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Emerging Private Governance: The Challenges of Choosing a Policy Focus

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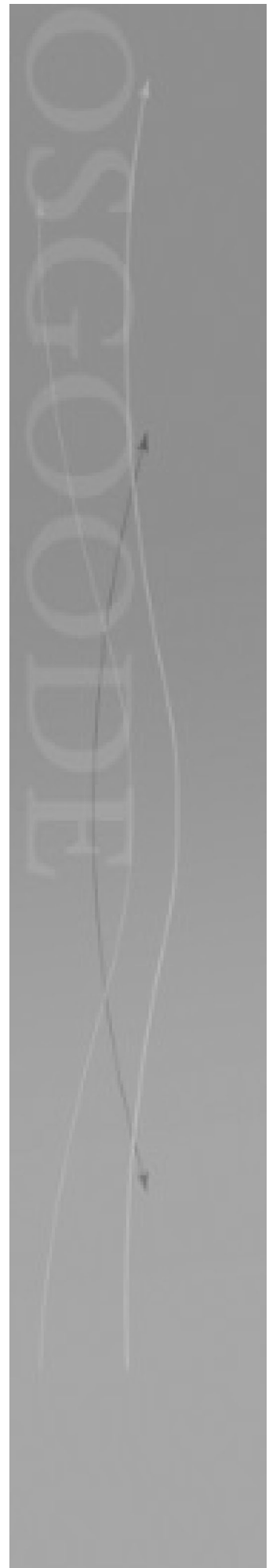
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Transnational initiatives to regulate business activities interact increasingly with each other and with official regulation, generating complex governance ensembles. Heterogeneous actors and institutions interact at multiple levels and in various ways, from mimicry and cooperation to competition and conflict. The TBGI Project investigates the forms, drivers, mechanisms, dynamics, outputs and impacts of transnational business governance interactions (TBGI) from diverse theoretical and methodological perspectives. It is funded by a Social Sciences and Humanities Research Council of Canada grant led by Professor Stepan Wood, Osgoode.



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Graeme Auld

Emerging Private Governance: The Challenges of Choosing a Policy Focus

Abstract: Across sectors of the global economy, private governance has emerged as a new instrument for addressing pressing social and environmental problems. Although better suited for tackling the challenge of reaching agreements among states to address problems transcending national borders, these initiatives create new boundaries based on what problems they choose to focus on and which actors they choose to regulate – that is, the different policy foci of individual programs. Specialization is not inherently problematic. Private governance can focus attention on the problems of a single-issue area and build capacity among actors to resolve its problems, but equally a particular policy focus can create more problems than it fixes. Using certification systems, developed and run by non-state actors, from the forest, fisheries, and coffee sectors, this paper explores the reasons behind the different policy foci certification programs take on and how programs, alone and through coordinated efforts, seek to manage interactive and spillover effects arising from the issue-area boundaries that separate them. It closes with recommendations for future coordination strategies that draw from work in international relations and public administration.

Key words: Environmental governance, institutional design, certification, private regulation, regime complexity

1. Introduction

Certification programs, formed and run by non-state actors, are becoming potential sources of global regulation for many pressing social and environmental problems. Issuing standards for appropriate practices in various economic sectors, they attempt to generate market benefits for those companies, cooperatives and small operators that voluntarily participate and pass an independent inspection audit (cf. Bartley 2007b). By some accounts certification represents a geographically unrestricted means of governance matched to the supply-chain centered organization of global market activities (Bernstein and Cashore 2007; Tollefson, Gale, and Haley 2008). Yet they are not free of limits. Each program chooses a scope of issues to address and a domain of actors to regulate. Thus, while they may lessen cooperation problems across state boundaries, they simultaneously engender policy and political boundaries at the interface of emerging certification initiatives.

Specialization is not inherently problematic. A division of labor that permits focusing on one of many environmental or social problems may enhance effectiveness. Equally, however, an issue-area boundary may impede effective policy as much as the geographic boundary it sought to replace: it may marginalize certain causes of problems that exist at the intersection of issue-focused initiatives, rendering these causes harder to address.

This paper examines whether the early choice of these boundaries influences the effectiveness of certification programs. It asks three questions, two positive and one normative. Why do certification programs end up with a given policy focus? What strategies are programs using to overcome the challenges their issue boundaries present? And finally what are the strategies programs could adopt in the future to help improve the management of these boundaries? Assessing these questions is important for the study of certification program, since there are likely cases where the costs of specialization outweigh the benefits. In this respect, the specific institutional design of any given program may have important implications for its ability to contribute to addressing policy problems on a global scale. By examining the policy focus of programs – a variable thus far given limited attention – the paper contributes to work assessing the independent and intersecting effects of certification initiatives (Auld, Gulbrandsen, and McDermott 2008; Gulbrandsen 2009; Giovannucci and Potts 2008; Gullison 2003; Marx and Cuypers 2010).

The aim is not to suggest that coordination among certification programs is always beneficial. Rather, the intent is to examine how coordination works and draw attention to strategies used to advance it under conditions when it makes sense. In this light, a key contribution of the analysis is to distinguish between program interactions with similar and dissimilar policy foci. Previous research has focused considerable attention on the former – competitive interactions among programs focused on a similar policy issue (see e.g., Overdevest 2010). These works note how coordination among programs that have a similar policy focus (e.g., forest management) has been difficult because the different programs are generally considered direct competitors for market acceptance and uptake.

Attempts to coordinate might therefore mean that a program with higher standards ends up watering them down (Humphreys 2006; Reynolds, Murray, and Heller 2007). A focus on interactions between programs with different policy foci highlights another side of program-to-program relations, one where coordination rather than competition may prove beneficial from a problem-oriented perspective.

To advance this analytical focus, the paper draws lessons from research on international organizations and public bureaucracies. The empirics for the study are certification programs developed in the agriculture, fishery and forest sectors. These sectors contain a variety of programs, which have existed for upwards of 20 years, and hence permit a useful empirical set for a preliminary exploration of the potential implications issue-area boundaries create for certification programs. The analysis is based on research interviews with program developers and managers from the three sector as well as examination of extensive primary and secondary documents.

