of the FSC/MSC would prove useful.

In Ben Cashore et al. (2004), the authors categorize private governance through certification as a “non-state market-driven” governance system. For the authors, such

systems represent a voluntary means by which private actors use market forces to set management standards, monitor and oversee implementation, and provide market-driven mechanisms to enforce production practices.⁴ The authors find that within these systems:

[R]ule-making clout does not come from Westphalian state-centered sovereign authority but rather from companies along the market's supply chain, who make their own individual evaluations as to whether to comply to the rules and procedures of these private governance systems.⁵

The book looks at several private governors meeting this criterion and seeks to explain why these actors are able to wield private authority. One of their core cases is the FSC and the authors focus on a slew of structural variables that imbued the FSC with “pragmatic legitimacy” in order to explain the same socio-political outcomes discussed in this dissertation. The authors focus on three particular structural variables to make their argument: 1) place in the global economy of the country and region where private actors operate; 2) the structure of domestic environmental sectors; and 3) the history of the public policy agenda within the sector in question.⁶ They examine how these structural variables determined outcomes by providing an instrumental utility that elicited pragmatic legitimation. As companies along the supply chain found the FSC useful via the ability of its label to command price premiums, these companies legitimated the program and made it authoritative. However, this approach, published in 2004, did not anticipate the slew of competing programs that would emerge to challenge the FSC.

⁴ Cashore, Auld and Newsom 2004.

⁵ Ibid, p. 4.

⁶ Ibid, p. 4 – 35.

Programs that, despite being more restrictive, and thus proving less onerous a burden than the FSC, failed to proliferate as widely as the FSC. This dissertation has filled this gap by arguing that to fully explain this phenomenon it is critical to consider the discourse constructed by the FSC and its social positioning. While it is unquestionable that part of the FSCs private authority does emanate from the instrumental utility they generate for companies along the supply chain, I argue that this is only part of the story. How did the FSC even come to be considered an authority in the first place? How could a materially weak actor come to generate such value? The answer is found in their weaving of a discourse that established them as authorities on what sustainable development meant, and looked like. They were thus established as authorities that were to be either consulted or mimicked since they had shaped the discourse in their image. Furthermore, by not operating exclusively within either network, yet constructing a discourse that could link the two, they were established in a social position uniquely adapted to generate private authority. Where the identity of each could be transferred to the other in the least threatening manner. Industry could have the identity of the ENGO network, serving as protectors of the environment, transferred to them without having to submit to the onerous restrictions that the ENGO network would have desired. This is because the FSC came to be legitimated as the arbiter of sustainable management. On the other side, ENGOs came to be seen by their constituents as active participants in a process that was finally able to adapt industrial practices, on a global scale, toward sustainability. This was accomplished by getting industry to abide by their impositions *vis-à-vis* the FSC/MSC. Yet, they did not have to be challenged in their identity, firmly founded in the preservation discourse, because it was the FSC that was executing the

certification. This was witnessed in the several threats enacted by ENGOs to withdraw support from the FSC, yet there are very few cases of supporters actually following through with defection. In light of these findings it was argued that it was the middle position held by the FSC, constructed through their own strategic leveraging of a sustainable development discourse that allowed them to wield private authority.

Grame Auld (2014) also focuses on key material/structural variables to explain the emergence and proliferation of private authority programs. Auld identifies the openness of the environmental sector, favorable market opportunity structures (favoring certification over other forms of regulation), and high barriers to entry within the environmental sector under investigation, as the key explanatory variables. He considers those in relation to the institutional structure of the distinct organizations under question (i.e. the specific institutional design features of the distinct organizations) and the way they interact with political-economic structures to explain the divergent paths distinct organizations have taken. Thus, much like in Cashore et al., he does not take into consideration how private governors navigated these material structures in order to position themselves to govern, robbing them of much of their agential qualities. By proceeding in such a way (i.e. not giving sufficient consideration to the social forces at play in private authority) the work assumes an element of path dependence. While Auld does argue against path dependence, he does not attribute variability of outcomes to strategic actions taken on the part of the actor, but rather shifting structural configurations. This dissertation seeks to expand upon Auld's astute analysis by adding in a social component. It showed, through the use of discourse analysis, that the FSC and MSC strategically weaved their own path through the manipulation of discourses. Thus

explaining why, despite being different in institutional form (i.e the FSC designed to be open and participatory while the MSC designed as a relatively closed structure), and facing different structural configurations, they were both able to propel themselves to become widespread global programs. Beyond being able to define what sustainable management programs looked like, the cases showed their adaptability to maintain their central position between networks, regardless of rapidly changing political and economic structures, as a key component to spreading their regulatory programs. For example, as highlighted in the case study, when market structures came to favor the efficiencies of forestry plantations in the early 2000s, the FSC did not lose out to certification programs that more readily certified plantations. Rather, it negotiated a compromised position between ENGOs and industry, to make plantations certifiable, but only under more restrictive conditions. Thus, even despite making plantation certification more costly in economic terms, the FSC continued its rapid global growth relative to competitor programs. This shows agency on the part of the FSC in spite of rapidly shifting structural conditions.

Both case studies (FSC and MSC) revealed that strategic social maneuverings are a key component to the private authority process. The most prominent strategy was to provide a discursive *façade* to promote preservation and placate the ENGO audience, yet keeping the discourse sufficiently vague so that certifying organizations have flexibility in enforcing regulations on the ground. The discursive forms by which agents navigate contested political terrain are a crucial part of the story of private authority. As such, examining and understanding how agents are able to do such, and why some are more prolific at doing so than others, is important for expanding on current understandings.