The remainder of the paper proceeds in three parts. First, it reviews the emergence of private governance and certification initiatives, explains the relevance of issue-boundaries as a factor shaping the effects of certification programs, and describes the trade off between specialization and comprehensiveness programs face when choosing a policy focus. Second, it examines two possible explanations for the choice of policy focus different certification programs have taken, and identifies and discusses four strategies initiatives are using to manage specific issue-boundary challenges that are arising. Turning to its final question, the paper offers recommendations on how to manage future program interactions to potentially advance problem-oriented effectiveness.

2. The Problem-Oriented Effects of Policy Focus within Private Governance

In the past two decades, the realm of private governance has broadened immensely, with numerous company and industry codes of conduct, self-regulatory programs, and private-private partnerships forming to regulate and manage the environmental and ethical impacts of business activities (Kolk, Tulder, and Welters 1999; Bendell 2000; Börzel and Risse 2005; Vogel 2008; Murphy and Bendell 1997; Auld, Bernstein, and Cashore 2008; Haufler 2001). Although associated with the deregulation and privatization agenda of neoliberalism seen to undercut or hollow out the state, Levi-Faur (2005) notes that this agenda has in fact brought about a particular form of reregulation, creating what he terms “regulatory capitalism” (see also, Braithwaite 2008). Hence, rather than less rules, dense networks of interlocking regulation—public and private—are now in play and form the justification for increased scholarly attention to how policy mixes (Gunningham and Grabosky 1998), activity clusters (Hoffmann 2011), and regime complexes (Alter and Meunier 2009) operate to address policy problems at multiple scales.

Within the field of private initiatives, non-state certification programs (hereafter certification programs)—which develop and promote social and environmental standards that provide concerned consumers and/or stakeholders with information about products made through environmentally and socially responsible processes—have become a focal

point of interest (Bartley 2007b; Bernstein and Cashore 2007; Gereffi, Garcia-Johnson, and Sasser 2001; Courville 2003b; Meidinger 2006). They now exist in many economic sectors, including forestry (Bartley 2003; Cashore, Auld, and Newsom 2004; Lipschutz and Fogel 2002; Sasser 2003; Meidinger 1997), agriculture (Guthman 2004; Reynolds 2000, 2004), capture fisheries, aquaculture and the marine aquarium trade (Auld et al. 2009), factory working conditions (Bartley 2003, 2007b; O'Rourke 2006, 2003), and tourism (Honey 2002).

These initiatives comprise four key features. First, they have logos or labels that can be used on products sold to end-consumers. Second, they have some form of inspection and monitoring, which may have begun as an internal process, but over time, typically becomes an independent, third party verification process conducted by auditors that comply with the programs' accreditation standards.ⁱ Third, they have governance structures and procedures for overseeing operations, including rules for membership, decision-making, setting and revising standards, accrediting auditors, and addressing and resolving disputes.

Finally, and most relevant to this paper, the programs have standards regulating social and/or environmental impacts of production processes, as well as tracking requirements for following products through to the end-consumer. The *policy focus* of certification programs comprises two components: scope and domain. Program *scope* is defined by what substantive policy problems it chooses to regulate and which it chooses not to. The manner in which programs balance the scope of issues they consider and the standards they strive to achieve varies. Programs also make different decisions about the *domain* of their activities, i.e., the group of economic actors in a supply chain that the program's rules target.ⁱⁱ Some programs focus only on smallholders or some geographically defined region. Others seek to include any and all producers in a sector that can meet the program's standards (Auld 2009).

Much of the excitement about, and interest in, the emergence of these certification programs surrounds the contribution they might make to the formation of a nascent global public domain (Ruggie 2004; Bernstein and Cashore 2007, 2004). A world comprising autonomous, sovereign states poses particular challenges for environmental and social problems. Since these problems can spill across national boundaries or feed-off inter-state competition for capital investments and the prospects of jobs and economic development, cooperation among states is necessary to correct or at least ameliorate such problems (Biermann and Dingwerth 2004; Young 1999). Certification programs are seen to offer an innovative and potentially powerful tool to address global problems less encumbered by the geographic restrictions of the state system. As Cashore (2002) explains, in the context of non-state market drive (NSMD) governance, "the location of authority is grounded in market transactions occurring through the production, processing, and consumption of economic goods and services." (See also, Bernstein and Cashore 2007). In this respect, governance is focused around a supply chain, not geographic borders.

Yet, the choice of policy focus creates new boundaries – those defined by the respective policy foci of different certification programs. The key aim of this paper is to argue that the decisions certification programs make about the scope and domain of their activities – their policy focus – will also affect their problem-oriented effects. Indeed, for certification to address problems that span these new issue-area boundaries, coordination will be paramount. What follows reviews four broad variables identified by existing research that help explain the adoption of and compliance with certification rules. This is done to underscore the lack of attention to policy focus as an additional variable. The section closes by explaining a trade off programs face in deliberating among policy foci.

1.1. THE PROBLEM-ORIENTED EFFECTS OF ISSUE-AREA BOUNDARIES

Four broad variables have received the predominance of attention by research interested in explaining the adoption of and compliance with certification rules. First, market demand is seen as a critical factor. Since certification programs are voluntary, unless there is some economic reason for an operator to participate, the ability of certification to do any thing more than serve as a tool to differentiate operators already practicing responsibly is considered a challenge (Cashore et al. 2007; Gulbrandsen 2010). Explanatory work in this area has examined the role of NGO targeting campaigns in securing commitments from large corporate buyers to leverage demands for certification up global supply chains (Sasser et al. 2006; Sasser 2003), the role of US foundations in organizing and funding these NGO campaigns (Bartley 2007a), and the actual and potential role of end consumers as a source of demand for certified products (Aguilar and Vlosky 2007; Loureiro, McCluskey, and Mittelhammer 2003).

Second, considerable attention is given to the stringency of the certification rules (Fransen 2011; McDermott, Noah, and Cashore 2008). The general premise of most of this work is that positive effects flow from more stringent rules, and that these are going to be costly for operators to meet, which means measures of control are needed to have greater certainty of compliance and effectiveness. Hence, stringency can be broadly seen to encompass the character of rules that certified operators must adhere to and the procedures in place to ensure that operators do indeed comply. Explanatory work explores why some programs adopt stringent rules, with a number of studies noting that those programs controlled or originated by business have less stringent requirements (Fransen 2011; Gulbrandsen 2010; Auld and Bull 2003; Cashore, Auld, and Newsom 2004). Other studies examine why the mechanism of third party certification has emerged across different sectors (Bartley 2007b; Gulbrandsen 2010; Pattberg 2007).

Third, scholars have also examined supply-side factors, particularly the uneven capabilities of operators to easily participate in certification. The premise here is that not all operators will have equal abilities to meet a set of voluntary standards. Those operators already practicing at or above the standard will find participation easier; those with little capacity will be excluded. Research has shown a skew in certification participation towards larger, vertically integrated operators that face higher, and enforced, government standards (Cashore et al. 2006; Auld, Gulbrandsen, and McDermott 2008). Links to international networks of NGOs, funders, and foundations have also been found to matter, as these

connections can help operators overcome barriers to entry, such as the costs of audits, technical know how, or marketing expertise (Pattberg 2006; Auld 2010). Additionally, the fit of the production practices in a region with certification requirements is seen to ease compliance costs. For instance, a history of shade-grown coffee as compared to sun-coffee (Mas and Dietsch 2004) or a history of organized cooperatives (Nigh 1997) each make it easier for coffee growers to participate in bird-friendly and fair trade certification, respectively.

Finally, regulatory competition among certification initiatives has been examined to determine whether this promotes a race to the top, middle or bottom. In most sectors where certification exists, businesses have created initiatives to serve as alternatives to programs initiated by NGOs, sometimes with partners. Perspectives on the effects of competition are varied. Overdevest (2010) shows how competitive benchmarking has led to an increase in the standards of producer-backed programs in the forest sector. Others point to downward pressure on standards as a consequence of competition (Raynolds, Murray, and Heller 2007; Conroy 2006; Bitzer, Francken, and Glasbergen 2008).

With few exceptions, these works pay little attention to the boundaries created by the policy focus of individual certification initiatives as a factor relevant to adoption, compliance and, ultimately, problem amelioration (as example, see Bitzer, Francken, and Glasbergen 2008; Visseren-Hamakers and Glasbergen 2007).ⁱⁱⁱ This paper argues that this fifth variable deserves more attention. It is particularly important because environmental and social problems are not only transboundary; they are also complex, multifaceted and interrelated with social and ecological systems, which are often closely bound together in ways difficult to capture by policy interventions. Preliminary impact evaluations of certification programs underscore this point, noting, for instance, how forest certification is best tooled to address the degradation of production forests rather than preventing or reducing deforestation (Marx and Cuypers 2010; Gullison 2003) or how crop-specific agricultural programs neglect to promote crop diversification as a means to enhance a farmer's welfare (Auld 2010). Hence, by focusing on a subset of environmental and social problems in a given sector, or limiting attention to one sector, certification can only do so much to systematically resolve a class of problems.

1.2. THE SPECIALIZATION-COMPREHENSIVENESS TRADE OFF

One way to understand the implications of policy focus is by considering the trade off between specialization and comprehensiveness. The choice to specialize is not inherently a problem. Optimizing across a range of policy objectives can lead to unanticipated trade offs and compromises that may systematically harm a particular aim. These tensions, for instance, play out in discussions surrounding how to balance social and environmental objectives in the pursuit of sustainable development, and they have root in theoretical debates among welfare economists around how best to achieve social optimality (Kysar 2005). With many policies, this poses few obstacles; indeed, specialization has benefits in

enabling agencies or departments to build needed expertise to competently address a specific issue. However, when coordination to address a larger problem arises, these boundaries become sites for conflict (Grumbine 1991; Christensen and Lægneid 2007; Kavanagh and Richards 2001). In this respect, the tension or trade off is real. Specialization creates blind spots in our efforts to address policy problems.

Research in public administration shows the challenges for policy making presented by formal boundaries between bureaucratic agencies and departments. It finds that interactions and information flows within agencies or departments are more likely to occur than flows across their boundaries (Egeberg 1999). Indeed, the issue of coordination across boundaries is a broad challenge not limited to countries' territorial or geographic borders or to departmental bickering within a government bureaucracy. Egeberg (1994), drawing on the work of Hammond (1986) and Gulick (1937), argues that no hierarchy is neutral. Rather, the organizing principle for a set of interacting hierarchies, be it geography (e.g., countries in the international system or a federated system of states), sector (e.g., government departments or international organizations focused on industrial sectors such as energy, forestry, or fisheries), or function (e.g., a department of justice or regulatory agencies), affects the types of conflicts that will be dealt with by the governance system as a whole (Egeberg 2003). For any problem-oriented institution, therefore, questions of fit become immediately relevant and will hinge notably on how a given problem is identified, understood, and framed (Young 2002, p. 20-22, 113; Pal 2001).

These insights highlight a critical trade off for the developers of certification programs. There are two types of issues to consider. First, interactive effects exist where two problems are interrelated. Forest degradation is often driven by agricultural activities; hence, to address forest issues, agricultural activities need to be addressed also (Curran et al. 2004). Second, spillover effects exist where a policy response to a given problem affects the policy responses to other problems. These can be positive or negative. Many scholars examine spillovers between national policies – for instance, the interactions of different countries' Internet regulations (Goldsmith 2000) – but this is also relevant across policy issue areas – for instance, increased security measures to address the threat of terrorism and their effects on immigration policy (Pump 2011).

In light of these effects, certification decision-makers face a trade off. On the one hand, a program that chooses to specialize and focus attention on a narrow problem will face reduced administrative costs, but may neglect important interactive effects, and potentially even create spillover effects for other policy responses. To solve these problems, therefore, specialized programs will have to coordinate their activities with other specialized programs, or they will need to develop duplicative structures to mitigate the extra-sectoral causes of the problems occurring for their specialized policy focus. On the other hand, a program taking a holistic or comprehensive approach will be better able to manage complex, across-problem interactions and to address and minimize potential spillover effects. At the same time, its administrative costs will rise (Figure 1).^{iv}

This implies that specialization is not something to avoid. Rather, and as Figure 1 suggests, specialization is appropriate in instances where the level of potential spillover and/or

interactive effects is low and when the relative costs of coordinating across programs is lower than the administrative costs involved in establishing and running a comprehensive program. Beyond rule stringency, demand and supply factors, and regulatory competition, therefore, the issue-area boundaries created by certification programs have the potential to shape the problem-oriented effects of certification as individual programs and as a field of emerging private governance.

3. Choosing Boundaries and Managing their Consequences.

In light of the potential implications of the issue-area boundaries of certification programs, this section examines two issues. First, it offers a preliminary analysis of why certification initiatives chose to focus on different substantive problems. Second, it describes the current strategies programs are undertaking to manage the consequences of the issue-area boundaries between certification initiatives.