This dissertation attempted to address this shortcoming. By explaining the social processes examined throughout this dissertation it will not only allow for a more robust explanation, but also provide a more stable frame of reference that can explain consistent outcomes in spite of dynamically fluctuating material/structural variables.

Such a process, as just described, also speaks to the broader point made through this dissertation—the social construction of agency. In looking at how private actors manipulated discourses in order to move into sought after social positions, and generate authority through the construction of meaning, this dissertation showed that it not only that the world is socially constructed, but that the actors that construct it are also social constructions themselves. This dissertation demonstrated that through the manipulation of discourse in order to construct nodal points, actors identities come to converge around these points. This convergence of identity translated into a reconstitution of interests, namely, the adoption of one program over another in spite of instrumental calculations in both cases. In the cases investigated, materially more powerful programs (that proved less burdensome than the FSC/MSC) failed to proliferate to the extent seen by the FSC/MSC (with the exception of the PEFC in the case for forestry). It also showed in both cases that actors with far more social capital or ‘moral legitimacy’ – ENGOs – were also unable to construct schemes that were as pervasive, and authoritative, as those of the FSC/MSC. Proceeding in this way allowed this dissertation to expand the notion of ‘interests’ as fixed by instrumentality or structural conditions. Rather, interest construction was shown to be a dynamic social process related to identity formation, which is ultimately shaped through discourse. Therefore, analyses of political outcomes must consider social positioning and discourse construction, along with material benefits,

in order to provide a deeper understanding of any political concept—including private authority. Furthermore, and finally, that identity formation revolves as much around practices, as it does any particular set of ideas. As the FSC/MSC began to construct a set of practices that became the standard that defined ‘sustainable management’, others began to act in accordance. Such actions realigned identities as sustainable actors and as such contributed to private authority as much as any material incentive.

Possibilities for Future Research

While certification programs have made great progress in their ability to regulate the behavior of private actors in important domains, they are facing increasing difficulties in expanding their base of authority further. In their efforts to do so, private governance programs, such as the FSC, as well as the PEFC, have attempted to plug into networks of state authority. Such efforts are aimed at integrating state power into their regimes of private authority. Thus, complementing their private authority structures with more traditional forms, by convincing states of the need to perpetuate these regulatory structures by mandate. As states become overburdened in their efforts to regulate dynamically evolving political landscapes (such as the environment), they are increasingly engaging in public-private partnerships. As this phenomenon manifests itself more frequently in global politics, it merits greater investigation.

Private forest certification, for example, is in many ways becoming a testing ground for such public-private partnerships. Collaborative partnerships across Europe, Canada, the US, Australia, and Japan are being undertaken as states experiment with this

novel form of governance—as a possible solution to regulating difficult political-economic issue areas. Such developments will complicate the process of private authority, but the implications of such are exciting for the future of global governance. The enforcement of privately generated regulatory structures by states would shift the strategic dimensions faced by private actors. No longer would they have to rely on strategic social positioning in-between networks to generate sufficient social capital to govern. Rather, by plugging into more traditional forms of hierarchical power (in connecting with state forms of authority) private actors could create more rigid rule structures that demanded stricter adherence. The change in process resulting from this shift in social and power dynamics could present an interesting program for any future research. While a great deal of work has already been carried out in this field, little is being done that considers the distinct forms of power that each partner brings to the table, namely how such forms of power are generated and the social processes that drive them. Moreover, how social actors then react and respond to these forms by a process of identity conformance. As actors attempt to conform their identities to these hybrid structures of authority, how does this shape their interest structures? In other words, how do these distinct forms of authority interact and shape actors' fields of possibility?

Another interesting line of research emanating from this interaction between established state and private forms of authority is the implications for global politics as network forms of authority interact with hierarchical forms across political sectors. As states seek out alternative means to meet the demands of governance in an increasingly complex and integrated world, networked forms of governance will continue to expand. As was witnessed in the cases that were examined in this dissertation, governments are

oftentimes loathe to assume regulatory responsibilities within political domains that are information intensive and heavily contested by a wide range of actors. States often lack the capabilities to process, manage, and disseminate the information necessary to regulate and manage the broad range of interests involved in highly dynamic fields. These fields move beyond just the environment and include such important political sectors as the internet, biodiversity, medicine, outer space, etc. However, as the dissertation focused on the environmental sector, it is perhaps best to use it as an example to make the current point.

As science and technology began to unlock human understanding of the environment, and the possible negative consequences generated by human behavior toward the environment, a slew of actors petitioned the state for action. On the ENGO side, these organizations petitioned the state to enforce restrictive regulatory structures in order to protect a fragile environment against what seemed to be an excessive consumption of resources. On the industrial side, industry petitioned governments to refrain from regulating the environment in fear of its effects on competitiveness. States also resisted international forms of governance over the environment in fear of its effects on sovereignty. Thus, States, beset by a slew of competing interests and a broad range of complex information, resisted taking definitive action. This led the way for private governors to establish themselves as authorities by leveraging the power of networks to generate sufficient social capital to govern. As these networks increasingly intersect with traditional state forms of authority, what will the future of global politics look like? Again, much has been written on this topic, however, little has been said in consideration of the social construction of identity. Namely, as states increasingly interact with

networked forms of private governance, and look to them for assistance in managing the affairs of State, will this shape State identity from *purveyors of government* to *facilitators of governance*? As states sub-contract governance to private authority, essentially adopting network logics, will they see their role as changing from those that govern, to those facilitate governance—at the level of identity? What will be the constitutive effects of such in the future of global governance? These are interesting questions, with important implications for the future of global governance. Answering such questions will help build upon the impressive body of knowledge that currently exists, and much like this dissertation, will expand upon our current understandings. I hope this to be my future line of research.

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