3.1. EXPLAINING DESIGN CHOICES OF NON-STATE CERTIFICATION

What explains the policy focus of certification programs? Why do some programs have a broad focus, while others are narrow? Answering these questions extends and complements extant work examining the development of certification institutions by focusing on design choices made across these programs rather than just explaining the emergence of the certification model (see Bartley 2007b) or the stringency of rules (Fransen 2011). It specifically looks at the choice of policy focus, that is, which actors to regulate (domain) and what issues to address (scope).^v

Table 1 reviews the 12 programs that currently operate in the coffee, forest and fishery sectors. There are a couple of important differences across the programs to highlight. First, a few programs started with either a focus on social justice and development issues to do with production practices while others focused more explicitly on environmental impacts. Still others formed to pay greater attention to food safety concerns. The Fairtrade Labelling Organizations International (FLO) falls in the first category, whereas the International Federation of Organic Agriculture Movements (IFOAM) and Marine Stewardship Council (MSC) fall in the second category. The Global GAP initiative exemplifies the final category. Some programs have since expanded to consider a wider range of issues, a point discussed further below. For instance, both FLO and IFOAM have sought to expand their respective scopes to encompass both social and environmental concerns. Others have not. The MSC, for instance, has retained its original focus. Second, MSC, the Global Aquaculture Alliance (GAA) and FLO stand out for their choices to restrict the domain of their activities. The MSC only certifies capture fisheries, and the GAA and the Aquaculture Stewardship Council only certify aquaculture. With coffee, FLO has decided to remain limited to small-farmer cooperatives, not allowing plantations an opportunity to participate in the program.

The discussion to follow examines the institutional constraints and actor preferences that shaped these domain and scope specifications.

a. Institutional constraints

There were several ways in which the choices of scope and domain were linked to existing institutional structures. First, a clear facet influencing these initiatives is the existing definitions of sectors, which are shaped by government rules, institutions, and departments, as well as the holdings of companies, technologies for extraction, cultivation, production and transportation, professional associations, and even educational programs. For instance, the GAA was launched during a meeting of the World Aquaculture Society in 1997, which is a society comprising representatives of the aquaculture industry and scientists (Christensen 1997). Similarly, many universities have separate agriculture and forestry departments, which reinforce the divisions between these fields of practice, rather than highlighting the many overlaps and interactions.

Second, existing standards also served as templates for what should constitute the appropriate policy focus of certification standards. With the MSC, the drafters of the principles and criteria drew from existing and developing standards such as the FAO's Code of Conduct for Responsible Fisheries, the UN Fish Stocks Agreement and the Principles for the Conservation of Wild Living Resources (Mangel et al. 1996; OECD 2005; Sutton 1996).^{vi} Those involved in drafting the FSC principles and criteria used the ITTO (1992) *Guidelines for the Sustainable Management of Natural Tropical Forests* as a reference point for their work (Synnott 2005). FLO built its standard from long standing ideas of fair trade used by alternative trade organizations and companies.

Third, the choices of program founders were also shaped by what government policies and programs and other initiatives were already addressing. In this way, certification emerged to fill legal or policy gaps. As an example, with forestry, two problems were particularly salient in the late 1980s. The first concerned the release of toxic chemicals as a by-product of pulp and paper production processes (Harrison 2002). The second involved the degradation and loss of intact forests—commonly referred to as old-growth—from forests around the world (Humphreys 1996). Both issues sparked international campaigns calling for product boycotts (Stanbury 2000), and yet when it came to the development of forest certification, the focus narrowed to consider only forest management issues, not the life-cycle of a given wood product or other concerns such as worker safety in manufacturing facilities. As one FSC founder explained: “we felt there was a real gap on the forest management side and there were potentially other tools to deal with workers’ rights, to deal with, environmental impacts of processing, whether those were eco-labels or some of the ISO standards.”^{vii}

b. The character, capabilities and preferences of actors

Within the context of the above constraints, the preferences of actors involved in setting up certification initiatives also mattered to the policy focus of different initiatives.

With the MSC, the two key players were Unilever and the World Wide Fund for Nature (WWF). That Unilever choose to work with WWF underscores the strength of the actor-centered perspective. Prior to working with the WWF, Unilever had been under pressure from Greenpeace, which began a campaign on oceans in 1996. The Greenpeace campaign against industrial fishing in the North Sea led both Unilever and Sainsbury's to commit to ending their use of fish oils and meals from North Sea fisheries (Brown 1996). Rather than work with Greenpeace on a fisheries sustainability initiative, however, Unilever was advised that WWF might be a more amicable partner (Hamprecht 2005). Taking this path, the two organizations worked to create a certification program modeled after the FSC. Each partner brought different preferences and capabilities to the relationship. For one, the WWF had already been involved in founding the FSC, and saw a similar program for seafood as a key strategic component of its "engendered seas campaign," which it launched in 1995 (Flanders 1998). Unilever, for its part, had been receiving scientific advice on the sustainability of fish stocks in the North Sea, which were a concern for its long-term supply (Hamprecht 2005, p.100).

Though by no means dictating the policy focus that the MSC took, the preferences of these two organizations did still shape the subsequent process for drafting the MSC standards.

Fair trade programs that developed in various European countries in the late 1980s and early 1990s and eventually cooperated to produce FLO also illustrate how the preferences of founders affect the policy focus of programs. Many of the national labeling initiatives emerged with support from development assistance organizations, such as Oxfam, which had clearer expertise and interest in the social concerns and saw specialized attention to these issues as appropriate for fair trade certification. Indeed, those groups that set up the UK Fairtrade Foundation took cues from the success of eco-labels developing at the end of the 1980s, but saw their role as creating an ethical-trade equivalent (Jack 1990). In this case, it also appeared to specifically influence the domain of the program, as it applies to coffee, restricting it to small farmer cooperatives, not allowing larger plantations to participate.

Capabilities have been another consideration of the actors involved in establishing certification programs. There were at least two ways in which this shaped program choices. The first concerned expertise. Although there may have been good reasons to consider developing a standard with a scope broad enough to encompass interactive effects, founders may have lacked the capabilities to undertake such a project. As one FSC founder explained: "[we] thought it was probably overly ambitious to try to cover, you know, the full life cycle of wood from forests to recycling to bin, or whatever it might be, and that there were other players that were already covering some of that territory so we didn't think it was totally necessary."^{viii} Similarly, certain programs were very aware of the specialization-comprehensiveness trade off and made the choice to err on the side of specialization partly as a consequence of considering capabilities. During the meetings set up to draft the MSC principles and criteria, five principles were initially under consideration, one of which dealt with social issues. However, this principle was eventually

dropped, in part because there was a perception that the MSC could not solve all marine fish issues and that dealing with fish stocks and biology alone was important and complicated enough.^{ix} This choice to remain specialized also shaped the MSC's ongoing deliberations about whether or not it should address aquaculture. It ultimately decided to only work on capture fisheries (Bedrosian 2008; Turcsik 1997).

3.2 BALANCING AND MANAGING THE SPECIALIZATION-COMPREHENSIVENESS TRADE OFF

How are programs handling the challenges issue-boundaries present? A major concern about creating specialized certification programs lies in their potential inability to change and adapt over time. If programs are highly flexible—or there is little inertia associated with their initial decisions—they should be able to adapt and develop coordination strategies to address any interaction and spillover effects arising from the limits of their initial policy focus. Reviewing the programs in the three sectors, it is possible to identify several strategies undertaken partly intent on addressing some of these challenges. The operation of these strategies lends preliminary support to the argument that the costs of coordination might not be too high. Five strategies that stand out are presented below in order of increasing levels of cross-program coordination (Table 2).

a. Altering program domain or scope

A first strategy involves changing program requirements, either by modifying the domain of eligible participants or by changing the scope of standards, such that some interactive and/or spillover effects can be dealt with by an individual program. Two notable illustrations of this strategy are the choices of IFOAM and FLO to extend the scope of their respective standards. IFOAM added requirements for social performance and FLO changed its standard to require growers meet certain basic environmental standards. Each change was partly in reaction to the growing awareness of the inter-linkages among social and environmental issues in production practices, as captured by the concept of sustainable development (Courville 2008; Reynolds, Murray, and Heller 2007). In this respect, both programs were taking individual actions to address interactive effects.

The FSC, on the other hand, provides an example of unilateral action to address a spillover effect. When the program launched, it only allowed products with 100% FSC content to carry its label. By taking this approach, the FSC lacked a means to accommodate recycled fiber when promoting responsible paper products. Recycled fiber could not feature in a certified product since the end-consumers' use and subsequent recycling of paper products would break the chain of custody required for credible claims of a 100% FSC label. Because recycled paper already existed in the market place, it had the potential to create confusion over the merits of fully certified paper versus recycled paper, and it also potentially penalized operators who were already far along in using recycled content. Indeed, were they intent on using the FSC label, it might mean they would substitute harvested fiber over recycled fiber, a potential negative consequence of the content rules.

Subsequent changes have allowed products with mixed content to carry the label, and in 2004, the FSC began permitting products made with 100% post consumer recycled fiber to

carry its label (Auld 2006). These changes, while mitigating the spillover effects, have also increased the complexity of the FSC program, since certifiers then had to ensure that non-FSC content in labeled products did not contain wood from controversial sources, such as timber coming from illegal logging.

b. Extending to new products

A second strategy—a modular approach—involves programs developing standards for new product groupings, extending the general principles of the program. Here the scope of a program's standards may remain largely the same, but the program extends its domain by making a new group of operators eligible. IFOAM has used this approach most extensively, and it is usually a two-step process. First, one of the many individual certifiers accredited to assess organic practices, develops a new organic standard for a new sector, often responding to interest from producers seeking coverage by an organic label. Soil Association, Naturland, and Bio-Gro, for instance, did this with aquaculture (Tacon and Brister 2002). Second, once these standards are in place and certifications are underway, IFOAM typically will draft and approve a general standard for the sector to guide future certifications. For instance, the Soil Association first began drafting aquaculture standards in 1989, and IFOAM adopted a basic standard for organic aquaculture in 2005 (Auld 2009). Organic coffee certifications were occurring even before IFOAM established; it then took until 1995 for IFOAM to issue a basic coffee standard. FLO, by comparison, began by relying on its national labeling initiatives—of which there are currently 19—to do the initial work developing standards for new products. This preliminary work then undergoes an approval and assessment process run by FLO's standards committee.^x

Other programs such as the FSC, GAA, Utz, and the Rainforest Alliance have also adopted modifications of this modular approach for extending to new products or production systems, making their programs available to new operators. In the last several years, the FSC began work on forest carbon accounting, considering the appropriateness of a “modular extension”.^{xi} The first meeting of the Forest Carbon Working Group in September 2009 discussed a strategy for moving this forward, including a review of the FSC system that would likely uncover needed “adjustments and amendments of the FSC components” required to make the program appropriate for carbon accounting (Forest Stewardship Council 2009).

Across the programs, this strategy appears to have been used to address a mix of spillover and interactive effects. In the case of forestry, one perceived threat for certification was the effect forest carbon projects might have on forest ecosystems as a consequence of only considering the carbon-storing potential of the forests while neglecting their many other environmental and social benefits. By working with carbon-offset standards, the expectation is this potential negative spillover can be preempted. There are also interactions between climate change and forests, which make the problems of forest management and climate change mitigation and adaptation closely entwined. With

organics and fair trade, spillovers can occur at the production or retail end. At the retail end, for instance, companies that are concerned about their overall social or environmental reputation can find a patch work of organic or fair trade product offerings problematic as labeling some products may have the negative spillover effect of implying to consumers that other products are less responsibly produced.

c. Bi-lateral coordination

A third strategy involves bi-lateral coordination between certification programs to address spillover or interactive effects. Unlike the previous two strategies, here programs begin to build institutional mechanisms to facilitate ongoing work on common challenges. These interactions may build from previous informal interactions. For instance, one FLO official explained that they had, for a long time, attended BioFach – an organic trade fair – where they would interact with IFOAM. The two programs also often had workshops together.^{xii}

Bi-lateral coordination has become more formal as well. Consider two examples on interactive effects. First, the Smithsonian Migratory Bird Center's (SMBC) initiative explicitly requires that any coffee farmer that wants to be certified "bird friendly" must also pass an organic inspection (Smithsonian Migratory Bird Center 2002). This requirement avoids the program having to develop its own standards to address the use of pesticides or other farm practices, which may also affect the quality of bird habitat on coffee farms. In a more recent example launched in 2009, the FSC and FLO began working together on a fair trade standard for forest management, a move that followed long-standing interest in this kind of collaboration (Klooster 2005). Participants in the program must already be FSC certified, and then FLO will develop a standard for timber that adds fair trade considerations not covered by the FSC, including a modified version of the price-premium requirements (Fairtrade Labelling Organizations 2010).

A related form of coordination involves programs combining their services. For instance, the Soil Association began working with the MSC on the idea of sourcing MSC fishmeal as a way to ensure the environmental quality of feed used in organic aquaculture operations.^{xiii} Here the two programs worked together to avoid a potential negative spillover: growing demand for organic aquaculture might drive demand for unsustainably managed ocean-capture fisheries. The FSC's Forest Carbon Working Group also recognized the need for this kind of coordination, noting at its first meeting that changes to the FSC for carbon accounting "should be based on further policy analysis and corresponding research in order to identify the most effective strategy for the evolution of the FSC system and partnering with existing schemes (Forest Stewardship Council 2009)." The meeting's report went on to stress "the importance of entering into strategic partnerships, specifically as regards the conceptualization and realization of research projects, position and capacity building, and the completion of system components outside the FSC scope (Forest Stewardship Council 2009)." Indeed, the Voluntary Carbon Standard (VCS) already highlights how the FSC complements its work, explicitly underscoring that coordinating helps to address negative social and environmental spillover effects associated with just addressing forest carbon. As the program explains:

The VCS encourages AFOLU [Agriculture, Forestry and Other Land Use] projects to use relevant tools and best-practices standards to ensure that projects are appropriately designed, and where possible generate social and environmental benefits beyond climate change mitigation [...] For forest management projects, Forest Stewardship Council (FSC: www.fsc.org) certification can provide assurances that the project is managed sustainably. The application of such multiple-benefit tools and standards can result in holistic projects with lower risk profiles in terms of carbon non-performance and leakages than single-dimension projects focusing exclusively on carbon benefits (Voluntary Carbon Standard 2008, p7).

d. Multi-lateral coordination

Multiple programs can also coordinate to address spillover and interactive effects. Understandably the mechanisms to make this possible become more complex and more formalized as the number of programs increases. The previous three strategies imposed higher within-program administrative costs; multi-lateral coordination creates new institutions to undertake these functions. One can think of central agencies as the analogous form in public administrations, and UN coordination agencies, such as UN-Oceans, the Collaborative Partnership on Forests, and UN-Water, as inter-governmental analogues.

For certification initiatives, the best example of this strategy that currently exists is the International Social and Environmental Accreditation and Labeling (ISEAL) Alliance. Established in 2002, the Alliance brings together a group of leading certification initiative to advance their common interests, particularly around the methods for setting and evaluating social and environmental standards. ISEAL focuses more on spillover effects than interactive effects. For instance, its codes of good practice cover standard setting, impacts, and assurances with the intention of creating a common understanding among its members on these core and shared aspects of their initiatives. As the Alliance notes on its website, "We develop guidance and facilitate coordinated efforts to improve the effectiveness of sustainability standards and scale up their social and environmental impacts."^{xiv} The spillovers addressed in this case are those that emerge from inconsistent practices among similar certification programs, which can cause either consumer confusion or mistrust. ISEAL codes, in other words, are similar to the administrative policy a central agency develops to guide the actions of vertical departments and specialized agencies on matters such as standard procedures for contracts or purchases (Pal 2001).

Another example of ISEAL's work is facilitating more specific and focused coordination projects. The Social Accountability in Sustainable Agriculture project is a prominent example. It involved FLO, Social Accountability International, IFOAM, and the Rainforest Alliance's program working on the two-fold aim of developing tools and guidelines to improve social audit practices in agricultural systems and driving convergence in the practices of the participating initiatives through mutual learning (Courville 2003a).

ISEAL has, however, also begun to work more in the area of interactions. For instance, the fifth version of its Code of Good Practices for Standard Setting has two sections relevant to interactions. First, on review and revisions of standards, it includes a provision (sec 5.11.4) that guides programs to assess, at least every five years, whether the standard is still required. This is also to be based on monitoring and evaluation information on the effectiveness of the program detailed in the ISEAL Impacts Code (ISEAL Alliance 2010). Second, the Standard Setting Code also guides programs to ensure they are not duplicating the work of another existing standard (sec 6.6). Both of these provisions illustrate an attempt by ISEAL to begin to address interactive effects as they guide programs to consider what other existing programs are already covering or what problem gaps persist that their standards might usefully address. Interestingly, the guidelines on review and revision imply that some programs might recognize, through the revision process, that they are no longer necessary or that, rather than expand their policy focus they might usefully contract it to better complement the work of other programs.

e. Meta-governance

The fifth and final strategy involves the creation of a meta-governance mechanism, which develops new criteria and draws on existing programs to address certain environmental or social performance criteria. Unlike the last strategy, here the main concern is addressing interactive effects. For ISEAL to become a meta-governance mechanism, therefore, it would need to create standards about joint certification processes equivalent to the bilateral relations discussed under the third strategy. For instance, it could formalize relations between the FSC and some of the agricultural programs to address the inter-sectoral pressures for forest conversion associated with palm oil and soy production.

A meta-program would help account for the inter-issue causes that affect particular policy problems. Such an approach has been proposed by Cashore (2008), who suggests that leading social and environmental certification initiatives could all come under a common “Better World” label which would work to expand recognition of the programs’ work and market uptake. However, the proposal would need to be modified to include mechanisms to address the problems of interactions and spillover effects to exemplify this strategy.

Another example that is close to a meta-governance mechanism is the US Green Building Council’s Leadership in Energy and Environmental Design (LEED) program, which includes both its own criteria, such as energy and water efficiency and in-door air quality (Abair 2008), but also, for a long time, it used the FSC as a proxy for wood products sourced from responsibly managed forests. LEED is not a perfect example as it comes closer to the bilateral coordination and unilateral strategies noted above and because it is geographically constrained to the US. For it to be a better example of meta-governance, it would have needed to create joint coordination mechanisms with programs like the FSC.

4. Towards Improved Issue-boundary Management

The challenges certification programs face in balancing the trade off between specialization and comprehensiveness are not new. Scholars of public administration and international relations have long examined this dilemma in relation to coordination within governments (Christensen and Lægveid 2007) and among the work of international organizations, programs and convention secretariats that all aim to address overlapping issues (Young 2002). What can certification programs learn from this research?

A first lesson applies at the individual level. It involves ensuring that program officials and stakeholders are aware of both spillover and interactive effects and that they have reasons to want to address them. Work in public administration notes that ministers and public service staffers must have their performance evaluated on, and be rewarded for, working cooperatively with other specialized departments or agencies on policy problems that overlap their areas of concern (Boston 1992; Pal 2001; Christensen and Lægveid 2007). Hence, with certification, those funding certification programs, program members, and those experts sitting on technical and advisory committees can nudge programs to look to other certification initiatives with different policy foci with an eye to fostering coordination when it is necessary. The ISEAL Alliance exhibits this focal-point quality in much of its work and could become a critical vehicle through which to build more coordination capacity. The BioFach conferences have also served as a convening opportunity for certification programs and stakeholders working toward environmentally and socially beneficial agriculture practices.

Another clear lesson concerns path dependence. Work in public administration and international relations notes that departmental and organizational structures can become path dependent, and hence, restrict future reforms that might make them more suitable to addressing the changing nature of problems (Kavanagh and Richards 2001; Keohane 1988). Hence, program designers ought to consider the possibility that early choices of scope or domain may become sticky. The mechanisms by which this might occur appear important to further unpack in order for analysts and strategists to better understand when this will and will not be a concern. Indeed, it appears highly plausible that the mechanisms of path dependence can affect certification programs' as organizations, while also affecting – with different effects potentially – the individual components of a program including the scope of standards and the domain of actors regulated. Some features of certification may be stickier than others, and this has consequences for whether it is likely and advisable that individual programs do or do not work together to address interactive and spillover effects.

Based on the preliminary analysis in the previous section, certification programs have been reasonably proficient at managing interactive and spillover effects by altering their domain or scope or by devising bi-lateral relations with other programs. The work of multi-lateral coordination is also relevant here. For instance, as noted above, ISEAL's Standard Setting Code guides its members to review and potentially revise their standards every five years, and that this review should include an assessment of the continued need of the program

based on information examining the programs' impacts (ISEAL Alliance 2010). ISEAL is also specifically encouraging programs to coordinate when they set or revise standards. It notes: "With a view to consistency between standards, a standard-setting organization shall inform organizations that have developed related or similar international standards of the proposal to develop a new standard or revise an existing standard, and shall encourage their participation in its development (ISEAL Alliance 2010, p16). This implies that certification programs alone and as an emerging field, are managing issue-boundaries in a way that apparently is avoiding path dependence on the narrow concern of policy focus.

The advantage of this more fragmented approach is also supported by work in international relations on the challenges of building comprehensive regimes (Young 2002). The recent hurdles facing intergovernmental cooperation on climate change via the UN Framework Convention on Climate Change, for instance, has led several scholars to suggest the collective outcomes of many fragmented activities may lead to better problem-oriented results (Keohane and Victor 2010; Hoffmann 2011). Unlike the public administration analogy, certification programs face similar participation problems to government-negotiated international regimes. Thus, how the problem of fragmentation intersects with garnering fuller participation and more complete compliance is a key concern for both, and it links to a broader and emerging interest among international relations scholars who look to explain both the causes of regime complexity and its implications for global problems (Alter and Meunier 2009).

5. Conclusions

This paper advanced a perspective on private governance and certification in particular that complicates the view that these initiatives enhance global governance by sidestepping the problems of cooperation among territorial states. By creating new boundaries at the intersections between the policy issues individual programs seek to address, new coordination challenges emerge that are more akin to the problems international organizations and governmental departments face in seeking to horizontally coordinate activities to address overlapping policy problems. A few conclusions emerge.

First, though it remains too early to evaluate the results of the above efforts by certification programs to better integrate their activities, the assessment presented here does suggest that fuller integration will require more efforts on the final two strategies—such as the work of ISEAL—in order for programs to tackle interactive effects that are central to the problems of land-use change and climate change. That programs with dissimilar policy foci have been able to find ways to work together on various issues highlights that coordination costs are not unreasonably high. In some instances, they have been avoided all together, as programs have acted on their own to address spillover or interactive effects. In other instances, reasonably simple bi-lateral arrangements have been formed to overcome boundary issues. However, future research should carefully assess how coordination costs compare to a comprehensive approach and whether such coordination efforts are only possible and even feasible for particular types of spillover and interactive effects. If this is

the case, there may be classes of problems that remain poorly addressed or neglected all together by emerging private governance initiatives.

Second, coordination is not always beneficial nor is it necessarily the most critical challenge facing the problem-oriented effects of certification programs. As noted at the outset, seeking coordination in all instances is not necessarily advisable. Competition among certification programs likely broadens the use of certification within any given global governance issue area, and coordination among these programs could lead to the adoption of lowest-common-denominator standards. Additionally, since certification programs do not cover all production practices, and may never do so, this incomplete coverage may overshadow and obscure the costs of the interactive and spillover problems arising at the boundaries between programs. Hence, future attention to this challenge seems particularly important, as will be attention to the issue of how these programs interact with intergovernmental processes.

The analysis nevertheless identifies a facet of certification in particular and private governance more generally that has received insufficient examination by those studying the governance potential of these initiatives. Understanding and considering how issue-area boundaries shape the effectiveness of private governance is an important additional evaluation criterion. From a research perspective, it also recasts these initiatives in a way that lessens their distinctiveness from other governance mechanisms, such as inter-governmental organizations at the international level and governmental departments at the domestic level, and hence opens up more possibilities for understanding their potential and limitations through comparison with these more thoroughly studied and understood organizational units.

6. Figures and Tables

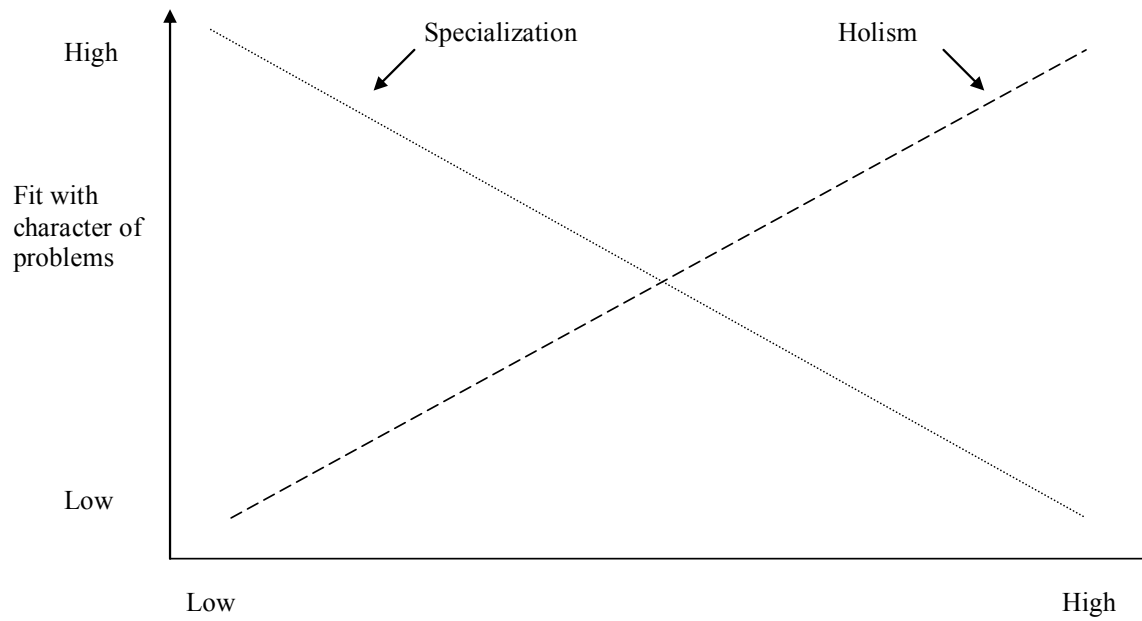


Figure 1, Conceptual Model for the Character of the Problem based on Level of spill-over / interactions between problems and Comprehensiveness with the Effects.

Table 1, Scope and Domain of Forest, Fisheries and Coffee Certification Programs

Programs (established)	Scope of standard	Domain of regulated actors
IFOAM (1972)	Initially environmental impacts of coffee production (emphasis on soil conservation); added social issues later	No restrictions within sectors were a standard has been developed
Utz (1997)	Good coffee practices, including food safety quality control, environment and human health	No restrictions within sector
RA (1987)	Ecological, social, and environmental impacts of coffee production	No restrictions within sector
SMBC (1990)	Impacts of coffee production on tropical forest ecosystems	Must also be organic certified
FLO (1997)	Initially economic and social development for small cooperatives; added environmental issues later	Restricted to small cooperatives for coffee; open to all sizes of operators for other crops.
FSC (1993)	Social and environmental impacts of forest management practices	Commercial forest management operations
PEFC * (1999)	Social and environmental impacts of forest management practices	Commercial forest management operations
MSC (1997)	Environmental impacts of fishing practices	Capture fisheries; not aquaculture
GAA (1997)	Environmental impacts of aquaculture practices	Only aquaculture
Global GAP (1997)	Food safety and quality with some attention to environment and labour practices	Only aquaculture
FoS (2006)	Environmental impact of seafood production	Capture fisheries and aquaculture
ASC (2009)	Environmental and social impacts of aquaculture	Only aquaculture

Notes: FSC – Forest Stewardship Council; MSC – Marine Stewardship Council; FLO – Fairtrade Labelling Organizations International; GAA – Global Aquaculture Alliance; SMBC – Smithsonian Migratory Bird Center; IFOAM – International Federation of Organic Agriculture Movements; PEFC – Program for the Endorsement of Forest Certification; RA – Rainforest Alliance; FoS – Friend of the Sea; ASC – Aquaculture Stewardship Council.

* Note that the PEFC includes other producer-backed programs in the forest sector, such as the Sustainable Forestry Initiative and the Canadian Standards Association program.

Table 2, Existing Strategies of Certification Programs to Address Boundary Issues

Strategy	Character of coordination	Examples
Altering program domain or scope	None; can be done by one program	IFOAM and FLO developing social and environmental standards respectively
Extending to new products (“modular approach”)	None; can be done by one program	IFOAM and FLO extending program to new products
Bi-lateral coordination	Medium; two programs develop joint approach to tackle shared problem	MSC and Soil Association working together on sustainable fish-feed for aquaculture
Multi-lateral coordination	High; more than two programs develop joint approach to tackle shared problems	ISEAL Alliance’s work on Codes of Good Practice
Meta-governance	High; involves separate coordination body	Hypothetical proposal for “Better World” label*

Notes: * as proposed by Cashore (2008).

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Notes

ⁱ Certain programs, however, only work with a single certification body.

ⁱⁱ This distinction between scope and domain was first made by Cutler *et al.* (1999)

ⁱⁱⁱ Even though ISO standards are process oriented, this challenge still applies. For instance, there are aspects of quality management (ISO 9000) that affect environmental management (covered by ISO 14000) and vice versa. To account for these, the two standards would need to be cross-referential.

^{iv} See Young (2002, , p.113) for a discussion of this trade-off as it applies to the development of international regimes.

^v Comparing forestry and apparel, as Bartley's work does, offers very limited traction on this question since programs in both these sectors have converged around a similar domain and policy scope, even if the stringency and prescriptiveness of requirements varies (O'Rourke 2006; McDermott, Noah, and Cashore 2008).

^{vi} http://www.msc.org/html/content_470.htm

^{vii} Interview, FSC founder, December 18, 2007.

^{viii} Interview, FSC founder, December 18, 2007.

^{ix} Interview, WWF official, July 20, 2007.

^x The system of national initiatives is undergoing changes, with FLO introducing national marketing initiatives that only promote fairtrade sales rather than oversee licensing and investigate and propose standards for new product offerings. The first such marketing initiative was set up in South Africa (Fairtrade Labelling Organization 2009a, 2009b)

^{xi} Although the FSC began considering carbon back in 1999, the work was formalized after a policy motion at the 2008 General Assembly (Forest Stewardship Council 2008).

^{xii} Interview, FLO official, March 17, 2007.

^{xiii}

<http://www.whyoorganic.org/web/sa/saweb.nsf/ed0930aa86103d8380256aa70054918d/0b0e9b8234422ac0802573a8005242b9?OpenDocument>

^{xiv} <http://www.isealliance.org/about-us/what-we-do>, accessed July 2012.